



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 Munday
Mr Morris Anyah
Mr Silas Chekera
Ms Logan Hambriek

1 Thursday, 26 August 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.13 a.m.]

09:13:12 5 PRESIDING JUDGE: Good morning. I apologise for the late
6 start, it's entirely my fault. We'll take appearances first,
7 please.

8 MR KOUMJIAN: Good morning, Madam President. Good morning,
9 your Honours and counsel opposite. For the Prosecution this
09:13:29 10 morning, Kathryn Howarth, Nathan Quick and Nicholas Koumjian.

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

14 PRESIDING JUDGE: Thank you. Good morning, Mr Sesay. I
09:13:45 15 remind you of the binding oath that you took to tell the truth as
16 we commence with your cross-examination.

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

19 WITNESS: DCT-172 [On former oath]

09:13:57 20 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

21 Q. Good morning, Mr Sesay.

22 A. Yes, good morning, sir.

23 Q. Sir, this is an article entitled "RUF still kills and rapes
24 Sierra Leoneans". It's exhibit P-516. Looking at the first
09:14:53 25 page we see a list of related items and the article itself is
26 listed as about the eight or ninth one down. We see it is dated
27 4 April 2001, "RUF still kills and rapes Sierra Leoneans".
28 Turning to the next page, the article itself. I want to read
29 parts of this to you. The first paragraph reads:

1 "While the RUF leadership is trying to present itself as
2 peace-seeking rebels, a new report from Human Rights Watch
3 documents that the rebels maintain their terrorist methods. RUF
4 are still raping, abducting and killing refugees fleeing camps in
09:15:46 5 Guinea, HRW documents."

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

9 A. Yes.

09:16:05 10 Q. And this would have been about a month or so before Abuja
11 II, correct?

12 A. Yes, you're correct.

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

14 "The New York based human rights group reported that it had
09:16:22 15 documented the abuses from December 2000 through mid-March in the
16 Koinadugu, Kailahun and Kono Districts of eastern Sierra Leone.
17 It said RUF soldiers are attacking returnees in Sierra Leone as
18 they trek for days, and sometimes weeks, in an attempt to reach
19 the government-held towns of Kenema, Kabala and Daru."

09:16:50 20 I'll skip down to the next paragraph:

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

09:17:10 25 Mr Sesay, it's correct, as this article says, and as Abu
26 Keita testified, that the RUF began its attacks on Guinea
27 in September 2000, correct?

28 A. Well, the border attacks - I heard about them
29 in October from the Kambia area.

1 Q. Going to the last paragraph on this page.

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

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

09:17:52

5 MR KOUMJIAN:

6 Q. The last paragraph reads:

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

09:18:31

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

17 "The human rights group interviewed an elderly woman whose
18 25 year old son was shot and killed in front of her
19 in December 2000 after refusing to be recruited. A woman
20 described how her husband was executed in early December for
21 refusing to hand her over to the rebels, while another woman
22 described how her ailing husband was beaten to death in mid-March
23 2001 for no apparent reason.

09:18:50

24 One woman described how she was gang raped by RUF rebels in
25 Kailahun in late January 2001, after she and five other women
26 were chosen from a group of returnees detained at a rebel
27 checkpoint. The rebels 'said they were not going to kill us, but
28 that they would use us until they would be satisfied. They also
29 said they wanted peace,' the woman told HRW.

09:19:17

1 Numerous women returnees described being abducted, raped
2 and/or sexually abused. HRW interviewed six women who had been
3 raped and numerous more who were either held or taken away to
4 rebel bases, for a time span varying from a few hours to
09:20:09 5 several weeks. The group also interviewed a man who managed to
6 escape in mid-January after two weeks of forced labour, but had
7 to leave his wife behind in a rebel base in Kono."

8 Mr Sesay, all these abuses continued to take place - abuses
9 by RUF against civilians in Sierra Leone - during the time that
09:20:34 10 you were the interim leader of the RUF, correct?

11 A. Well, these were not things that I witnessed, because in
12 January 2001 in Kono civilians were coming from Makeni, Freetown,
13 Bo, Kenema; Kono was packed full at this time. So to say that
14 RUF used to force people to work or to rape women in Kono, I did
09:21:05 15 not witness that and I did not hear complaints like those,
16 because I was based in Kono at this time. And the man who was
17 the MP commander in Kono, and that is Edwin Bockarie, even when I
18 was arrested he was the one who was with the team, they went to
19 Kono to investigate me. So if such things were happening --

09:21:28 20 THE INTERPRETER: Your Honours, can the witness kindly slow
21 down his pace and repeat this part of his testimony.

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

24 THE WITNESS: Yes, my Lord. I said if these things used to
09:21:41 25 happen to the people in Kono and they saw Edwin Bockarie go there
26 to get witnesses for me, they would have risen against my
27 investigation team, because the people in Kono know Edwin
28 Bockarie that he was the MP commander in 2000 and 2001.

29 MR KOUMJIAN:

1 Q. Mr Sesay, do you continue to deny that there were rapes in
2 Kailahun District?

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

09:22:25 5 Q. I want to move on now and talk to you about how the
6 situation in Sierra Leone changed in the middle of 2001 and how
7 you perceived the military situation and the political situation
8 for the RUF and for yourself.

9 It's true, isn't it, that after the abduction of hundreds
09:22:56 10 of United Nations troops, the United Nations and the
11 international community increased their commitment to
12 Sierra Leone and they brought in more and better troops for the
13 peacekeeping mission? Isn't that true?

14 A. Yes, after the capture of the UNAMSIL personnel they
09:23:23 15 increased their troops and they brought in a new force commander
16 and that was General Opande.

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

19 A. The Nigerians who were deployed first - they had the same
09:23:50 20 equipments as what they used to have before.

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

24 A. Yes.

09:24:10 25 Q. And an incident took place in September 2000 that showed
26 the military capability of these trained and modern troops and
27 that was Operation Barras. Is that right?

28 A. Yes.

29 Q. If we could turn to the document behind tab 17, please. We

1 see this is a web page and for "The Regiment, 1950 to 2002, The
2 Post War Years". It's an article entitled "Gun fight at Rokel
3 Creek, Operation Barras." I'm just going to read a few sentences
4 from the article. It begins:

09:25:46 5 "On August 25th 2000, a patrol of 11 men from the 1st Royal
6 Irish Regiment were captured by the notorious West Side Boys
7 while on patrol in Sierra Leone."

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

09:26:15 10 A. Yes, I heard it on the commercial radio.

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

12 "The SAS confirmed that the rebel gang had high-powered
13 machine guns situated on the south side of the river, as well as
14 at Geri Bana, and across the 300 yards of Rokel Creek two more
09:26:43 15 villages provided bases for the rebels. The paras would have to
16 make a two-pronged attack. It was decided that the attack would
17 go down at dawn, Sunday, 10th September."

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

09:27:09 20 "The mission in mangrove swamps of Rokel Creek took just 90
21 minutes, but the fire fight left one of the rescuers dead, one
22 seriously wounded and another 11 wounded. 25 of the rebel
23 forces, three of them women, were also killed and the further 18
24 including their leader, Brigadier Foday Kallay, were captured."

09:27:36 25 Mr Sesay, did you hear that the West Side Boys were
26 defeated by this well-armed and well-trained British force,
27 United Kingdom force?

28 A. Yes, I heard that.

29 MR KOUMJIAN: Your Honour, could this document be marked

1 for identification.

2 PRESIDING JUDGE: What page out of where?

3 MR KOUMJIAN: Two-page document. I read from both pages,
4 gun fight at Rokel Creek, and these are the documents behind tab
09:28:07 5 17.

6 PRESIDING JUDGE: Where does this article comes from?

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

09:28:28 10 PRESIDING JUDGE: Very well. This is a two-page article
11 entitled "Gun fight at Rokel Creek, Operation Barras" and it
12 comes out of the said web page. That is marked MFI-41.

13 MR KOUMJIAN:

14 Q. Mr Sesay, another factor in the military balance at this
09:28:56 15 time in the middle of 2000 was that when the RUF had seized the
16 peacekeepers in May 2000 Johnny Paul Koroma who was - first of
17 all let me start over. Johnny Paul Koroma had been appointed by
18 President Kabbah to the peace monitoring commission, is that
19 correct?

09:29:20 20 A. Yes, before the May incident he had been appointed as the
21 CCP chairman.

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

09:29:47 25 THE WITNESS: Yes, my Lord. The capture of the UNAMSIL and
26 the arrest of Mr Sankoh. Before that time Johnny Paul had become
27 the CCP chairman.

28 MR KOUMJIAN:

29 Q. So when the hostages were captured Johnny Paul Koroma

1 supported the government and he led troops - or he encouraged his
2 troops to attack the RUF, particularly at Lunsar, is that
3 correct?

4 A. Yes, correct.

09:30:24 5 Q. Some SLAs stayed with the RUF but many of them were now on
6 the government side, correct?

7 A. Yes, correct.

8 Q. Also by the middle of 2001, President Taylor in Liberia was
9 under pressure from LURD; he was being attacked by LURD, correct?

09:30:53 10 A. Yes, there was fighting in Lofa.

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

14 A. Yes, it's correct.

09:31:21 15 Q. Mike Lamin was missing or had ran away, is that right?

16 A. He too was at the Pademba Road.

17 Q. And then Superman was in Liberia, correct?

18 A. Yes, Superman had left, he had gone.

09:31:49 19 Q. Until you received word around the middle of 2001 that he
20 was killed, correct?

21 A. Yes, that's what I heard in mid-2001.

22 Q. If we could look at the document behind tab 6, please.

23 Mr Sesay, this is a document that has the document classification
24 number on the United Nations' system S/2001/857. It's dated

09:33:02 25 7 September 2001. And it's the 11th report of the

26 Secretary-General on the United Nations' Mission in Sierra Leone.

27 I just want to ask you about a few of the sentences in this
28 document.

29 Let's go first to paragraph 4. The sentence that begins on

1 the fifth line down:

2 "The government indicated it had offered RUF a plot of land
3 in Freetown to enable the movement to establish an office in the
4 capital. It also recalled that 33 RUF detainees had been
09:33:58 5 released on 7 July. RUF, however, claim that many of the
6 detainees released were not members of the movement."

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

9 A. It was not at this time.

09:34:17 10 Q. Mr Sesay, given that the - you controlled the diamonds,
11 you've told us, up until late 2001, why would the RUF need the
12 Government of Sierra Leone, or the international community, to
13 fund an office for the RUF?

14 A. Well, that was the agreement in the Lome Accord, that the
09:34:45 15 government should assist, and, together with the international
16 community, they should assist the RUF to form - to transform
17 themselves into a political party. It was not a request from the
18 RUF, it --

19 Q. If we could go then to paragraph 6:

09:35:07 20 "The government and the RUF have also taken additional
21 reciprocal confidence-building pressures, including the
22 continuing release of abductees and child combatants by the RUF."

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

09:35:32 25 "However, RUF has yet to return all the weapons and
26 equipment seized from UNAMSIL and ECOMOG. No further items have
27 been returned since the issuance of my last report. While the
28 RUF leadership has indicated that they expected most of the
29 rifles and other weapons to turn up during the disarmament

1 exercise, so far, only 31 UNAMSIL weapons and 148 ECOMOG weapons
2 have been recovered during the disarmament process."

3 Is this true, Mr Sesay, that as of September 2001 only 31
4 weapons from the UN troops that were captured in May 2000 had
09:36:22 5 been turned back over to the UN?

6 A. No. Because I gave instructions and the arms were put
7 together, the artillery, the BZT, the vehicles and the
8 communication sets were packed at the MP office in Makeni and,
9 when General Opande went, I handed them over, together with the
09:36:47 10 vehicles, and, during the disarmament, they discovered the
11 UNAMSIL rifles.

12 Q. And let's go to paragraph 18. And this is probably what
13 I'm most interested in. Paragraph 18 states:

14 "Since my last report UNAMSIL troop strength has increased
09:37:13 15 to 16,664 as of 5 September 2001."

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

19 A. Well, at that time we too had disarmed some areas. We had
09:37:40 20 disarmed Kambia District and we had disarmed Lunsar and
21 Tonkolili, and we were - we had disarmed Kono.

22 Q. Well, that's correct, if we look at paragraph 21:

23 "As indicated above, the disarmament, demobilisation and
24 reintegration process has made remarkable progress. Since the
09:38:13 25 programme resumed on 18 May a total of 16,097 combatants had been
26 disarmed as of 3 September", then that's broken out, "6,325 RUF;
27 9,399 CDF and 175 AFRC."

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

1 got weaker and weaker, correct?

2 A. No, no. It did not happen that way. It was because - it
3 was because of the outcome of the Abuja II that the Government of
4 Sierra Leone, the RUF and the United Nations, including the
09:39:14 5 ECOWAS, agreed in the meeting that they should create a
6 tripartite meeting committee and, after they returned from Lome -
7 sorry, from Abuja II - the tripartite meetings were to commence,
8 and the CDF and the RUF were to disarm. The force commander at
9 that time, we had a cordial relationship, we were not under any
09:39:42 10 threat or pressure, and even General Opande testified to that and
11 President Kabbah too testified to that.

12 Q. Prior to Abuja II the RUF was already weakened by fighting
13 and defeats in Guinea and in Lofa County and by these defections
14 of the Johnny Paul Koroma loyal troops to the government's side,
09:40:09 15 correct?

16 A. No, it's not correct. It is not correct because the Guinea
17 attacks were border attacks and Johnny Paul joined the Government
18 of Sierra Leone and they captured Lunsar from RUF and RUF
19 re-captured Lunsar from them. So about 70 per cent of them did
09:40:34 20 not want the disarmament, they wanted us to continue with the war
21 until Mr Sankoh was free from prison. I was the one who said no,
22 and that is why most of them stood against me. And during this
23 time the RUF was armed; you know, like 1992, RUF was not that
24 strong. It was only when they would fight, then you would get
09:40:59 25 arms. RUF was weak at that time. But the time that you were
26 referring to, no, they were not weak.

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

28 A. RUF had had arms before this time. When the war was going
29 on, RUF used to capture arms from government troops so they had

1 arms; up to the time the RUF took the attacks in 1998 they got
2 arms from ECOMOG.

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

09:41:36 5 A. No, my Lord. If you look at 1992, when the RUF hadn't much
6 arms and ammunition, but RUF used to fight and capture
7 ammunitions from government troops and they continued with the
8 war.

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

09:42:01 10 "Child combatants, abductees and other separated children
11 continued to be released to UNAMSIL by RUF from May to 31 July.
12 1,169 children were released in Makeni, Kailahun and Tongo. A
13 total of 1,214 children had been demobilised by RUF and 646
14 children by the Civil Defence Forces."

09:42:46 15 That's correct, isn't it, Mr Sesay, that after Abuja II the
16 RUF released over a thousand child soldiers?

17 A. My Lord, yes, that is true. But not all of them were
18 fighters. A lot of them were with the RUF, doing domestic
19 chores. But I do recall that Ambassador Adeniji received
09:43:13 20 children in Makeni who were handed over by the RUF in Makeni to
21 Ambassador Adeniji.

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

09:43:30 25 A. Yes, some of them. That is what I had said.

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

29 A. No, my Lord. I think I said some of the children were with

1 some commanders, some junior commanders, and some of them took
2 part in battles. But it was not a policy to recruit them, that
3 they were trained to become fighters of the RUF. It was not a
4 policy. But some of them took part.

09:44:08 5 Q. I want to look at another paragraph that affected your
6 calculations at this time. Paragraph 46. It states:

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

13 Let me just stop there. Mr Sesay, you were aware also that
14 the United Nations was pushing to prosecute those responsible for
09:44:54 15 atrocities during the war, correct?

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

18 Q. Finally, I would just like to take a quick look at the
19 annex to this document, which has - is a list of contributions of
09:45:24 20 military personnel to the United Nations mission in Sierra Leone,
21 and we see a list of those countries contributed and the troops
22 that they contributed. On the second page, we see that the
23 totals were - this is as of 5 September 2001: 260 military
24 observers; 109 staff officers; total troops, 15,994; headquarters
09:46:02 25 staff, 301; for total personnel, 16,664.

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

29 A. Well, at this time in September, the only place where the

1 RUF had not disarmed was Makeni, Tongo Field and Kailahun. So we
2 had disarmed above 70 per cent. So the RUF did not now refer to
3 themselves as a fighting group. We were now on disarmament
4 process.

09:46:49 5 Q. I'm going to change this, I think, for a moment. If we
6 could have the transcript for 28 July 2010.

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

9 A. CCP.

09:47:09 10 Q. There also was an organisation called the CMC; is that
11 right?

12 A. Yes.

13 Q. Ceasefire Monitoring Committee or Commission, correct?

14 A. Committee.

09:47:23 15 Q. I'd like to remind you of something you said on 28 July, at
16 page 44896. At the time, counsel was reading to you the
17 testimony of Karmoh Kanneh, Eagle, and he read, starting at the
18 first line, in the middle of that line, where Karmoh Kanneh said,
19 "I was working with CMC, that is the Ceasefire Monitoring
09:48:16 20 Committee or Commission." And you were asked by Defence counsel:

21 "Q. Was he?

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

09:48:35 25 I'd like to show the witness P-115, A and B, please.

26 Mr Sesay, P-115A is the front of an identification card,
27 Ceasefire Monitoring Committee, southern province, name:

28 Mr Karmoh Kanneh. It then gives dates. Do you see the man in
29 the picture?

1 A. Yes, I see him.

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

3 A. Yes.

09:50:02

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

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

09:50:20

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

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

09:50:56

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

09:51:22

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

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

23 A. Yes, he once told me that.

09:51:43

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

27 A. Yes, because he wanted power.

28 Q. And you know that if Sam Bockarie came back to the RUF, it
29 would have been a matter of time before he made an attempt or

1 simply arranged for you to be killed, correct?

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

4 Q. So the situation you were facing, the time of Abuja II, May
09:52:39 5 2001, was that you were fighting a war in Sierra Leone you
6 couldn't win against a much stronger force, and your patron,
7 Charles Taylor, was himself under pressure, you knew if you went
8 to Liberia he was going to replace you or kill you, and that if
9 he was able to get Sam Bockarie back to Sierra Leone, Bockarie
09:53:02 10 was going to kill you. Your survival was at stake at that time;
11 isn't that true?

12 A. No, my survival was not at stake. Because if I had not
13 agreed to the disarmament, we should have still continued
14 fighting because we believed that whenever we attacked we would
09:53:32 15 receive ammunition from the troops that we would attack.

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

18 PRESIDING JUDGE: Mr Sesay, you said that whenever you
19 attacked you would receive ammunition from the troops that you
09:53:55 20 would attack. Now, continue from there and repeat your evidence,
21 slowly.

22 THE WITNESS: Yes, my Lord. I said even whenever we would
23 attack troops we would get ammunition from them because with that
24 we would continue to fight, and RUF had been fighting that way.
09:54:18 25 We were not receiving any supply. And the RUF men --

26 PRESIDING JUDGE: Mr Sesay, I asked you to continue slowly,
27 not to continue as quickly as you were talking. Slowly, so that
28 we understand what you are saying as it's being interpreted.
29 Now, continue slowly, please.

1 THE WITNESS: Yes, my Lord. So I said the RUF generally
2 did not want to disarm. They did not - they wanted us to
3 continue to fight. And the troops that were to attack us - any
4 time we were to repel them we should have received ammunition
09:55:02 5 from them, but because we had been requested to disarm, so we
6 went with that. But my life was not at stake.

7 MR KOUMJIAN:

8 Q. Mr Sesay, the option of fighting was not realistic because
9 you were faced by a modern United Nations force, well-funded and
09:55:23 10 supported by world powers. They were supported by the British
11 troops, by the Kamajors, by the government forces that had been
12 joined by Johnny Paul Koroma. If you fought, you would have
13 lost. If you were lucky, you would have been arrested. If not,
14 you would have been killed. Isn't that the reality that you
09:55:43 15 faced in the middle of 2001?

16 A. No, my Lord. It was because you were not there. That's
17 why. Like I was saying moments ago, when Johnny Paul announced
18 that he had joined President Nkrumah and Johnny Paul Koroma's
19 troops and the CDF moved into Lunsar and we used the tank that we
09:56:07 20 had from the Nigerians, the armoured tank, and we repelled the
21 attack in Lunsar and we pushed them out, and from that time they
22 did not attempt to come back to Lunsar. And even when the IMATT
23 had dissolved the West Side and they had attacked - they had
24 arrested Kanneh, they wanted to come and attack Lunsar, and they
09:56:33 25 told the brigadier general there that - I am not saying - I am
26 not saying that the AFRC, that you have dissolved but the RUF is
27 strong. So they had that argument between them. And I said - he
28 said it, "Issa is ready to carry out with the peace process." So
29 even when RUF disarmed in Kambia, the brigadier was there with

1 General Opande. During the force of disarmament General Opande
2 called him and he said, "You see, I told you. You said RUF was a
3 remnant. Have you not seen the types of weapons that they have
4 disarmed with? That's why I told you not to attack them. Now we
09:57:16 5 can carry out with the peace process peacefully." Even some
6 members of the RUF wanted the IMATT to attack so the RUF would
7 use that as an excuse to continue with the war. In war,
8 ammunition is one thing but determination is the main thing.

9 Q. Mr Sesay, in 2000 --

09:57:34 10 PRESIDING JUDGE: Sorry, sorry. He said - the witness
11 said, "Even some members of the RUF wanted" what?

12 THE WITNESS: They wanted - yes, my Lord. I said even some
13 members of the RUF wanted IMATT to attack so that the peace
14 process should not carry on, because they did not want us to
09:57:58 15 disarm while Mr Sankoh was in prison.

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

19 MR KOUMJIAN:

09:58:27 20 Q. Mr Sesay, is that correct, that IMATT is an international
21 military training and assistance organisation that was assisting
22 in training the SLAs?

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

09:58:52 25 Q. By the way, the Lunsar attack that you ordered in 2000, you
26 said you were able to push Johnny Paul Koroma's troops out of
27 Lunsar, that was before the United Nations had reinforced its
28 forces after the May 2000 incident. Isn't that true?

29 A. Yes, that is true. But the United Nations did not attack.

1 It was the government troops that attacked us, that is the CDF
2 and the AFRC.

3 Q. Now, when it came time for Abuja II, that's when you made a
4 decision of some importance. If we could have your testimony of
09:59:36 5 11 August, please, page 45952. I would like to remind you of
6 what you said at that time about your decision to travel - this
7 time to Abuja from Sierra Leone and not to go to Monrovia for
8 instructions, as you did with Abuja I. So 11 August this year,
9 45952, line 9, you said:

10:00:31 10 "Yes, my Lord. Because I can recall when even the Abuja II
11 delegation wanted to travel, General Opande told me that, 'Young
12 man, for people to have confidence in you, the delegation should
13 not pass this time through Liberia. They should fly through the
14 Lungi airport from Makeni.' And during that time we had no
10:00:54 15 business with Liberia any longer."

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

19 A. Well, it was General Opande who informed me. He went to
10:01:20 20 Makeni and informed me that the Abuja II - the time for Abuja II
21 has come and he and even my own people, if they see that the RUF
22 delegation leaves from Makeni to Lungi, then the UN and the
23 people would say yes, the peace process is genuine. And I said,
24 "Oh, what do you mean?" Then he said, "That's all confidence
10:01:48 25 building." Then I said okay, because the ECOWAS had told me that
26 I should work with them. So when they suggested to me, I
27 accepted.

28 Q. So Abuja I you said you came to Monrovia because Taylor
29 called you through Kposowa. Abuja II you followed the advice of

1 Opande, you should not go through Monrovia, no one would have
2 confidence in you. And from that point you said, "We had no
3 business with Liberia any longer." That's true, isn't it?

10:02:29

4 A. Yes, because all of that came from the meeting that I had
5 with the ECOWAS Leaders in Monrovia because they told me that I
6 should work with the United Nations authorities in Sierra Leone
7 and the Government of Sierra Leone in the interest of bringing
8 peace to Sierra Leone. They had told me that I should work with
9 the United Nations authorities and if the United Nations

10:02:48

10 authorities tell me to do this, that was their word, I had to go
11 by it.

12 Q. Mr Sesay, when you made this decision to seek the
13 protection of Opande, to cooperate with him for your survival,
14 one person who wasn't happy, I suggest to you, was

10:03:08

15 Charles Taylor. I'd like to read to you from some evidence about
16 his reaction. If we could have the transcript of 12 March 2008,
17 page 5896. 12 March 2008, 5896, the last line. Mr Sesay, I'm
18 going to read to you from testimony from Zigzag Marzah. He was
19 asked:

10:03:53

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

24 A. In relation to the document I am not sure, but what I
10:04:16 25 saw in Kono at that time when I went there, in my presence
26 I took some ammos to Issa to transfer it to Morris Kallon
27 in Makeni, but I was in Kono, some white guys went there
28 with some UN men and the CO Meh said that the people came
29 to the chief, Issa, for him to sign some documents. I

1 asked what the document was for and he said for the peace
2 agreement in Freetown.
3 It was at that time that I left with those white guys and
4 entered Issa's residence. I went into Issa's room, because
10:04:54 5 I don't speak Krio, so they won't notice that I am a
6 Liberian. When they finished talking I used the bypass
7 route and went to CO Meh who was in control of the diamond
8 that we used to bring. I went to his house.
9 It was there that I was - that I called over the Thuraya
10:05:19 10 satellite and called to Charles Taylor that there were some
11 white people from Freetown who had come to Issa, but they
12 said that they had come for peace agreement. And he said,
13 'The man wants to connive.' Then he said, 'Go to Kailahun
14 and wait for him there, I will send for him.' First he
10:05:42 15 said, 'You can execute him in Kono', and I said, 'No, the
16 group is large and if there were places like Pendembu or
17 Kailahun I will be able to execute him.' And then he said,
18 'Okay, but then come to Kailahun, I will send for him to
19 come.'
10:05:59 20 That's the time that I left Kono and went to Kailahun and
21 waited there for over weeks, let's say over two weeks, and
22 Issa never returned. Later Charles Taylor called me and
23 said, 'The man has already connived, you can come back. He
24 will no more receive supplies from me because our
10:06:19 25 operation, RUF is not different. NPFL is not different.'
26 When you cross - once you go across you go to Freetown and
27 you are an RUF. When you cross from Sierra Leone to
28 Liberia you are NPFL. That was how the movement was like.
29 We all took one instruction from Charles Taylor."

1 Mr Sesay, Charles Taylor was unhappy with your decision to
2 cooperate with the UN in disarmament, and at one point he sent an
3 instruction to have you executed. Did you know that?

10:07:13 4 A. No, I was not aware of that and I never heard that. And I
5 don't believe Mr Taylor would be unhappy with me, because they
6 told me that I should work with the government and the
7 United Nations to disarm the RUF. That was what the three of
8 them told me; he, President Obasanjo and Alpha Konare.
9 Zigzag Marzah, when I became interim leader, he never went to
10:07:35 10 Kono, that he was there. I did not sign any document between
11 myself and the United Nations. The agreement was signed in
12 Abuja, the Abuja II. I did not sign it. I did it - it was Omrie
13 Golley who signed on behalf of the RUF in Abuja. I did not sign
14 any document with the UN. This man is telling lies, it's not
10:07:58 15 true.

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

19 A. General Opande and others used to come to Kono. General
10:08:14 20 Opande, General Agwai, General Issa --

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

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

10:08:28 25 THE WITNESS: General Opande, General Martin Agwai, he was
26 the deputy force commander, General Issa - General Issa Chisuzi,
27 who was the chief military observer, they used to come to Kono.

28 MR KOUMJIAN:

29 Q. Do you know how to spell Issa Chisuzi?

1 A. No, my Lord.

2 MR KOU MJIAN: I will try to find the spelling.

3 THE WITNESS: All those three - those were the three
4 military commanders who used to come to Kono and they were all
10:09:09 5 blacks, not white men.

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

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

9 [In the absence of the witness]

10:09:22 10 In the meantime, Mr Koumjian, perhaps you could assist us
11 with the spelling of these names. There was Martin somebody.

12 MR KOU MJIAN: Your Honours, I have found Martin Agwai,
13 A-G-W-A-I.

14 PRESIDING JUDGE: Did we find Chisuzi?

10:12:06 15 MR KOU MJIAN: We can try to find it at the break, because
16 there may be a book that I have that might have it.

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

19 THE INTERPRETER: No, your Honour.

10:12:19 20 PRESIDING JUDGE: Very well. We can continue.

21 [In the presence of the witness]

22 MR KOU MJIAN:

23 Q. Mr Sesay, where is Chisuzi from?

24 A. From Zambia.

10:12:31 25 MR CHEKERA: Madam President, if he is from Zambia I might
26 assist because it would go phonetically, Chisuzi would be
27 C-H-E-U-C-H-U-Z-I.

28 PRESIDING JUDGE: Thank you, Mr Chekera.

29 MR KOU MJIAN: I'm grateful for that.

1 Q. Mr Sesay, fortunately for you, you are aware, aren't you,
2 that Charles Taylor can make an alliance of convenience with
3 former enemies; he can take a former enemy and make him an ally.
4 You are aware of that, aren't you?

10:13:11 5 A. No, I was not aware of that.

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

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

10:13:47

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

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

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

10:14:15

10:14:36

21 A. No, no. That was not the only way. In fact, they were
22 bringing up ideas to me that I was kicking against. At one time
23 Gibril brought up an idea that, before disarming, I should give
24 him 400 to 500 armed men, that he should go with the satellite
25 phone in Pujehun District and they would lead an attack in the
26 Pujehun District. When they asked him during an interview, he
27 said since the RUF and the CDF did not want to disarm, they, the
28 citizens of Pujehun, would disarm them forcefully. I went
29 against those ideas. I said no.

10:15:02

1 Q. You knew that the forces against you in Sierra Leone were
2 too strong fight against. The Special Court was coming to
3 Sierra Leone. And you decided, for survival, to go and join that
4 side, to cooperate with Opande; isn't that true?

10:15:37 5 A. No, my Lord. The people who worked for peace in
6 Sierra Leone, the United Nations authorities knew that I did not
7 surrender to them. They knew that the RUF was armed. I
8 cooperated with them. They knew, including President Kabbah,
9 they knew, together with General Opande, Adeniji was the SRSG,
10:16:01 10 General Martin Agwai --

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

13 PRESIDING JUDGE: Mr Sesay, you are still running. We
14 don't have anything that you said. Repeat your evidence where
10:16:14 15 you said they knew, together with General Opande. Now, continue
16 from there.

17 THE WITNESS: Yes, my Lord. I said General Opande, General
18 Martin Agwai, Ambassador Adeniji, General Ali Hassan, President
19 Kabbah and Francis Kai kai, who was the executive secretary for
10:16:39 20 NCDDR, all these people knew and they said it, that some of the
21 commanders of the RUF, didn't want the RUF to disarm at all. The
22 RUF was armed, but I had been told by the ECOWAS that if the Lome
23 Accord fails, that will be a disgrace to them. That was why they
24 appointed me to implement the Lome Accord and disarm the RUF.
10:17:09 25 That was why I started cooperating with the RUF. If I had
26 surrendered or I was under any threat General Opande and others
27 would have said so, and even the President of Sierra Leone by
28 then should have said so.

29 MR KOUMJIAN:

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

4 A. No, no. Because some of my colleagues who were commanders,
10:17:40 5 they did not want Sam Bockarie any longer. So when I told
6 Mr Taylor that the problem between Sam Bockarie - I said the
7 problem was between Sam Bockarie and Foday Sankoh and that I
8 would want to consult my colleagues. He himself knew that we did
9 not want to accept Sam Bockarie any longer.

10:18:00 10 Q. You said to President Taylor you wanted to consult your
11 colleagues. You went back to Sierra Leone and you never saw
12 Taylor again, and I'll tell you why. If we can look at the
13 testimony from 14 July 2009, please, page 24340; 14 July 2009,
14 24340. I'd just like to read a short description of you by
10:18:37 15 Charles Taylor. On line 2:

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

18 And one of the ways you were careful, Mr Sesay, is that
19 after you told Charles Taylor, "Well, I'll go and consult with my
10:19:04 20 colleagues about Sam Bockarie's return", you made sure you never
21 went back to give Charles Taylor an answer. Isn't that true?

22 A. Well, I told him that the problem was between Mr Sankoh and
23 Sam Bockarie. I cannot accept Sam Bockarie on my own, I had to
24 consult my colleagues. Since then he did not call me and I did
10:19:31 25 not return to him.

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

29 A. Yes, my Lord.

1 Q. You are sentenced to 52 years in prison, correct?

2 A. Yes, my Lord.

3 Q. But, Mr Sesay, you are a human being, and human beings find
4 hope. So what is your hope of not spending the rest of your life
10:20:15 5 in prison?

6 A. Well, my hope is to God and to the people of Sierra Leone
7 who know that the peace process was something I had accepted
8 willingly, and even during the days of the war when I was with
9 the civilian population, the way I had respect for the civilians,
10:20:39 10 that's the only hope I have.

11 Q. Mr Sesay, when I read to you Charles Taylor's testimony
12 where he said he never asked the RUF to take Sam Bockarie back,
13 you refused to answer the question or to respond that what he
14 said was a lie. You came here trying to protect Charles Taylor;
10:21:05 15 isn't that true?

16 A. Well, my Lord, I came here when his lawyers told my lawyers
17 that I should give an account of what I know between myself and
18 Charles Taylor. When they requested I said okay.

19 Q. You have nothing to lose by testifying here, as you're
10:21:29 20 already convicted but you have the hope that if Charles Taylor is
21 free, he can help you get a political release from prison,
22 because there's no more court appeals. That's your hope, isn't
23 it, that Charles Taylor will be released and will advocate for
24 your release from prison. Isn't that true?

10:21:54 25 A. No, my Lord. Mr Taylor is not a Sierra Leonean and he has
26 no influence or authority over the Government of Sierra Leone.
27 He has no political authority in Sierra Leone. It's only the
28 people of Sierra Leone who can plead to the international
29 community on my behalf, not Mr Taylor. And the UN authorities

1 who knew that I cooperated with them, that's the only hope that I
2 have after God. Not Mr Taylor.

3 Q. Mr Sesay, your whole life with the RUF, you did what was
4 necessary for survival. At Camp Naama, when you were tricked by
10:22:36 5 Foday Sankoh into going to Liberia, you told us you stayed, you
6 didn't escape, because you'd seen - Foday Sankoh told you about
7 Isiaka being killed for escaping, and it was a matter of survival
8 for you to train with these rebels; isn't that true?

9 A. Well, at that stage, that was what Mr Sankoh said. But at
10:23:05 10 the time that I went to Abidjan, I knew that Isiaka did not die,
11 and I was not able to leave Camp Naama on my own because I was
12 not familiar with Liberia. That was my first time of going to
13 Liberia. Later, when I had been at the base, I heard what
14 Mr Sankoh was saying about his cause. I stayed then with the
10:23:27 15 RUF.

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

10:23:52 20 A. No, my Lord, that's not true, because the people whom I
21 worked with for the return of peace when I disarmed the RUF, they
22 should have said that. But they knew that I did not surrender
23 and I did not disarm for my survival, I disarmed in the interest
24 of the country.

10:24:15 25 Q. Throughout your time in the RUF, in Luawa Giehun, when
26 Foday Sankoh was investigating and executing those he suspected
27 of conniving, you killed as a means of survival of ensuring your
28 own survival; isn't that true?

29 A. I did not take part in the killing of the Giehun people

1 because, if I had taken part in that, the people of Giehun
2 wouldn't have been my witnesses.

3 Q. Mr Sesay, who had the radio code in the RUF, "Survival"?
4 Who was called Survival?

10:24:56 5 A. I was.

6 Q. And the truth is, Mr Sesay, throughout the war you took
7 children from their parents, you turned them into soldiers and
8 bush wives, you commanded troops that killed your fellow
9 Sierra Leoneans, you were convicted - you personally killed, you
10:25:15 10 personally raped. All of these acts you did to ensure your own
11 survival; isn't that true?

12 A. No, my Lord. No. The civilians who were behind RUF lines
13 know that I did what I could to protect them. That was why, if
14 you look at my Defence case, the civilians were in the majority
10:25:41 15 from Kailahun, from Kono up to Makeni.

16 Q. Let's look at the testimony of one of Charles Taylor's
17 Defence witnesses, 12 April 2010, please, page 38706.

18 This is from the testimony of Charles Ngebeh, your fellow
19 RUF and, in the middle of line 15, he testified:

10:26:20 20 "A. The atrocities that were committed by the RUF, Issa,
21 are now in jail. The Kamajors are suffering, the AFRC are
22 suffering. Indeed, it happened."

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

10:26:45 25 You also told the Court on 17 August that you heard
26 Charles Taylor threaten that Sierra Leone would taste the
27 bitterness of war, and Sierra Leone did taste the bitterness of
28 war, and you were one of those he sent that inflicted that war on
29 the people of Sierra Leone. Isn't that true?

1 A. No. I was not sent by Mr Taylor. It was Mr Sankoh who
2 took me to Sierra Leone to fight a war. If Charles Ngebeh talked
3 about the atrocities, yes, the RUF committed atrocities, I
4 wouldn't refute that. But --

10:27:24 5 THE INTERPRETER: Your Honours, can he kindly repeat his
6 answer slowly.

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

9 THE WITNESS: Yes, my Lord. I said the RUF committed
10:27:34 10 atrocities, but some of the commanders who committed the
11 atrocities who were commanding areas, they were not under Issa's
12 control. They became Prosecution witnesses. Some were given
13 letters and they said they would not be prosecuted. In fact, he
14 trained Issa.

10:27:56 15 MR KOUMJIAN:

16 Q. Mr Sesay, you lived up to your radio code, Survival, all
17 through the war and you continue to live up to it. Just as you
18 would kill, just as you would rape, just as you would take
19 children from their parents, you'll lie in court and you've been
10:28:14 20 doing that for your survival. Isn't that correct?

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

10:28:42 25 MR KOUMJIAN: Your Honours, subject to the ruling on the
26 motion for leave to appeal, I have no further questions,
27 depending on the results of that, of course.

28 PRESIDING JUDGE: The decision was issued yesterday.

29 MR KOUMJIAN: Oh.

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

4 MR KOU MJIAN: Your Honours, there are also at least one MFI
10:29:45 5 I believe that I used this morning - or one document I used this
6 document that has not been MFI'ed and that would be the document
7 behind tab 6.

8 PRESIDING JUDGE: This is the eleventh report of the
9 Secretary-General from the United Nations Mission to
10:30:11 10 Sierra Leone, dated 7 September 2001. Mr Koum jian, do you only
11 want the pages that you used to be marked?

12 MR KOU MJIAN: Yes. That's fine.

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

10:30:35 15 MR KOU MJIAN: Page 7.

16 PRESIDING JUDGE: Page 7 and the annex.

17 MR KOU MJIAN: Correct.

18 PRESIDING JUDGE: Those pages, collectively, are marked
19 MFI-42. Would that be all, Mr Koum jian?

10:31:08 20 MR KOU MJIAN: Yes, thank you.

21 PRESIDING JUDGE: Mr Chekera, any re-examination?

22 MR CHEKERA: Yes, Madam President, thank you.

23 RE-EXAMINATION BY MR CHEKERA:

24 Q. Mr Sesay, what we are going to do is to try to clarify your
10:31:22 25 answers from the questions that were being asked by Mr Koum jian.

26 A. Yes, sir.

27 Q. I don't intend for us to repeat your evidence that you've
28 already given when Mr Gri ffi ths was asking you questions.

29 A. Yes, sir.

1 Q. I will ask you very concise questions and I hope that you
2 also answer in very concise terms.

3 A. Okay, sir.

10:31:51

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

6 MR CHEKERA: I get the hint, thank you.

10:32:23

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

12 A. Yes, sir.

10:33:22

13 Q. That's a document which was read to you outlining a
14 number of atrocities that were allegedly committed around 2000,
15 2001, by which time you said disarmament was already underway.
16 You recall that document?

17 A. Yes, sir.

10:33:37

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

10:34:04

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

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

29 A. In respect of the implementation of the Lome Accord to

1 disarm the RUF.

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

3 Let's just keep - let's talk about disarmament, Mr Taylor -
4 sorry, Mr Sesay, and the suggestions that were put to you by
10:34:44 5 learned counsel opposite. Effectively, Mr Sesay, if you did not
6 understand counsel opposite correctly or clearly, what he was
7 saying to you was that were it not for circumstances you would
8 not have disarmed. You were forced into disarmament by
9 circumstances. I would like you to comment on that before I ask
10:35:06 10 you the next questions.

11 A. Well, the lawyer was not in Sierra Leone and he was not
12 involved in the process. The people who were involved in the
13 process, that is the United Nations authorities, the SRSG, the
14 force commander, the deputy force commander, and General Ali
10:35:32 15 Hassan who was the sector commander for the north, and the
16 President of Sierra Leone himself, President Tejan Kabbah by
17 then, all of them testified on my behalf. And they said that I
18 cooperated in the process willingly.

19 So if he was not the one who did the work and he's saying
10:35:48 20 that I was under threat and the people who brought peace to
21 Sierra Leone knew that I was involved in the process willingly,
22 they said it in other press outlets, they said it in the north
23 that Issa had opposition when he disarmed the RUF. If I was
24 under threat I wouldn't have been under any opposition to disarm
10:36:16 25 the RUF.

26 Q. Yes. Mr Sesay, you have said in your evidence under cross
27 and during your evidence-in-chief you were actually under threat
28 from the RUF who were opposed to disarmament. You've said that
29 in your testimony. The people who actually threatened you were

1 your colleagues in the RUF who were opposed to disarmament,
2 Gibril Massaquoi and company. My question to you is: What was
3 your motivation for disarming the RUF at this time?

4 A. It was because the ECOWAS Leaders told me to disarm the RUF
10:36:58 5 because if the RUF failed, that would be a disgrace to them. The
6 western world would look at them that they were not capable to
7 solve an internal problem. That was it. And I considered that
8 the people of Sierra Leone wanted peace and that was why --

9 THE INTERPRETER: Your Honours, can he kindly speak slowly
10:37:18 10 and take this answer again.

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

14 THE WITNESS: Yes, my Lord. I said based on what the
10:37:36 15 ECOWAS Leaders told me about the disarmament process, and
16 President Kabbah - I mean, President Obasanjo, President Taylor
17 and President Alpha Konare in our last meeting in Monrovia, based
18 on what they told me that if the Lome Accord failed then the
19 western powers would look at them that they were unable to solve
10:38:01 20 internal problems. That I should work with the Government of
21 Sierra Leone and the United Nations to carry out the disarmament
22 of the RUF.

23 Secondly, the people of Sierra Leone themselves at this
24 time, they were yearning for peace because I was in Makeni and
10:38:15 25 the UNAMSIL used to come to Makeni, the bishop used to come to me
26 to talk to me, even the chiefs used to come to me in Makeni and
27 Magburaka. I said those were the two reasons why I accepted the
28 disarmament.

29 Q. Mr Sesay, you've indicated that the ECOWAS Leaders wanted

1 you to go ahead with disarmament and that included Mr Taylor.

2 Now, you've heard evidence that was read to you by counsel

3 opposite that actually during this time Mr Taylor ordered

4 Zigzag Marzah to execute you for signing some document with some

10:38:55 5 white UN officials. During the time of disarmament, did you sign
6 any documents in Sierra Leone relating to the disarmament?

7 A. No. I did not sign any documents pertaining to the
8 disarmament process. The disarmament process, it was in Abuja

9 that it was signed. It was in Omrie Golley - it was in Abuja

10:39:22 10 that Omrie Golley signed for the creation of the tripartite
11 meeting that led to the disarmament. The United Nations in
12 Sierra Leone did not have any meeting whereby I signed a document
13 in relation to the disarmament, no. Even the tripartite meeting
14 that we used to hold, we were not signing documents. The SRSG

10:39:43 15 was the chairman. They used to suggest that - the SRSG would
16 suggest to the government and the RUF, during these meetings we
17 would want the RUF to disarm in Tonkolili and the government to
18 disarm in Bonthe, for example. That was what they used to do,
19 they were not signing documents. The SRSG would prepare the
10:40:06 20 agenda and they would share the paper to the RUF and the
21 Government of Sierra Leone.

22 Q. What about any of those officials you indicated, you talked
23 about in your evidence, you were meeting during this process.

24 Did you sign any documents with them?

10:40:19 25 A. No. I recall that the only document that I sent to General
26 Opande was when he requested that he had the first meeting with
27 me. Then I suggested where we would have the meeting. But I
28 never signed a document between myself and the UNAMSIL. When
29 they came, we normally spoke.

1 THE INTERPRETER: Your Honours, can he kindly repeat his
2 answer again slowly.

3 PRESIDING JUDGE: Pause. Pause. You need to repeat your
4 evidence. You said, "I never signed a document between myself
10:40:52 5 and UNAMSIL." Continue from there.

6 THE WITNESS: Yes, my Lord. I said they used to visit me.
7 The RUF controlled areas - I used to have meeting - when I had
8 meetings with them, we normally just used to talk. I would
9 explain the problems that affected civilians that needed General
10:41:15 10 Opande's intervention in terms of relief supplies. When General
11 Opande came to testify, he said that. And he too used to see the
12 civilians who were living behind RUF lines.

13 MR CHEKERA:

14 Q. Still on the same topic, Mr Sesay. It was suggested to you
10:41:35 15 that one of the reasons why you disarmed was because you were
16 afraid of the Special Court. When did you become aware of the
17 Special Court?

18 A. Well, at the initial stage, like the lawyer said, in July,
19 I was not aware of the Special Court. But around September at
10:41:57 20 one time General Opande came to Makeni. I was not there. They
21 told him I was gone to Masingbi. He flew close to the road in
22 his helicopter and he saw my two vehicles and he landed by the
23 roadside and he stopped my vehicles and he said, "I had come to
24 you in Makeni and they said you had gone to Masingbi, so that's
10:42:22 25 why I was chasing you."

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

28 PRESIDING JUDGE: Mr Sesay, first of all you are running
29 too quickly. Secondly, the question asked to you simply was:

1 When did you first become aware of the Special Court, and the
2 answer would be a date.

3 THE WITNESS: Okay, my Lord. I'm sorry that I'm
4 explaining. It was around September 2001 when General Opande
10:42:48 5 told me.

6 MR CHEKERA:

7 Q. And by that time, what was the stage of the disarmament
8 process, where were you at?

9 A. Well, at that time we were proceeding with the disarmament.

10:43:04 10 The RUF was still in arms in Kailahun District, Tongo Field,
11 Bombali District. The RUF had not disarmed in those places.

12 Q. In percentage terms, how much of the RUF-controlled
13 territory had already disarmed, if you can tell?

14 A. At that time, RUF had disarmed up to 60 to 65 per cent.

10:43:30 15 Q. Again, Mr Sesay, it was suggested that another reason why
16 you went ahead with the disarmament process was because you
17 feared Sam Bockarie would kill you. Were you under any
18 apprehension that Sam Bockarie would kill you during the time of
19 the disarmament?

10:43:47 20 A. No. Sam Bockarie could not have killed me. He couldn't
21 have been able to kill me, because some of the commanders in the
22 RUF by then no longer liked Sam Bockarie. Because Morris Kallon
23 did not like him. There are other commanders who did not like
24 him. So he couldn't have killed all of us. It was not possible.

10:44:09 25 Q. What about Charles Taylor? Were you under any threat from
26 Charles Taylor?

27 A. No. If I had suspected that I was under any threat from
28 Mr Taylor, I wouldn't have come here. I wouldn't have come here.

29 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
10:44:56 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
10:45:21 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?

10:45:42 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
10:46:02 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
10:46:23 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

1 Konare. They went to Kono and they praised me a lot about my
2 cooperation, and President Kabbah --

3 PRESIDING JUDGE: Mr Sesay, the question was: By September
4 2001, what percentage of the RUF had disarmed? That was the
10:47:00 5 question. What's your answer?

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

7 MR CHEKERA:

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

10:47:20 10 A. They were a peacekeeping force.

11 Q. Thank you.

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

13 Q. Thank you. I'm just going to ask you - I'm going to move
14 to a different topic. I'm going to ask you quickly about the
10:47:45 15 satellite phone that you got from Mr Taylor. That was from
16 yesterday's evidence.

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

19 A. Yes.

10:48:02 20 Q. And you recall counsel reading your evidence from
21 Mr Taylor, where he said he did not give you a satellite phone?

22 A. Yes.

23 Q. And you recall in your evidence, when you were answering
24 one of the questions from counsel opposite, your answer at line 2

10:48:24 25 - sorry, page 47172, that's yesterday's transcript, 47172, at
26 line 2 to 6. When you were talking about the satellite phone,
27 you said - the one that you got from Mr Taylor - "I requested for
28 a phone and President Taylor himself told President Obasanjo
29 about it, that I should be assisted with a phone. Then President

1 Obasanjo said they would work on it, and during that October,
2 Mr Taylor gave me one phone."

3 I just want to explore your answer when you said when you
4 requested for the phone and President Obasanjo said they would
10:49:15 5 look into it. When you got the satellite phone from Mr Taylor
6 in October, did Mr Taylor tell you who it was coming from?

7 A. Well, Mr Taylor just told me that the phone that I had
8 requested for so that I would communicate with them whenever they
9 wanted to talk to me, that was the phone. Then he gave me the
10:49:39 10 phone.

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

13 A. Well, when he - the way he spoke, it was from the ECOWAS
14 who had given it to me, because it was a request to ECOWAS,
10:49:59 15 through President Obasanjo.

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

10:50:19 20 THE WITNESS: Yes, my Lord.

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

23 THE WITNESS: The ECOWAS, my Lord.

24 PRESIDING JUDGE: In other words, the phone - the purpose
10:50:35 25 of the phone you requested was to communicate with the ECOWAS
26 leaders?

27 THE WITNESS: Yes ma'am.

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

29 THE WITNESS: Yes, ma'am. Because I used to receive

1 messages through the phone about the meetings that were to take
2 place, and I used to call. And when I started working with the
3 UNAMSIL, I was using the phone to call General Opande and the
4 others, when we used to discuss the Abuja II meetings. I was
10:51:07 5 using it for the peace process, and I was using it for my own
6 personal purpose.

7 MR CHEKERA:

8 Q. Let's move on to a different topic, Mr Sesay. Let's
9 discuss briefly the person you saw in a number of photographs.
10:51:25 10 I'm going to be asking that you look at D-297C, D-172, P-122F.
11 Those were the pictures you saw of Momoh Dgiba.

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

14 A. Yes, his brother and himself.

10:52:00 15 Q. At the time that Momoh Dgiba was at Naama, do you know
16 whether he had any association with Charles Taylor?

17 A. No. I only knew Momoh Dgiba, that his father was from
18 Sierra Leone but he was born in Liberia, because that is what he
19 was saying. But I did not know - I did not hear anything in
10:52:26 20 relation of him having business with Mr Taylor when we were at
21 Naama.

22 Q. Where was he coming from before he came to Naama, to your
23 knowledge?

24 A. From Harbel, where Pa Kallon was - most of the recruits at
10:52:48 25 Camp Naama had come from Harbel, Harbel and Kakata.

26 Q. And before the training was complete, did you know where he
27 went?

28 A. Well, I heard that he returned to Harbel when he left
29 Naama.

1 Q. And did you know when he became Charles Taylor's aide de
2 camp?

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

10:53:22 5 Q. Do you know how he was appointed camp de aide -
6 aide-de-camp to Charles Taylor?

7 A. No, I don't know.

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

9 A. I don't know.

10:53:47 10 Q. Do you know whether Charles Taylor was involved in that
11 process of appointing him to that position?

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

14 Q. Sorry. You can just - let's look at D-297C. Mr Sesay, can
10:54:31 15 you tell when that photograph was taken?

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

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

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

10:54:55 20 Q. Can you tell whether this was before Charles Taylor was
21 President or after he was President?

22 A. I don't know.

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

10:55:30 25 A. No, my Lord, I don't know.

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

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

29 Q. Thank you. P-122F. Again, can you tell when this

1 photograph was taken?

2 A. No, I don't know.

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

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

10:56:18 5 Q. So, Mr Sesay, from those photographs, can you tell whether
6 Charles Taylor knew Momoh Dgiba before he came to Gbarnga or
7 after - sorry, before he came to Naama or after Naama?

8 A. No. He did not know him when he was in Naama because, when
9 he was in Naama, he was slim. When he was in Naama, Momoh Dgiba
10:56:50 10 was a slim guy, he was not a man then. He was a slim guy

11 because --

12 Q. Sorry --

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

14 Q. Mr Sesay, my fault, maybe I didn't ask the question in as
10:57:04 15 precise terms as I promised.

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

19 A. I believe that it was at the time that Momoh Dgiba left
10:57:33 20 Naama. That was the time Mr Taylor knew him.

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

23 Let's just stick with the photographs for the time being
24 and look at D-51. Mr Sesay, you will recall the evidence that
10:58:08 25 was read to you about Zigzag Marzah when Zigzag Marzah said that
26 you gave him a girl - a woman, one Seibatu. Do you recall that
27 evidence?

28 A. Yes, I recall.

29 Q. That was sometime in - according to his evidence, that was

1 in Kono. In your evidence, Mr Sesay, you said the only Seibatu
2 you knew was Hawa's sister. Do I recall your evidence --

3 A. Yes, that was what I said.

10:59:02

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

6 A. Hawa for Sam Bockarie.

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

9 A. Hawa or Seibatu?

10:59:22

10 Q. Seibatu.

11 A. No, he had no business with her.

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

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

10:59:46

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

18 A. All of them went.

11:00:14

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

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

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

11:00:38

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

28 Q. Sam Bockarie and Zigzag Marzah, did they have any
29 interactions or any relationship.

1 A. I did not know because I only went to Sam Bockarie's house
2 once.

3 Q. Now --

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

11:01:18 5 We'll take the midmorning break now and reconvene at 11.30.

6 [Break taken at 11.01 a.m.]

7 [Upon resuming at 11.33 a.m.]

8 PRESIDING JUDGE: Mr Chekera, please continue.

9 MR CHEKERA:

11:34:10 10 Q. Mr Sesay, I was asking you questions about someone by the
11 name Seibatu, who was Hawa's sister, and Hawa was Sam Bockarie's
12 wife. Mr Sesay, do you know whether Sam Bockarie, when he moved
13 to Liberia, whether he had any interactions with Benjamin Yeaten?

14 A. Yes.

11:34:37 15 Q. What was the nature of their interaction?

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

19 Q. And what was the relationship between Zigzag Marzah and
11:35:02 20 Benjamin Yeaten, if you know?

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

23 Q. Very well. Let's look at D-51, please. Mr Sesay, you will
24 recall I learned counsel opposite showing you D-51 in conjunction
11:35:55 25 with the evidence he read to you of Zigzag Marzah, to try to
26 establish that Zigzag Marzah used to frequent Sierra Leone and
27 was indeed friends with Sam Bockarie. Do you remember that?

28 A. Yes, I recall.

29 Q. Can you tell from that photograph in which country it was

1 taken?

2 A. This should be Liberia.

3 Q. Why do you say that should be Liberia?

4 A. Because we did not have roads like these in Buedu.

11:36:53 5 Q. Very well. Thank you. That would be all with respect to
6 D-51.

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

11:37:25

11 A. It was in December of '99.

12 Q. And do you know what he did when he went to Liberia?

13 A. Well, I did not know what he was doing.

14 Q. With that - with that in mind, would you dispute the
11:37:57 15 allegation by learned counsel opposite that he then joined the
16 SSS?

17 A. Well, I wouldn't dispute that, because that was in Liberia.

18 Q. Very well. Let's look at D-316. I just want to draw your
19 attention to the date, that's dated 9 November 2001, and you will
11:38:49 20 recall, Mr Sesay, this is the document that lists Daniel Tamba as
21 one of the members of the SSS from that document. Mr Sesay,
22 I just want your answer. 2001, November, was Daniel Tamba still
23 a member of the RUF?

24 A. No, no. From December 1999, Daniel Tamba no longer was
11:39:22 25 member of the RUF; from January 2000 to November 2001, Daniel
26 Tamba was no longer a member of the RUF.

27 Q. Very well. Let's look at P-153A. That was a photograph.
28 You recall this photograph where you identified Daniel Tamba and
29 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

11:40:21 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

11:40:40 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

11:41:11 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

11:41:34 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?

11:41:58 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.

1 Q. And what nationality was John Vincent?

2 A. He's a Liberian.

3 Q. When he went to Liberia, do you know whether he was engaged
4 in combat in Liberia?

11:42:31 5 A. Well, at the time he went, I did not know.

6 Q. Besides John Vincent and Superman, were there other
7 Liberian vanguards who went to - who went back to Liberia during
8 the disarmament process?

9 A. Yes. Like CO Lion, CO Kailondo, all of them went - CO
11:42:55 10 Gorgie, all of them went.

11 Q. And do you know whether any of those were engaged in combat
12 in Liberia or on behalf of the Liberian government?

13 A. Yes, because like for Lion, I heard that he died in Kolahun
14 at the time they were fighting against LURD. They were
11:43:14 15 Liberians. So, when they went back to Liberia they joined the
16 AFL.

17 Q. And at that time were they taking instructions from you?

18 A. No, no. They were not taking instructions from me.

19 Q. Very well, Mr Sesay, let's move on to a different topic.
11:43:36 20 Let's look at D-84. Mr Sesay, I just have one or two questions
21 in respect of that document. D-84, Mr Sesay, is a document that
22 you allege was written by Gibril Massaquoi. Do you remember that
23 document?

24 A. Yes, I recall.

11:44:37 25 Q. When did you first see that document?

26 A. It was during my trial.

27 Q. And who tendered the document?

28 A. It was the Prosecution that tendered it to the Court and my
29 lawyers gave it to me to watch it. They tendered it as an

1 exhibit.

2 Q. When the Prosecution tendered that document as an exhibit,
3 do you know what they were trying to establish?

11:45:25

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

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

9 A. Yes.

11:45:40

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

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

11:46:09

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

11:46:35

20 A. Yes, my Lord.

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

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

11:47:10

27 A. Yes.

28 Q. And counsel showed you the document at tab 8 to prove you
29 wrong because by the time Yamoussoukro - by the time Foday Sankoh

1 and Maada Bio went to Yamoussoukro the elections had already
2 taken place. You recall that?

3 A. Yes.

11:47:48

4 Q. In your explanation, you indicated that even before
5 Yamoussoukro, Foday Sankoh and Maada Bio had been in contact.
6 I want us to discuss that aspect. Do you know when it was that
7 Foday Sankoh and Maada Bio first started discussing the
8 elections?

11:48:16

9 A. Well, I do not recall the exact date now, but that was what
10 I knew, that Mr Sankoh and Maada Bio had been discussing - at
11 first --

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

11:48:32

14 PRESIDING JUDGE: Mr Sesay, you're going too fast again for
15 the interpreter. Now, repeat your answer. You said at first
16 Mr Sankoh and Maada Bio had been discussing.

17 Now, continue from there.

11:48:55

18 THE WITNESS: Yes, my Lord. I said at first Mr Sankoh and
19 Maada Bio had been discussing through paramount chiefs like the
20 late Bai Kurr, I mean late Bai Yorsoh in Magburaka and Paramount
21 Chief Bai Kurr in Masingbi. Those were the first people that
22 Maada Bio started using to talk to Mr Sankoh because he knew
23 those were his brothers from Tonkolili District. So that was how
24 their talks started. So they went on like that until the time
25 they met in Abidjan, and Yamoussoukro.

11:49:20

26 Q. Sorry, before you continue could we have the names of the
27 chiefs again?

28 A. The first one that I referred to was the late Paramount
29 Chief Bai Yorsoh and the honourable Paramount Chief Bai Kurr.

1 MR CHEKERA: Madam President I'm going to ask the
2 interpreter to assist.

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

11:49:54 5 THE INTERPRETER: Bai Yorsoh is B-A-I, one word, the next
6 one is Y-O-R-S-O-H. And the next one is B-A-I, one word, the
7 next is K-U-R-R.

8 MR CHEKERA:

9 Q. And if you know, Mr Sesay, what was Maada Bio's attitude
11:50:20 10 towards the elections during these negotiations with Foday Sankoh
11 through the offices of the two chiefs?

12 A. Well, what Maada Bio and Mr Sankoh agreed on, in fact Maada
13 Bio's idea towards the election was negative, but it was only
14 because of the pressure from the politicians and the
11:50:42 15 international community, because even on the day of the
16 elections, soldiers opened fire in Freetown, and Maada Bio wanted
17 disarmament first; he said peace before elections. That was the
18 agreement between him and Tom Nyuma and others.

19 Q. Maada Bio wanted peace before elections. And you said
11:51:09 20 soldiers fired - opened fire in Freetown. Firstly, what soldiers
21 and - okay, which soldiers opened fire in Freetown?

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

24 Q. And why were they opening fire?

11:51:36 25 A. Well, they wanted to disturb the elections, but the
26 civilian population concentrated and they wanted the election to
27 carry on, they, together with the politicians.

28 Q. And what was Foday Sankoh's position with respect to the
29 elections?

1 A. Well, Mr Sankoh also ordered attacks because he and Maada
2 Bio had planned that - Maada Bio said if he was unable to stop
3 the elections, he said then on the very day of the election,
4 Mr Sankoh should attack Bo, Kenema, Makeni, and he will order the
11:52:20 5 army in Bo, Kenema, Magburaka and Makeni to retreat and go back
6 to Freetown so that the RUF will be able to take control of those
7 towns. So it was just to disrupt the election so that the
8 elections would not hold.

9 Q. And do you know if you know when was it that Foday Sankoh
11:52:41 10 became aware of Maada Bio's position with respect to the
11 elections?

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

14 JUDGE LUSSICK: I'm sorry to interrupt, perhaps I should
11:53:01 15 have asked this earlier, but I'm curious to know as to, Mr Sesay,
16 how do you know what went on between Foday Sankoh and Maada Bio?
17 You're talking about them planning various things in regard to
18 the election, but how do you know all this?

19 THE WITNESS: Well, my Lord, at this time I was in Danane
11:53:25 20 and Deen-Jalloh, who was the head of the delegation and his wife,
21 his wife was Maada Bio's elder sister, so these arrangements were
22 things that were done between Deen-Jalloh, Mr Sankoh and Maada
23 Bio. And even at the time they met in Yamoussoukro, I heard it
24 from Mr Sankoh himself.

11:53:50 25 PRESIDING JUDGE: I also want to seek clarification from
26 you, Mr Sesay. Who was the Head of State in Sierra Leone just
27 before these elections that we are talking about?

28 THE WITNESS: It was Maada Bio who was the Head of State.
29 He was the chairman of the NPRC.

1 PRESIDING JUDGE: And who called for the elections to be
2 held at this particular time?

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

11:54:28 5 PRESIDING JUDGE: What politicians?

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

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

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

17 PRESIDING JUDGE: Very well. Please proceed.

18 THE WITNESS: And even Britain was pressurising him.

19 MR CHEKERA:

11:55:28 20 Q. Mr Sesay, maybe just to put that evidence into context, how
21 had Maada Bio become the Head of State in Sierra Leone?

22 A. Well, Maada Bio was initially the vice-chairman to
23 Valentine Strasser King who initially overthrew the APC
24 government in '92. But later Maada Bio, and Tom Nyuma and others
11:55:55 25 overthrew Strasser King in 1995. So when they overthrew Strasser
26 King, Maada Bio then became the chairman.

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

29 A. Yes, after he had overthrown Strasser.

1 Q. And what was the attitude of the Sierra Leoneans to that
2 military junta?

3 A. Well, the Sierra Leoneans did not want military rule any
4 longer, and they then wanted civilian rule. That's including the
11:56:43 5 politicians themselves.

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

8 A. Well, Britain also wanted a civilian rule. They wanted the
9 military to turn over to a civilian rule because they were the
11:57:03 10 ones who sponsored the elections.

11 Q. Now, Mr Sesay, let's move on to a different topic. You
12 will recall, Mr Sesay, counsel opposite suggesting to you that
13 your evidence was tailored to suit Mr Taylor, and that you might
14 have been influenced by Mr Taylor while he was in detention in
11:57:43 15 Freetown. Do you recall that?

16 A. Yes, I recall.

17 Q. I'm going to refer you to this letter I have from the
18 Registrar in connection with Mr Taylor's conditions of detention.

19 Madam Court Manager, you might want to assist me with the
11:58:02 20 document I distributed earlier. I'll refer you specifically to
21 paragraph 2. That's a letter dated 23 August 2010, to Courtenay
22 Griffiths QC from the Registrar. If you look at paragraph 2:

23 "The former Registrar of the Special Court, Mr Munlo,
24 issued a segregation order on 31 March 2006, upon request from
11:58:44 25 the Prosecution pursuant to Rule 26(A) of the Rules of Detention.
26 The segregation was ordered for the purposes of: (a), preserving
27 security and good order in the detention facility and; (b),
28 preventing any prejudice to or otherwise undermining the outcome
29 of the proceedings against the detainee, Mr Taylor. It" - that

1 is the segregation order - "remained in effect until Mr Taylor's
2 departure to The Hague."

3 You will recall, Mr Sesay, in your testimony you indicated
4 that when you were in detention, you did not have access to
11:59:32 5 Mr Taylor.

6 A. Yes, I recall.

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

9 A. We were in another - in a different block and Mr Taylor was
11:59:59 10 in a different block. And we never used to meet. We never used
11 to see one another and we never used to discuss. And the place
12 where we used to receive visitors, he never used to go there.
13 The only place that he used to go that I also used to go was to
14 the doctor. But at any time he was going to the doctor, they
12:00:20 15 would drive him in a vehicle and they would pass through the
16 other side. But at that time they will have to stop us, we will
17 not be allowed to go to the doctor until the doctor was finished
18 with him and he leaves. So I was never able to talk to him or
19 see him.

12:00:37 20 And even in the recreation yard, the exercise yard, the
21 blocks were separated. There were officers who were there
22 guarding and watching us whilst we were at the exercise yard.
23 They were there to keep security at the exercise yard. And in
24 the building where we were, there were two line 1 officer and
12:01:07 25 line 2 officers, and that was how we were located at the
26 detention.

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

1 A. No, no.

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

4 PRESIDING JUDGE: The letter from the Registrar entitled,
12:01:41 5 "Conditions of detention of Mr Taylor while in Freetown" and
6 dated 23 August 2010, is marked MFI-43.

7 MR CHEKERA: Thank you.

8 Q. While on that issue, Mr Sesay, it was also suggested to you
9 that you might have received instructions from Mr Taylor through
12:02:09 10 his counsel. Did you, Mr Sesay, receive any instructions on how
11 to tailor your evidence to suit Mr Taylor's purposes through any
12 one of Mr Taylor's lawyers?

13 A. No, no. None of his lawyers told me anything, that this is
14 a message from Mr Taylor, no. Even the lead counsel, at the time
12:02:39 15 he went to Rwanda, at the time he used to go to the prisons for
16 three days, he used to show me my own testimony and he would tell
17 me the areas he would want me to talk about, and he will tell me
18 that he was not going to come to interview me. He said, "I will
19 only give you the file of your testimony and these are the things
12:03:03 20 that I will have to lead you on." And those were the only
21 things.

22 It was only when I came here that you started asking me
23 whether I knew this person or I knew this other person. That was
24 the only time. But at that time it was only my own document.
12:03:19 25 Then at that time now I came when you asked me if I know this
26 person and I will say yes, then you would ask me how, then
27 I explain and then you people would write.

28 PRESIDING JUDGE: Mr Sesay, talk normally like normal
29 people talk. Nobody can possibly record what you're saying at

1 the speed at which you talk. In any event, it's your business.
2 If your evidence is not captured, it's a waste of time, isn't it?
3 I've told you at least more than a hundred times to slow down. I
4 don't know why you don't slow down.

12:03:52 5 THE WITNESS: Thank you, my Lord.

6 MR CHEKERA:

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

12:04:05 10 You were asked in that context, Mr Sesay, of whether you
11 knew someone by the name of Supuwood. Have you ever received any
12 instructions from Supuwood, Mr Sesay?

13 A. No.

14 Q. Who is Supuwood?

12:04:31 15 A. I don't know this person.

16 Q. Very well. Thank you. Let's move to a different topic,
17 Mr Sesay. Let's look at your evidence when you were quizzed
18 about the death of Alice Pyne's child. I don't want us to go
19 back to the gory details of that sad incident; I just want to ask
12:04:54 20 you a few questions. When was it that you heard about the
21 disappearance of the child, Mr Sesay?

22 A. After they attacked me in Makeni and killed some of my
23 bodyguards, when I went to Buedu, that was the time I heard it.
24 That was around April of '99.

12:05:21 25 PRESIDING JUDGE: Sorry, "After I was attacked in Makeni
26 and killed some of my bodyguards?" Is that what the witness
27 said? Was that what you said, Mr Sesay?

28 THE WITNESS: My Lord, when I went to Buedu, that was the
29 time I heard it.

1 PRESIDING JUDGE: What did you say about the death of your
2 bodyguards?

3 THE WITNESS: I said after I was attacked in Makeni by
4 Superman and Gibriil Massaquoi and others, then I went to Buedu in
12:05:54 5 '99. That was when I heard that Alice's child got missing.

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

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

12:06:18 10 MR CHEKERA:

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

13 A. It was Gibriil Massaquoi, Superman and their followers.

14 Q. And you said in your response that was the time that you
12:06:45 15 then moved to Buedu and heard about the death of - sorry, and you
16 heard about the missing child. What did you hear in connection
17 with the child, Alice Pyne's child?

18 A. I heard that Alice's child, she left the child with Seibatu
19 who was with Hawa Mosquito. So she took the child to her mother,
12:07:15 20 behind Buedu, behind Benduma. I don't know what happened, but
21 they said the child got missing. That was the information that
22 I got.

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

12:07:33 25 A. No. I said Seibatu took the child to her mother. Her
26 mother was living in a village around Buedu, behind Benduma.
27 That was what they said.

28 Q. Now, which Seibatu are you talking about who took the
29 child?

1 A. The same Seibatu who was with Hawa Mosquito.

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

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

12:08:15 5 Q. And then what happened when she took the child to Seibatu's
6 mother - to her mother, rather, that is Seibatu?

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

9 Q. At the time that you went to Buedu and got this
12:08:39 10 information, what was your relationship with CO Nya?

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

14 Q. So by the time you got to Buedu and heard about the missing
12:09:07 15 child, you were running away from Superman and CO Nya and others?

16 A. Yes.

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

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

12:09:33 20 Q. Sorry, my question was what was the relationship between CO
21 Nya and Alice Pyne?

22 A. Nya was Alice's husband.

23 Q. And who was the father of the child?

24 A. Nya.

12:09:57 25 Q. Now, Mr Sesay, you will recall counsel opposite quizzing
26 you why you did not bother to ascertain the details of the
27 missing child. With all the information that you've just given
28 us, can you explain why, when you got to Buedu, running away from
29 other people, CO Nya, you did not bother to find out what had

1 happened to his child?

2 A. I went to Buedu and the incident had already taken place,
3 I just got the information. And at that time, Nya and others had
4 attacked me. I had a wound in my toe when I got to Buedu, so
12:10:41 5 I did not have interest in Nya's issue because they were chasing
6 me to kill me at that time.

7 Q. Very well, Mr Sesay. Let's move on and deal with this
8 topic. I don't want us to go into too much detail, so I'll ask
9 you very specific questions and if you can assist me by giving
12:11:05 10 specific answers because we have quite a lot of evidence, but we
11 just need to put a few things into context.

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

12:11:27 15 A. Yes, in Kailahun.

16 Q. In Kailahun. What year was that?

17 A. That was 1993, '94.

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

19 A. Well, about six of them, because there were the junior
12:11:50 20 brothers and sisters of my bodyguards.

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

22 A. Yes, about that, six.

23 Q. How young was the youngest of the six?

24 A. At that time, the youngest one could have been around one
12:12:14 25 year, and that is Ansu.

26 Q. And how old was the oldest?

27 A. The oldest among them would have been around 14 years in
28 1993, late '93.

29 Q. And when we say they were with you, what do you mean? Were

1 they living under you? Or living with you?

2 A. They lived with me. We were in the same house, the same
3 village as our brother in late 1993 up to the time I came to
4 Giema in 1994.

12:13:02 5 Q. Yes?

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

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

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

14 THE WITNESS: Yea Amie. Ansu's mother was Yea Amie, that
12:13:55 15 is Boys's mother.

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

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

12:14:07 20 PRESIDING JUDGE: And how old was Ansu's mother?

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

24 PRESIDING JUDGE: And where was her husband?

12:14:38 25 THE WITNESS: The husband had gone to Guinea at the start
26 of the war. It was the woman who stayed behind at the house,
27 together with the children. The husband went to Guinea and he
28 returned after the war but I was told, when I was in detention,
29 that they - that he died in 2005.

1 PRESIDING JUDGE: How did this woman come to be with you,
2 she and her children, how did they come to be with you and your
3 group?

4 THE WITNESS: My Lord, when Boys became my bodyguard in '93
12:15:12 5 - in late 1993 - during the retreat the woman retreated with her
6 son, that is Boys, and they went to the border; that was how they
7 came to live with me, because her son was my bodyguard.

8 MR CHEKERA: May I continue? Thank you.

9 Q. Now, Mr Sesay, when those children were living in your
12:15:42 10 house, what were they doing? Were they attending to any duties?

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

14 Q. Now, besides yourself --

12:16:18 15 A. And there was the uncle, Pa Sama.

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

17 A. Yes, Pa Sama, yes.

18 Q. He was also living with you?

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

12:16:40 20 Q. Okay. My question was were you the only commander who had
21 that arrangement where you had kids from other families living
22 with them?

23 A. No. Other commanders too had their bodyguards' family
24 members with them. Like, for example, in late 1993 Peter Vandi
12:17:05 25 was my deputy. He too had - his father was with him, an old man,
26 and his sister's children were with him as well.

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

29 A. They were with me up to the overthrow of the AFRC, and

1 after the AFRC took power from the SLPP then I left, and the
2 woman and her - and the man decided to return to Kailahun Town.
3 So during the AFRC, they left Giema to their house in Kailahun
4 Town, Pa Sama, Yea Amie and the children.

12:17:59 5 PRESIDING JUDGE: Mr Interpreter, when you say "they were
6 with me up to the overthrow of the AFRC", did you mean "overthrow
7 by the AFRC"?

8 THE INTERPRETER: Yes, your Honour.

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

12:18:16 10 MR CHEKERA:

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

13 A. I'm referring to Yea Amie and her husband's elder brother,
14 that is Pa Sama, together with the children, they returned to
12:18:37 15 Kailahun Town from Giema to their house Mofindor Road.

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

19 A. Well, there was no policy for children to become child
12:19:05 20 combatants but the RUF used to take children and train them, some
21 of them became fighters; like in 1998 RUF established schools,
22 and that continued up to the disarmament.

23 Q. At what point were children most used as combatants by the
24 RUF? At what point during the war, if you can give a date, when
12:19:30 25 this became prevalent?

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

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

29 A. Well, when they would go to the battlefield, some of them

1 would go with the children, some of those who were the age of 15
2 would fight and some of them would be at the PC Ground when the
3 attack would be going on, and some guys would use them, they
4 would use the children to carry their arms, because those were
12:20:25 5 little soldiers, and others would be at the houses to do domestic
6 chores for the RUF wives, and --

7 Q. In your evidence, under cross-examination, Mr Sesay, you
8 talked about children being taken to the front line and you made
9 reference to something that you referred to as the zoebush.

12:20:53 10 Firstly, when you talk of the front line, what are you talking
11 about?

12 A. The war was in different stages. Like between '94 and '97,
13 we would have the main road. That was the combat camp. Like, if
14 the enemy would be one mile to the village, it would be the
12:21:21 15 combat camp near the enemy. Then there they would establish a
16 camp called the zoebush. The boys would be there with them.

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

12:21:47 20 THE WITNESS: My Lord, I said there were different stages
21 in the war. Front line is where the battle takes place. That is
22 what is a front line, because there were times if the enemy is,
23 for example, in this village across this table, then the RUF is
24 on the other side, then here we would have a combat camp and the
12:22:09 25 people, that is the men who would be in the combat camp would be
26 the stand-by for combat at any time, and then there will be the
27 PC Ground, that is the rear, but front line is where the fighting
28 takes place.

29 MR CHEKERA:

1 Q. So, Mr Sesay, let's just make sure that we get this right.
2 The front line is where the combat is taking place, this is where
3 the exchange of fire is happening, right?

4 A. Yes.

12:22:36 5 Q. And you say there is a zone after the combat camp - sorry,
6 after the front line - what do you call that area?

7 A. We call that area PC Ground.

8 Q. PC Ground. PC Ground is just - sorry, PC Ground is behind
9 the front line?

12:22:56 10 A. Yes.

11 Q. And you mentioned another area behind the PC Ground.

12 A. That is the zoebush.

13 Q. So what's happening at the PC Ground?

14 A. The PC Ground is where they will prepare food for the
12:23:22 15 combat camp men, and the PC Ground, if somebody was at the combat
16 camp and was not well, that person would be taken to PC Ground
17 for treatment.

18 Q. And the zoebush, what's happening at the zoebush?

19 A. It was in the zoebush that the fighters used to sleep.

12:23:48 20 There are times they fight, their wives will come from the rear
21 and they will spend three to four days with them, at times one
22 week. They will be in the zoebush.

23 Q. And these child combatants, which zone or zones would they
24 be deployed, of these three?

12:24:10 25 A. They would be at the PC Ground. Some of them will assist
26 in preparing food. Some of them will be in the zoebush with the
27 fighters' wives.

28 Q. And this practice, for how long did it persist?

29 A. This practice started from 1994 and it was - it continued

1 up to the disarmament.

2 PRESIDING JUDGE: The children that you said, Mr Sesay,
3 were carrying arms for the combatants, the children you described
4 as little soldiers, where in this relation to - where - which
12:25:01 5 zone were these children, considering the zones that you've
6 described, where would they be?

7 THE WITNESS: My Lord, they would be in the zoebush and
8 they would also be in the PC Ground but when the time came for
9 fighting and the enemy attacked the front line, the soldiers who
12:25:20 10 had their guns would take the guns and they would go to the
11 battlefield.

12 PRESIDING JUDGE: Yes, but I didn't ask you about the
13 soldiers. I asked you about the little soldiers, the children.
14 Those are the ones I asked you about. The ones that were
12:25:36 15 carrying arms. Where were they located?

16 THE WITNESS: Those who were of the age of 15, they would
17 go and fight but those who were not up to that age, they would
18 have the fighters' arms or junior commandos' arms but when the
19 fighting would start the fighters would take the arms from them
12:26:02 20 because not all the fighters had arms.

21 JUDGE LUSSICK: Mr Sesay, you were asked was there any
22 policy in the RUF relating to children and your answer was,
23 "Well, there was no policy for children to become child
24 combatants." But is it the case that there was no policy in the
12:26:34 25 RUF one way or the other regarding the use of children as
26 soldiers?

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

29 PRESIDING JUDGE: Was there a policy to prevent children

1 from becoming soldiers?

2 THE WITNESS: No, my Lord.

3 MR CHEKERA:

4 Q. So, Mr Sesay, in your evidence, some of these children who
12:27:26 5 were in your evidence, around 15 or so, those who looked older
6 than the rest, would actually go sometimes - would occasionally
7 go to the front line?

8 A. Yes.

9 Q. And during the time that you, Mr Sesay, during the time
12:27:53 10 that you led attacks, let's talk about, for instance, the attack
11 on Kono, did you have children in your ranks who went to the
12 front line when you attacked Kono?

13 A. I met children in Kono but I did not - they did not take
14 part in the battle, they did not participate in the battle. They
12:28:17 15 were with the women who prepared food at the PC Ground for the
16 fighters and they used to fetch water at the PC Ground.

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

12:28:40 20 A. Well, some of my bodyguards' brothers went with me, like
21 Boy George, Victor, some of their brothers went with me.

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

23 A. No. They did not take part because the arms which they
24 carried were my bodyguards' arms, so when the time came for the
12:29:10 25 attack, the arms were taken from them by my bodyguards.

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

29 A. Yes. Some of them were captured in Kono, some of them were

1 with their family members because around the PC Ground there were
2 civilians.

3 Q. And were any of those children --

12:29:49 4 JUDGE LUSSICK: On that particular answer, I'm sorry to
5 interrupt, Mr Chekera. I just wanted to clarify that.

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

9 THE WITNESS: Well, my Lord, some of their family members
12:30:07 10 had gone and they left them, and so they were - of their fighters
11 in Kono. Some of them were family members of the RUF so they
12 were staying at the PC Ground, my Lord.

13 PRESIDING JUDGE: Mr Sesay, what did you mean when you used
14 the word "captured"? "Captured in Kono", when you were referring
12:30:26 15 to these children?

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

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

12:30:46 20 PRESIDING JUDGE: Slow down, please, and repeat your
21 answer. Explain what you meant by "captured".

22 THE WITNESS: My Lord, what I mean is that, like, when RUF
23 was in Kono, at the PC Ground and if they went on a patrol and
24 met people, family members, some of them will hide in the bush,
12:31:09 25 they will take them from the bush and bring them to the PC Ground
26 or maybe from the villages and they will bring them to the PC
27 Ground, that is capture. That is what I mean.

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

1 that is what happened?

2 THE WITNESS: Well, I was not in Kono.

3 PRESIDING JUDGE: It's either yes or no. We need to
4 understand the word "capture." Is it yes or no? You're the one
12:31:42 5 who used the word "capture", we are just seeking clarification
6 from you. When you use the word "capture", can you confirm if
7 you mean that these children were taken against their will? Yes
8 or no?

9 THE WITNESS: Well, no, my Lord, because some of them were
12:32:03 10 staying with the family members.

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

13 THE WITNESS: Well, some of them were brought to the PC
14 Ground because they didn't want them to stay in the bush on their
12:32:24 15 own for Kamajors to attack them, so they wanted to bring them to
16 the PC Ground to maintain security in the area.

17 PRESIDING JUDGE: Continue, Mr Chekera.

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

12:32:46 20 PRESIDING JUDGE: I've said continue, please.

21 MR CHEKERA: Thank you.

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

23 Mr Sesay, you will recall when you were under
24 cross-examination, counsel asking you questions, a number of
12:33:13 25 questions, effectively suggesting that the RUF had unfettered
26 access into Liberia because you were receiving cooperation from
27 Mr Taylor. You were referred, for instance, to D-186. Maybe we
28 could look at D-186.

29 Mr Sesay, you will recall this was a letter that was shown

1 to you from Charles Taylor to President Tejan Kabbah, where
2 Mr Taylor was reiterating his commitment to a non-aggression pact
3 between Sierra Leone and Liberia in terms of the Mano River
4 Union, and you were referred, Mr Sesay, in particular to
12:34:54 5 paragraph 2, or the second paragraph. The paragraph was read out
6 to you. I don't intend to read it out to you the paragraph
7 again. But what counsel was putting to you, Mr Sesay, was that
8 while Mr Taylor was committing or was purporting to commit to
9 regional treaties, in the night he was supping with the devil,
12:35:31 10 that is with you, the RUF, he was misleading President Tejan
11 Kabbah into believing that he was committed to the peace process
12 in terms of the peace treaty between the Mano River Union States,
13 while all the while he was letting the RUF go in and out of
14 Liberia.

12:35:51 15 Now, I'm just going to ask you a few questions in relation
16 to this second paragraph because this paragraph, Mr Sesay,
17 relates to Article 8 which provides that member states of the
18 Mano River Union undertake to cooperate, to hand over militants
19 from each other's governments who stray into neighbouring
12:36:18 20 countries without authority. Do you understand what I'm saying?
21 Article 8 relates to, in this context, Mr Taylor was undertaking
22 to hand over any military or paramilitary forces from
23 Sierra Leone who strayed into Liberia. That's what paragraph 2
24 talks about.

12:36:46 25 Now, Mr Sesay, my question is: Was the RUF a member of the
26 Sierra Leone military?

27 A. No.

28 Q. Was it a paramilitary force within the Sierra Leonean
29 Government?

1 A. No.

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

4 A. Yes.

12:37:24 5 Q. And, Mr Sesay, you've talked about certain members of the
6 RUF. You talked about trade blossoming at the Guinean border,
7 arms trading. What year was that, again, when you were trading
8 arms to Guinean border with the Guinean soldiers?

9 A. That was from '92 to '98. The only thing that stopped it
12:37:54 10 was the attacks, when they crossed over to Mofindor and they
11 crossed over to Yenga and even after those attacks in
12 October/November we still continued to do business with them at
13 the crossing points, whilst they were still at Yenga.

14 Q. Now, Mr Sesay, besides those cross border trading, besides
12:38:19 15 the cross border trading, did the RUF have any other access into
16 Guinea?

17 A. Yes. The RUF used to go to Guinea. In fact, it was in
18 Guinea that Mami Isatu Kallon used to go and do arrangements for
19 ammunition and at any time RUF was going out, we used to transit
12:38:42 20 through Guinea to go to Abidjan. We had people in Guinea who
21 used to give lodging to our people who were travelling out of
22 Sierra Leone, like in Gueckedou and Macenta.

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

24 A. Yes. They will just cross the river.

12:39:08 25 Q. And besides Guinea, the RUF was also crossing over into
26 Ivory Coast, as you've mentioned?

27 A. Yes.

28 Q. Was there any restriction for the RUF - for the RUF, in
29 terms of transit or crossing over into Ivory Coast?

1 A. No. There was no restriction, because our delegation was
2 based in Danane. They will travel to Abidjan and they will
3 travel to Danane, sometimes they will go to Guinea and they will
4 come to Sierra Leone.

12:39:46 5 Q. And, Mr Sesay, when your delegation was in Ivory Coast, it
6 was to the knowledge of the Government of Ivory Coast?

7 A. Yes. They knew about it.

8 Q. And were any RUF arrested in Ivory Coast?

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

12:40:18 10 Q. Besides Mami e I who was arrested in Guinea, was there any
11 other RUF member who was arrested in Guinea?

12 A. No. It was only Mami e I who was arrested and sent to
13 Freetown.

14 Q. Very well. While on the same topic, Mr Sesay, this alleged
12:40:51 15 easy access of the RUF into Liberia, you were referred to the
16 incident involving Foday Kallon and how you went into Liberia to
17 recruit former SLAs. You remember that?

18 A. Yes, I recall.

19 Q. And you said the SLAs who had fled to Liberia were in
12:41:24 20 places like Vahun, Kolahun, and Foya. You recall that?

21 A. Yes, I recall.

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

23 A. From Vahun to Bomaru is nine miles. So if you are talking
24 about the border, then it's eight miles because from the border
12:41:53 25 to Bomaru is one mile. So from Vahun town to Bomaru town is nine
26 miles.

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

28 A. Seventeen miles.

29 Q. And Foya, how far is it?

1 A. Seven miles.

2 Q. And besides the SLAs who had fled to Liberia at this time
3 and were living by the border line, were there any other persons
4 from Sierra Leone who were living along the border line at this
12:42:36 5 time, that the SLAs fled to Liberia?

6 A. Yes, there were thousands of civilians who were in Vahun as
7 refugees and there were hundreds of thousands of civilians also
8 who were refugees in Kolahun from Sierra Leone.

9 Q. And how were the - how were these refugees crossing over
12:43:04 10 into Liberia?

11 A. Well, at the time the intervention took place, when --
12 THE INTERPRETER: Your Honour, could the witness be advised
13 to slow down and repeat.

14 PRESIDING JUDGE: Mr Sesay, slow down and repeat your
12:43:24 15 answer, please.

16 THE WITNESS: Yes, my Lord. I said at the time the
17 intervention took place, that was the time the civilians from
18 Kenema, from around Tongo, Segbwema, Mano Junction, up to Daru,
19 and its surroundings, they crossed over to Liberia through
12:43:51 20 Kailahun, Bomaru.

21 MR CHEKERA:

22 Q. What control measures were at the border posts at this
23 time?

24 A. Well, do you mean on the RUF side or towards the Liberian
12:44:07 25 side?

26 Q. Let's talk on both sides.

27 A. Well, there were securities on both sides, but the RUF side
28 of the security knew that the people were running away from the
29 ECOMOG and the Kamajors and the Liberian securities saw the

1 people in hundreds of thousands of people, they went as refugees.
2 So they knew the people were going for rescue, for safety, in
3 Liberia, to meet their family members. The people went together
4 with their family members, children; there were many who crossed
12:44:47 5 the borders.

6 Q. So --

7 JUDGE DOHERTY: Mr Sesay, are you saying that these
8 hundreds of thousands of people who ran away for rescue were
9 running only from the Kamajors, the ECOMOG and the Liberian
12:45:02 10 security?

11 THE WITNESS: No. They were running away from Sierra Leone
12 and going to seek refuge in Liberia, my Lord. That was during
13 February of 1998 as a result of the attack by the ECOMOG and the
14 Kamajors on Kenema, Tongo, Segbwema, Mano Junction, all of those
12:45:24 15 areas.

16 MR CHEKERA:

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

19 A. Yes. They built a refugee camp in Vahun, they built
12:45:47 20 another refugee camp in Kolahun.

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

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

12:46:11 25 Q. So, Mr Sesay, during this time - just so that I get your
26 evidence correctly - there are a lot of refugees along the
27 Liberian border, Sierra Leonean refugees, and they can easily go
28 in and out of Sierra Leone, is that your evidence?

29 A. Yes. That used to happen because even the trade that used

1 to take place at the borderlines, civilians used to come and meet
2 them there and they used to trade with them.

3 Q. Yes, Mr Sesay, let's move on and deal with something else.
4 Let's just quickly look at exhibit D-123G.

12:48:21 5 Mr Sesay, exhibit 123G is a photograph of an artillery
6 piece that, according to Mr Taylor's evidence, was given to him
7 by the RUF, and this exhibit was shown to you to prove that you
8 were lying when you said that the RUF did not give any artillery
9 pieces to Mr Taylor. Do you remember that?

12:48:51 10 A. Yes, I recall.

11 Q. Have you seen this artillery piece, or any artillery piece
12 that looks like this, from the time you were in the RUF, did you
13 see this particular artillery piece?

14 A. Yes. I saw one that looked like this.

12:49:14 15 Q. What - I don't know in military terms - what name do you
16 give to this artillery piece in military terms?

17 A. Well, this should be a 105 or a 106, but I cannot be
18 actually certain which exact one.

19 Q. You recall in your evidence you gave evidence of a 106 that
12:49:44 20 was captured, which you said Isaac was using. Did you say it was
21 being used by Isaac? I think you said Isaac.

22 A. Yes. I said it was Isaac and the late Kargbo who used it.

23 Q. That particular artillery piece that Isaac was using, do
24 you recall when that was captured?

12:50:12 25 A. Yes. That was - that was in '92.

26 Q. Where was it captured?

27 A. At Baiima.

28 Q. Were there more than one pieces that were captured on that
29 occasion?

1 A. No. We captured one piece, one 106, and a BZT. It was in
2 the ambush.

3 Q. And that was the one that you say was then being used by
4 Isaac in - the one that was captured, you said that was the one
12:51:00 5 that Isaac was using?

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

9 Q. And do you know what happened to that particular piece
12:51:15 10 eventually?

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

14 Q. So, Mr Sesay, my question to you is the piece you're
12:51:36 15 talking about that Isaac was using and the one in D-7, are they
16 one and the same piece or these are two different pieces?

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

19 PRESIDING JUDGE: Mr Chekera, the witness said "they were
12:52:03 20 again captured from us" at where?

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

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

12:52:23 25 THE WITNESS: Yes, my Lord.

26 MR CHEKERA:

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

29 A. That was what they captured from us at Baidu, but I heard

1 at one point that they captured this kind of weapon in Koindu at
2 the time the RUF started the war in 1991, but the particular one
3 that we captured at Baiima, that one we were using it.

12:53:04 4 PRESIDING JUDGE: Mr Sesay, what became of the weapon that
5 you just described, the RUF captured in Koindu, the one that
6 looks like the one in the photograph? What became of that
7 weapon?

8 THE WITNESS: I heard that they captured one 105 in Koindu
9 and that weapon was transported to Liberia, but the one that we
12:53:31 10 captured in '93, that one remained with us.

11 MR CHEKERA:

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

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

12:53:58 15 Q. Very well. Let's move on to a different topic. Let's talk
16 about the diamonds that you - that were taken from Johnny Paul
17 Koroma, which you took to Burkina Faso - or, rather, Mr Sesay,
18 let me rephrase my question - that you were meant to take to
19 Burkina Faso and you eventually lost.

12:54:57 20 A. Yes.

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

12:55:16 25 A. Yes.

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

29 A. Well, it was Ibrahim Bah.

1 Q. And what were the specific instructions when Ibrahim Bah
2 hands over the diamonds to General Diendere? What were your
3 instructions?

4 A. Well, the instruction was that Ibrahim Bah was to speak to
12:55:57 5 - to talk to General Diendere for him to help us with ammunition
6 because we were under pressure from the ECOMOG and the Kamajors.
7 And he, Bockarie, did say that I should inform Ibrahim Bah about
8 this so that he and General Diendere will be able to speak on the
9 radio.

12:56:16 10 Q. General Diendere was going to speak on the radio with who
11 after the handing over of the diamonds?

12 A. With Sam Bockarie. That Sam Bockarie will be able to talk
13 to him on the radio so that everything that we would have been
14 able to do would have gone through Ibrahim Bah so Ibrahim Bah
12:56:46 15 would have brought them.

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

12:57:10 20 A. No. He did not tell me the amount of ammunition that I was
21 to receive. When I would have arrived in Monrovia, Ibrahim Bah
22 was to come and pick me up and we'd travel. And whilst we were
23 there it was General Diendere who was supposed to tell us what he
24 would be able to assist us with.

12:57:35 25 Q. I'm going to use a very legal term, Mr Sesay, and I hope it
26 can be translated to you properly. The diamonds you took to
27 General Diendere, were they consideration for a particular
28 quantity of ammunition? Were they paying for a specific amount
29 of ammunition?

1 A. No. I was just to travel with the diamonds myself and
2 Ibrahim Bah, and what General Diendere will be able to give us he
3 would have given us. But Bockarie did not actually tell me about
4 any specific amount of ammunition, my Lord.

12:58:29 5 JUDGE LUSSICK: There's just something I want explained to
6 me regarding that transaction. Mr Sesay, you were instructed to
7 go to Burkina Faso. What were you doing in Freetown? I beg your
8 pardon. I beg your pardon, of course. What were you doing in
9 Monrovia?

12:59:02 10 THE WITNESS: Well, my Lord, that was where I was to wait
11 for General Ibrahim who was supposed to pick me up. General
12 Ibrahim was supposed to travel from Burkina Faso and pick me up
13 in Monrovia and then he would travel with me.

14 JUDGE LUSSICK: But if you were going to Burkina Faso, what
12:59:20 15 I can't understand is why did Ibrahim Bah have to travel all the
16 way from Burkina Faso to pick you up in Monrovia when your
17 destination was Burkina Faso in any event? Why didn't you go
18 straight to Burkina Faso?

19 THE WITNESS: Yes, my Lord. It was Ibrahim Bah who was to
12:59:44 20 pick me up in Monrovia so that we would have travelled to go.
21 That was the instruction given to me because I had never
22 travelled to Monrovia - I mean, sorry, I had never travelled to
23 Burkina Faso and Bockarie said he had spoken to Ibrahim Bah and
24 Ibrahim too had accepted that he was going to travel to pick me
13:00:03 25 up in Monrovia.

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

28 THE WITNESS: Well, my Lord, I knew how to tell someone
29 that I wanted to travel to Burkina Faso, but the commander who

1 sent me said Ibrahim Bah should come and receive me from Monrovia
2 for the two of us to travel and go. My Lord, I had no - I had no
3 other option but for me to do what he told me to do, just to wait
4 for Ibrahim Bah so that when he comes we'll travel.

13:00:46

5 MR CHEKERA:

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

13:01:10

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

13:01:33

15 ammunition.

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

13:01:59

20 A. Yes.

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

13:02:14

25 A. When we would have arrived in Burkina Faso, that is Ibrahim
26 Bah and myself, Ibrahim Bah would have explained to
27 General Diendere about my mission and Bockarie said he intended
28 to talk to General Diendere to help with the ammunition that he
29 could help us with.

1 Q. Now, from what you heard from Sam Bockarie, had he already
2 agreed with General Diendere on the supply of ammunition before
3 your trip to Burkina Faso? Was there a deal already before you
4 were dispatched to go to Burkina Faso for supply of arms - sorry,
5 ammunition?

13:02:59

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

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

13:03:38

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

13:04:02

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

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

13:04:29

27 PRESIDING JUDGE: Because if you were to hand the diamonds
28 to Ibrahim Bah, who was then to hand them to Diendere, why was it
29 necessary for you to travel to Burkina Faso yourself?

1 THE WITNESS: Well, my Lord, Bockarie wanted me to go with
2 the diamonds so I too would be present with Ibrahim Bah where the
3 diamonds would be presented to Diendere. That was why I was
4 sent.

13:05:12 5 JUDGE LUSSICK: Mr Sesay, I think you've answered this
6 question before but how long did you wait in Monrovia for Ibrahim
7 Bah to arrive?

8 THE WITNESS: My Lord, I think it was between three to five
9 days. Around that. I cannot be specific but I spent some days
13:05:42 10 before the diamonds fell off me.

11 JUDGE LUSSICK: You said earlier you had no choice but to
12 do what you were told and wait in Monrovia. But did these
13 arrangements make any sense to you? The diamonds were going to
14 Burkina Faso, according to your instructions. The ammunition
13:06:04 15 that you sought was in Burkina Faso, and yet there you are
16 waiting five days in Monrovia. Did that make sense to you?

17 THE WITNESS: Yes, my Lord. I was awaiting Ibrahim Bah's
18 arrival. He was to take me along. That was what I was told by
19 Bockarie, that I was to be in the hotel and to wait for Ibrahim
13:06:31 20 Bah to take me along. And that is what happened exactly, my
21 Lord.

22 MR CHEKERA:

23 Q. Mr Sesay, let's just talk about Ibrahim Bah a little bit.
24 Did you know where Ibrahim Bah was before he came to Monrovia to
13:07:05 25 pick you up?

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

28 Q. And in your dealings with Sam Bockarie or, rather, in
29 Sam Bockarie's dealings with Ibrahim Bah, which you are privy to,

1 did Sam Bockarie trust Ibrahim Bah to take diamonds anywhere by
2 himself?

13:07:58 3 A. Well, if Sam Bockarie trusted Ibrahim Bah he wouldn't have
4 sent me, but he sent me to go along. That is an indication that
5 he didn't want Ibrahim Bah to go alone, that's why he said
6 Ibrahim Bah should pick me and go with me.

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

13:08:19 10 A. No. That had not happened before this time that
11 I travelled.

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

13:08:44 15 A. That was in October to November of 2000.

16 Q. What happened on that incident? Don't go into detail.
17 Just briefly.

18 A. Well, the money that was to be given to him and he was to
19 send the money to me, he held on to part of the money, \$60,000,
13:09:08 20 and he did not give that money right up to date.

21 Q. Now, Mr Sesay, while still on the issue of the diamonds
22 that were taken from Johnny Paul Koroma which you were supposed
23 to take to Burkina Faso and you lost along the way, you will
24 recall the evidence of TF1-371 being put to you on the quantity
13:09:40 25 of the diamonds. You'll recall you had said in your evidence
26 that they were worthless pieces, the only one that was worthy was
27 a 14 carat - 13 or 14 carat diamond, and the rest were not of any
28 significant value. Do you recall that?

29 A. Yes, I recall that.

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

13:10:30 5 A. Yes.

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

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

18 PRESIDING JUDGE: I don't understand the nature of your
19 objection because Mr Chekera is about to read the transcript.
13:11:44 20 What is your objection?

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

13:12:03 25 PRESIDING JUDGE: I thought that's what Mr Chekera is about
26 to do.

27 MR CHEKERA: Indeed.

28 MR KOU MJIAN: It's not this witness I'm talking about.
29 He's saying there is a contradiction.

1 PRESIDING JUDGE: What is the nature of your objection,
2 Mr Koumjian? You've lost me, really. What is the nature of your
3 objection?

4 MR KOUMJIAN: Counsel had the opportunity, much earlier in
13:12:28 5 the trial, the Defence, in general, I mean, to put any
6 contradiction or any such evidence to another witness, and
7 I can't say whether I recall whether they did or not but they
8 should have at that time.

9 PRESIDING JUDGE: No, no, no. The contradiction or the -
13:12:45 10 I think the contradiction that he now wants to put to the witness
11 is to contradict you, Mr Koumjian. This is what I understand.
12 Your suggestions, as the Prosecution. Not to contradict another
13 witness but to contradict your suggestion. So am I right,
14 Mr Chekera?

13:13:08 15 MR CHEKERA: Indeed.

16 PRESIDING JUDGE: Then the objection is overruled.

17 MR CHEKERA:

18 Q. Mr Sesay, you will recall there was a dispute as to the
19 quantity of the diamonds, and counsel opposite suggested on the
13:13:20 20 basis of the evidence of TF1-371 that actually the diamonds were
21 in their thousands. And I'm just going to read to you part of
22 the evidence of TF1-371, 20 July.

23 MR KOUMJIAN: I just want to correct. I think what I said
24 is 1,832 diamonds, not in the thousands, that was from a
13:13:47 25 document.

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

28 Q. The diamonds were over a thousand, Mr Sesay, according to
29 I learned counsel opposite, and this is the evidence of 371 on the

1 same issue, on 20 July 2006, at page 73. I'll probably start at
2 line 12:

3 "I had started out by asking you - that was a question - I
4 had started out by asking you if you remembered if anything
13:14:27 5 happened in Buedu and you've told us of the - of these events
6 involving Alex Tamba Brima. Do you remember anything else
7 happening when you arrived in Buedu?"

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

13:14:48 10 JUDGE DOHERTY: I was also going to ask which trial is this
11 from, Mr Chekera?

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

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

14 MR CHEKERA: Yes, page 73.

13:15:05 15 PRESIDING JUDGE: Perhaps you could indicate the line.

16 MR CHEKERA: Sorry, Madam President, I'm reading from line
17 12.

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

19 MR CHEKERA: Yes.

13:15:28 20 PRESIDING JUDGE: Very well. But please read slowly,
21 taking into account that the judges don't have the transcript in
22 front of them.

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

13:15:42 25 The question at line 12 was:

26 "Q. I had started by asking you if you remembered if
27 anything happened in Buedu and you've told us of these
28 events involving Alex Tamba Brima. Do you remember
29 anything else happening when you arrived in Buedu?"

1 A. Just another event that had to do with again
2 dispossessing Johnny Paul Koroma of nine plastics of
3 diamond.

13:16:24

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

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

13:16:50

9 The witness goes on, but I'm not interested in what the
10 evidence that goes on after that. I'm only interested in the
11 part where it reads: "They could have been around hundred pieces
12 of various grades that were in possession of Johnny Paul Koroma."

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

13:17:14

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

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

13:17:45

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

13:18:13

28 A. Well, a small piece of diamond, some could be 25 per cent,
29 50 per cent, 75 per cent, one carat.

1 Q. Sorry, Mr Sesay, maybe I'll just ask you to draw a small
2 piece of di amond on a pi ece of paper because the more you talk of
3 carats, the more you confuse me.

13:18:55 4 Madam President, may I ask Court Management to assist with
5 a clean sheet of paper.

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

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

13:19:11 10 PRESIDING JUDGE: You're not the only one, Mr Chekera.

11 THE WITNESS: Do you mean I should draw a small piece of
12 di amond, one or what?

13 MR CHEKERA:

14 Q. When you're talking of small pieces of diamonds, let's talk
13:19:31 15 of the diamonds that were taken from Johnny Paul Koroma. If you
16 could draw just a few, trying to approximate the size that were
17 in the packet, just so we have an idea of what a small piece of
18 di amond looks like.

19 Thank you. Could I just have a quick, closer look? Thank
13:20:58 20 you.

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

24 MR CHEKERA:

13:23:59 25 Q. Maybe, Mr Sesay, if we could date it and sign it, I'm
26 thinking of how to - Mr Sesay, on top, write on top of that -
27 let's write "sample of small pieces of diamonds", sample as in
28 S-A-M-P-L-E, "of small diamonds."

29 JUDGE LUSSICK: Mr Chekera, you've mentioned witness 371,

1 and the quantity of diamonds he was describing. But did 371 ever
2 say that they were the diamonds that were lost by Issa Sesay?

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

13:25:31 5 JUDGE LUSSICK: Well, I'm correct, then, 371 never said
6 that the diamonds taken from Johnny Paul Koroma were the diamonds
7 lost by Issa Sesay in Monrovia; is that correct?

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

13:26:02 10 Q. Sorry, Mr Sesay, "Sample of small pieces of diamonds, and
11 one 14 carat".

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

14 PRESIDING JUDGE: Mr Chekera, we need to understand. This
13:27:57 15 is the sample of diamonds and the one 14 carat, of what diamonds,
16 of which diamonds are we talking about?

17 MR CHEKERA:

18 Q. Let's say, Mr Sesay, if you go back to, after the 14 carat,
19 let's say approximating diamonds that were taken from Johnny Paul
13:28:19 20 Koroma.

21 Mr Sesay - oh, sorry, on that piece of paper, after the,
22 after "14 carat", write, "Approximating",

23 A-P-P-R-O-X-I-M-A-T-I-N-G, "approximating the diamonds that were
24 taken to" - sorry, "taken from Johnny Paul Koroma."

13:29:03 25 A. Yes, but you told me to just write the type of small pieces
26 of diamonds, but the pieces were much more than this. These that
27 I have drawn here. They were about 100 pieces, including the 14
28 carats.

29 Q. We will come to that. We'll deal with that. Just write

1 what I said and we'll put the qualification.

2 A. Okay.

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

13:29:58 5 A. "In terms of"?

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

8 MR CHEKERA: I hope that suffices, Madam President.

9 I request that that be marked for identification.

13:30:36 10 PRESIDING JUDGE: The piece of paper on which Mr Sesay has
11 drawn various sizes signifying the diamonds that were taken from
12 Johnny Paul Koroma is marked MFI-44.

13 MR CHEKERA:

14 Q. Now, let's stay on the topic of diamonds, Mr Sesay, and --

13:31:09 15 PRESIDING JUDGE: Mr Chekera, it is 1.30. We will continue
16 after the luncheon break at 2.30. We will adjourn now.

17 [Lunch break taken at 1.31 p.m.]

18 [Upon resuming at 2.30 p.m.]

19 MR KOUMJIAN: Good afternoon, your Honours. I failed to
14:32:44 20 note at the last break the change of appearance on the
21 Prosecution bench. We are joined by Brenda J Hollis, and Kathryn
22 Howarth has left us.

23 PRESIDING JUDGE: Thank you.

24 Good afternoon, Mr Chekera.

14:32:59 25 MR CHEKERA: Yes, Madam President, thank you. Just also to
26 note that we are joined by Mr Anyah, and I also overlooked to
27 announce Ms Hambri ck just before the midmorning break.

28 PRESIDING JUDGE: Thank you. Please continue.

29 MR CHEKERA:

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

14:33:35 5 You will recall, Mr Sesay, you were referred to a document
6 that is P-33B, if we may have a look at that, Mr Sesay.

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

9 When was the RUF first involved in diamond mining?

14:34:59 10 A. It was in '97, with Sam Bockarie in Tongo for the first
11 time, around September.

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

14:35:27 15 A. No. There was nothing about mining of diamonds in the RUF.

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

14:36:01 20 A. No.

21 Q. Now, Mr Sesay, you will recall that, if you look at P-33B,
22 this was an exhibit that was shown to you of an interview by
23 Charles Taylor to, I think it was a newspaper or a magazine
24 called Le Monde, and you were referred to a particular passage or
14:36:37 25 rather a particular sentence or phrase in the third paragraph
26 from the top, where it was put to you by learned counsel opposite
27 that even Charles Taylor considered that the war in Sierra Leone
28 was about diamonds. Do you remember that aspect?

29 A. Yes, I recall.

1 Q. Before I refer you to this - to the full context in which
2 that statement was made and ask for your comment, I don't want
3 you to repeat your evidence. Just be as concise as you can be.
4 When you were fighting in Sierra Leone, at least let's limit it
14:37:24 5 up to 1997, from the time you took training in - at Naama, were
6 you fighting for diamonds?

7 A. No, no.

8 Q. Again, just to put that answer into context, what were you
9 fighting for? Don't give us a long answer. Just be as concise
14:37:46 10 as possible.

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

13 Q. And, in terms of geographical location, or location, when
14 you were fighting in Sierra Leone, what was or where was your
14:38:13 15 ultimate destination? Where were you hoping to go finally, if
16 you were to gain political control?

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

18 Q. Now, if you look at - let's look at P-33B, to the excerpt
19 that was read to you by learned counsel opposite, and I just want
14:38:45 20 to give you the full context of the excerpt in the context of
21 what Charles Taylor was saying during this interview. The third
22 paragraph from the top:

23 "Yes, I think the war in Sierra Leone is a war for
24 diamonds, but not because Liberia wants those diamonds. We
14:39:08 25 already have diamonds. The war is taking place because the
26 British want those diamonds."

27 Mr Sesay, that was the full context in which Charles Taylor
28 said the war in Sierra Leone was about diamonds. Would you agree
29 with that assessment?

1 A. I agree with my own experience, because with my own
2 experience since the war started in Sierra Leone in 1991, it was
3 not about diamonds and even the APC did not say the war was about
4 diamonds. And when the NPRC came in 1992 to early '96 they did
14:39:56 5 not say the war RUF was fighting about diamonds, so it was just
6 around 1997, 1998 with the SLPP that this issue of diamonds came
7 up and now they started referring to the war issue as blood
8 diamonds or the war was about diamonds but the war started in
9 Sierra Leone since '91 to 1997. And that was the longest period
14:40:20 10 in the war time but nobody spoke about diamonds. There was
11 nothing about diamonds in the RUF. It was from '97, '98 to '99
12 that we started hearing about blood diamonds and that the war was
13 all about diamonds.

14 Q. Mr Sesay, just quickly, let's look at the parties who were
14:40:44 15 mining over the course of the conflict in Sierra Leone. I am
16 looking at the entire course from the time you started the war
17 from Liberia to the time of disarmament. The RUF was mining
18 diamonds at some point?

19 A. Yes.

14:41:03 20 Q. The AFRC was also mining diamonds at some point?

21 A. Yes.

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

24 A. Yes. Yes, the NPRC also. In fact, they were the ones who
14:41:23 25 brought the Executive Outcomes who were a mercenary group who
26 were fighting and mining in Kono. They brought heavy machines
27 and they were doing mechanised mining.

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

29 A. Yes. They were from South Africa. In fact, they had

1 helicopter gunships, they had tanks.

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

14:42:09 4 A. Well, they came around - they came between '94 and remained
5 in Sierra Leone up to the time that the AFRC came to power. They
6 were still in Kono, the Executive Outcome. That was in '97.

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

8 A. I don't understand.

9 Q. You said they were mining, they came in 1994 and they were
14:42:33 10 in Sierra Leone until - up to the time the AFRC came to power in
11 '97, and I am saying from 1993 - sorry, from 1994 to 1997, how
12 many years are those?

13 A. It is about three years and more.

14 Q. And it is your evidence that for that three year period
14:43:03 15 they were mining in Sierra Leone?

16 A. Yes, yes. They were doing mining.

17 Q. And you said they had heavy machinery?

18 A. Yes.

19 Q. Besides the Executive Outcome, were there any other
14:43:25 20 external or foreign parties who were involved in diamond mining
21 in Sierra Leone at any point?

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

24 Q. When was that?

14:43:50 25 A. That was between '92 to '96.

26 Q. And what period is that?

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

28 Q. Sorry, my mistake. How many years of those that they were
29 mining from '92 to '96?

1 A. I think it is four years.

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

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

4 Q. What period was ECOMOG mining?

14:44:32 5 A. Well, since the time ECOMOG captured Kono in May up to
6 December they were mining in Kono up to - that was in '98.

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

8 A. Well, even the Kamajors too were mining.

9 Q. So, Mr Sesay, effectively all the warring parties in
14:45:03 10 Sierra Leone at some point were involved in diamond mining?

11 A. Yes.

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

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

14:45:33 15 Q. And do you know why the NPRC government were mining
16 diamonds?

17 A. Well, I can say that was to maintain their government by
18 then, the NPRC, because they brought mercenaries and they were
19 fighting against us, yes, they were the ones that were fighting
14:45:58 20 against.

21 Q. What about the Kamajors?

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

23 Q. ECOMOG, who were they mining for?

24 A. They also for themselves.

14:46:19 25 Q. Mr Sesay, at some point you mentioned in your evidence
26 under cross-examination, you mentioned forces that you referred
27 to as the Sandlines, is it?

28 A. Yes, the Sandlines, yes.

29 Q. Who were the Sandlines?

1 A. Sandlines, I understood that they came from Britain, they
2 came from England.

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

14:46:59

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

7 PRESIDING JUDGE: Mr Chekera, when you say Sandline forces,
8 were these fighting forces? You used the word "forces" under -
9 on page 113, line 5.

14:47:19

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

12 Q. Mr Sesay, Sandlines, who were Sandlines?

14:47:43

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

14:48:08

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

21 A. Yes, they said they were British.

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

24 A. Well, it was in '98.

14:48:23

25 Q. And when did they leave?

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

29 Q. You said that they later became a company called - they

1 owned this company, Koi du Mining. What does Koi du Mining do?

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

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

4 A. Well, I don't know for now because I am not in

14:49:23 5 Sierra Leone, I am now in Rwanda but before my arrest they were
6 there. At the time President Kabbah was in power they were there
7 because I used to hear about them, read about them in the
8 newspaper.

9 Q. Now, Mr Sesay, bearing in mind that you have said there is
14:49:48 10 - or, rather, before I continue with the question I was going to
11 ask you, let me ask you another question. What sort of mining
12 does Koi du Holdings do, in terms of --

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

14:50:08 15 Q. In lay terms, is that a small scale - is that small-scale
16 mining or heavy duty mining?

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

19 Q. Mr Sesay, bearing in mind the nature of the mining that's
14:50:39 20 being done by Koi du Mining Company, formerly, Sandline or
21 associated with Sandline, and bearing in mind your evidence that
22 you have just said this is a British company, do you agree or
23 disagree with Mr Taylor's assessment here that yes, there was a
24 war about diamonds and that the British wanted those diamonds?

14:51:03 25 A. Well, I wouldn't dispute that.

26 Q. Now, Mr Sesay, during the --

27 PRESIDING JUDGE: Can I ask of Mr Sesay: When you say you
28 don't dispute that, are you saying that the British were involved
29 in the war? In the fighting?

1 THE WITNESS: Well, my Lord, yes, because they were the
2 ones who attacked the West Side. I - it was comprised of British
3 troops and we understood that at the time Sierra Leone was under
4 embargo for arms and ammunition, they were the ones who supplied
14:51:51 5 ECOMOG with ammunition in Sierra Leone. The ammunition came from
6 Britain to fight against the AFRC and the RUF.

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

9 THE WITNESS: Well, when we saw Sandlines and when Sandline
14:52:21 10 came, they got involved in the mining business and that had
11 something to do with diamonds.

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

14:52:37 15 THE WITNESS: IMATT is different from Sandlines, ma'am, my
16 Lord. Sandlines came - IMATT came during the May 2000 incident.
17 So they were different from the Sandlines. IMATT was not
18 involved in mining but Sandlines was a mercenary that was
19 accompanying with - by coming - so they were mining and so these
14:53:03 20 are two different groups.

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

23 THE WITNESS: I said Sandline was a mercenary group that
24 had a mining company in Sierra Leone and it was Sandline that was
14:53:26 25 with the SLPP government in '98.

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

28 THE WITNESS: Yes, my Lord. Later they were the ones who
29 trained the Sierra Leone Army. That was during the

1 re-integration, when they trained the Kamajors, the RUF into the
2 national army. But when they came they were the ones who fought
3 at the West Side. That was when 11 British troops were captured.
4 So those were totally different from Sandlines, my Lord.

14:54:13

5 MR CHEKERA:

6 Q. Mr Sesay, I hope this is clear, but just maybe to put this
7 beyond question. Sandline is a mercenary group from England?

8 A. Yes. They said they came from Britain.

14:54:36

9 Q. And it associated to a mining company that was mining
10 diamonds in Sierra Leone?

11 A. Yes.

12 Q. Very well. Now, Mr Sesay, when the RUF was mining in
13 Sierra Leone, what was the nature of the mining that was being
14 done by the RUF?

14:55:00

15 A. The RUF mining was a manual kind of - I don't know how you
16 call it, is it alluvial mining or what, but it was manual type of
17 mining.

18 Q. And you will recall that evidence was put to you, Mr Sesay,
19 that actually RUF received some machinery from Liberia. What
14:55:24 20 sort of machinery did the RUF have, if any?

21 A. Well, for me, the only different people that I knew that
22 came with the RUF were the few ULIMO men that Abu Keita brought
23 with him, that is his Mandingo men that came with, that were not
24 in arms, and Senegalese and others who were ex-ULIMO fighters.

14:55:52

25 Q. Sorry, Mr Sesay, it might be my problem. Maybe I wasn't
26 clear in my question. What sort of machinery, if any, did the
27 RUF have for mining?

28 A. Well, the RUF, since '99, there were no machines. It was
29 when Ibrahim Bah and others came between December and January

1 2000, then we repaired an old Caterpillar, but the Caterpillar
2 did not work well. It used to get persistent breakdowns. So RUF
3 did not do mechanised mining. They were only doing manual
4 mining, and it used the bailing machines to bail out the water.

14:56:57 5 Q. Mr Sesay, if you can give us a very concise answer, if you
6 are capable. At your peak, that is the RUF, what was the output
7 of - what was the output of the diamonds you would get in a
8 month?

9 JUDGE DOHERTY: Mr Chekera, when you say what they would
14:57:24 10 get in a month, my understanding is there was more than one
11 location. Is that in the conglomerate locations?

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

14:57:40 15 Q. Mr Sesay, during the time that the RUF was mining for
16 diamonds, what locations were you mining in?

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

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

14:58:06 20 A. Yes. But when the disarmament took place in September in
21 Kono, the mining stopped in 2001. But during these mining
22 periods, we had the rainy season that, let's say, starts from
23 June to October, and at that time the --

24 THE INTERPRETER: Your Honours, could the witness be asked
14:58:33 25 to slow down.

26 MR CHEKERA:

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

29 A. I said, between June and October is the rainy season, and

1 during the rainy season we only go and remove the upper dirt and
2 then we get the dirt from there and take it to the riverside and
3 then we wash it, because it was during the rainy season. So we
4 will need bailing machines and we will need petrol, we will need
14:59:13 5 engine oil. And in some areas, you can remove the gravel, you
6 wash it, you don't find anything there.

7 Q. Very well. Now, Mr Sesay, during the time that you were
8 mining, both in Kono and in Tongo, were the diamonds taken to a
9 central location? Was there would be place where all the
14:59:35 10 diamonds would be brought to, or one person to whom they would be
11 brought?

12 A. Yes. That was to me. Like, between May to October, when
13 they used to give me the diamonds, or maybe they wash the dry
14 dirt, they take it to the riverside to wash it, they will bring
15:00:02 15 them to me, and I used to sell them sometimes to Alhaji Backareh
16 for 10 to 15 thousand, and I would keep the remaining to buy
17 medicine and food for the RUF.

18 PRESIDING JUDGE: You would sell them to who?

19 THE WITNESS: I said sometimes I used to sell some to
15:00:19 20 Alhaji Backareh, my Lord.

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

22 THE INTERPRETER: Yes, your Honours. It is

23 B-A-C-K-A-R-E-H.

24 PRESIDING JUDGE: And the first was what?

15:00:37 25 THE INTERPRETER: Alhaji.

26 MR CHEKERA: That should be easy.

27 Q. Now, Mr Sesay, my question - let me go back to my question.
28 When you were the central location or the central point for the
29 collection of diamonds that were being mined under your regime,

1 there were months which were bad and there were months which were
2 particularly good. Let's talk of the good months. How much
3 would you say was the highest you realised from diamonds during
4 the time that you were collecting diamonds that were being mined
15:01:20 5 from both Kono and Tongo?

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

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

15:01:34 10 Q. How much did you realise, the highest amount of money you
11 realised, from the sale of diamonds when you were in custody of
12 the diamonds for the RUF?

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

15:01:59 15 Q. During that month, did you just sell that one diamond, or
16 you sold others?

17 A. No. I said there was one amongst them that was 52 carats
18 that cost \$52,000, and the remaining put together, all was
19 \$135,000, so it was not a single diamond.

15:02:29 20 Q. During the - you've given evidence, Mr Sesay, that you
21 controlled the diamond mining areas for about 15 months. You
22 recall that from cross-examination?

23 A. Yes.

24 Q. Were there months that you went without - were there months
15:02:46 25 that you didn't find any diamond?

26 A. Yes. There were months during which we only removed the
27 upper dirt and we get the dirt from underneath, or maybe we would
28 get the dry dirt, we take it to the river to wash it. That was
29 between June to October. At that time, we only used to carry the

1 dry dirt to the riverside to wash it, because, at that time, it
2 was expensive, the mining was expensive. It was difficult to
3 bail out the water.

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

15:03:28 5 Mr Sesay, you just mentioned diamond mining in Tongo. When
6 did you say that you started diamond mining in Tongo?

7 A. I said 2000.

8 Q. You will recall, Mr Sesay, that you were shown exhibit
9 P-150, which I - would contradict that account. Maybe we could
15:03:57 10 look at exhibit P-150.

11 Mr Sesay, that document, you will recall, that is a logbook
12 of diamond mining operations allegedly, diamond mining operation
13 in Tongo, and counsel opposite specifically referred you to part
14 of that document that related to diamond mining in Tongo between
15:05:34 15 around February/March of 1999. You remember that aspect?

16 A. Yes, I recall.

17 Q. And you were quick to dismiss this document as a forgery.
18 You will recall that?

19 A. Yes, I do recall.

15:05:55 20 Q. Now, why do you discount this document, which is in the
21 possession of the Prosecution, purportedly contradicting you, why
22 do you discount it as a forgery?

23 A. Well, within the entire RUF, everybody knew that there was
24 no mining going on in Tongo in 1999, and there was only one
15:06:23 25 mining commander that we had in 1999, and the Prosecution brought
26 him as a witness against me, and when he was asked, he too said
27 so, that there was no mining going on in Tongo throughout '99.
28 And no other insider spoke about mining in my trial. So if the
29 mining commander for the RUF and myself knew that there was no

1 mining going on there, so I know that this document was forged.
2 It is false, because such a mining never took place in Tongo
3 Field in '99.

15:07:14 4 Q. Do you know who prepared this document, Mr Sesay, that you
5 dismiss as a forgery?

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

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

15:07:45 10 PRESIDING JUDGE: Mr Sesay.

11 THE WITNESS: Yes, my Lord.

12 PRESIDING JUDGE: Please repeat your answer, slowly.

13 THE WITNESS: My Lord, I said when I was in the detention
14 in Freetown, one captain Musa Jalloh, a soldier, once said to me
15:08:06 15 that had he gone to Colonel Alpha, who too was an AFRC but he
16 used to mine for the RUF in Tongo Field. He said the Prosecution
17 had rented a house for Colonel Alpha in Babadori --

18 MR CHEKERA: Mr Sesay, just before you continue, I just
19 want to check with counsel opposite whether we are not infringing
15:08:32 20 on any protected witnesses in this evidence.

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

15:08:50 25 MR CHEKERA: Very well. I just wanted to be careful.

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

27 A. Yes.

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

29 A. So Musa Jalloh said to me that the Prosecution had rented a

1 house for Colonel Alpha in Babadori, and Colonel Alpha was
2 preparing lies about mining in Tongo Field regarding diamonds,
3 and he was preparing false documents.

15:09:31 4 Q. Do you know whether exhibit P-150 is one such document,
5 Mr Sesay?

6 A. This one in the present --

7 Q. Yes.

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

15:09:43 10 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
13 whether P-5 is one such document, one of the documents that you
14 say was forged by Colonel Alpha?

15:10:05 15 A. Well, I cannot be precise now to say that this one was
16 forged by Colonel Alpha, but this is one of the forged documents
17 because this one is not an authentic document. It is not a true
18 document because the places where they said mining were going on,
19 at that time there was no RUF in that area. Even so, if RUF
15:10:35 20 wasn't there, how could they have been mining there? How could
21 RUF have prepared documents about mining in a place where they
22 were not mining?

23 Q. Now, Mr Sesay, when did you first see exhibit P-150?

24 A. Here, because in my trial they did not show any - any
15:11:02 25 exhibit about mining here. I don't know about this exhibit. Is
26 it exhibit P-19? I don't know. But there was no exhibit about
27 diamond mining in Tongo in 1999, in Tongo Fields. No, there was
28 nothing like that.

29 Q. In your case, Mr Sesay, were you accused or charged with

1 mining in Tongo Field in 1999?

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

4 Q. Sorry, I wasn't talking about the evidence. I am talking
15:11:47 5 about allegations. Were there allegations against you in your
6 case that the RUF was mining in Tongo in 1999?

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

8 Q. Very well. And the evidence that was brought against you
9 in your case, you have just indicated there was no evidence about
15:12:15 10 mining in Tongo Fields in '99?

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

14 Q. You said one of the witnesses, I am not sure of the
15:12:48 15 protective measures in place, or maybe you should not tell me the
16 name - one of the witnesses you said in your case on allegations
17 of mining you said was the commander of - the RUF mining
18 commander?

19 A. Yes. I cannot call out the name, but if we're saying the
15:13:13 20 RUF mining commander it would be easy for him to be picked out,
21 because he was the only commander for the RUF at that time. He
22 was the only one there. And when he was asked, he said there was
23 no mining going on in Tongo because Kamajors were attacking
24 there, and that was true in '99.

15:13:34 25 MR CHEKERA: I am going to tread carefully here. Counsel
26 opposite, I hope I am not treading on protected witnesses.
27 Before I proceed, maybe I could just ask for the name to be
28 written on a piece of paper.

29 MR KOUMJIAN: Well, I think what Mr Sesay knows is that TF1

1 number, 367, and I have no problem with counsel using that
2 number.

3 MR CHEKERA: Very well.

4 MR KOUMJIAN: But I would point out that the document
15:14:01 5 before the witness was an exhibit in the RUF case, exhibit 42 in
6 the RUF case, P-150.

7 MR CHEKERA: Very well. That will be noted.

8 Q. Mr Sesay, let's just stick to the - let's just stick to the
9 pseudonym 367, TF1-367. That was the witness you were talking
15:14:34 10 about who testified against you in the RUF case?

11 A. Yes.

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

13 A. Well, he was asked about mining in Togo in '99 and he
14 said, he said, "No, do you want Kamajors to go and kill me?" He
15:14:59 15 said we were not mining in Togo at the time because Kamajors
16 were attacking at that time. And that is the fact, there was no
17 mining going on in '99 in Togo.

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

15:15:30 20 A. That's the mining commandant - the mining commander.

21 Q. Would that be the same person, 367?

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

15:16:01 25 PRESIDING JUDGE: Mr Chekera, are we talking about the
26 mining commander in Kono, or what are we talking about?

27 MR CHEKERA: Let me clarify that, thank you.

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

29 A. For Kono, because he was the mining commander for Kono. He

1 was in Kono because there was no mining in Tongo in '98 or '99.

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

15:16:40 5 PRESIDING JUDGE: Right. Okay, if I may inquire further,
6 is this the person whose names were written on MFI-5? You
7 remember the witness was asked previously to write some names of
8 a mining commander in Kono. Can you please check.

9 MR CHEKERA: Let me please check, Madam President.

15:17:27 10 PRESIDING JUDGE: If Madam Court Manager could find MFI-5
11 and show this to the witness just to confirm. Is this the person
12 we are talking about now?

13 THE WITNESS: Yes, my Lord, he is.

14 MR CHEKERA:

15:18:15 15 Q. Now, Mr Sesay, when RUF started mining in Tongo Fields who
16 was the mining commander?

17 A. Well, Mr Sankoh first sent Akim from Kono, he went to
18 Tongo. And from there he withdrew Akim to Freetown. And I sent
19 Colonel Banya there, he was the brigade commander there and at
15:18:59 20 the same time he was supervising the mining. He was there. And
21 thereafter I sent Peleto and Peleto became the mining commander
22 there.

23 Q. Mr Sesay, I just want you to help us tie the names to
24 specific time frames. Let's start with Akim. When was he mining
15:19:20 25 commander, if you can just give a time frame?

26 A. That was around March to April. That was when he went to
27 Tongo, 2000, around March. Then Mr Sankoh withdrew him to
28 Freetown and Mr Sankoh asked me to send some other person around
29 early April. And I sent Colonel Alpha and he went there from

1 April to sometime in 2000. And I sent Peleto there around
2 September/October of 2000. And I sent Peleto there.

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

15:20:24 5 A. No. He was a brigade commander. He was not a mining
6 commander.

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

15:20:51 10 A. Yes, he is.

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

14 Mr Sesay, you will recall that the Prosecution would
15:21:09 15 dispute your numbers in their estimation from an expert report,
16 exhibit P-19, if we may just look at exhibit P-19.

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

15:21:37 20 Mr Sesay, you will recall you were referred to some
21 evidence by learned counsel opposite which suggested that during
22 the 15-month period that you, Mr Sesay, were in charge of the
23 mining of diamonds within the RUF, you should have realised
24 something in the region of 60 million to 80 million American
15:22:07 25 dollars from the diamonds that were mined during that period. Do
26 you recall that evidence?

27 A. Yes, I do recall.

28 Q. And, Mr Sesay, those numbers, the 60 million to 80 million
29 US dollars, were based on expert evidence from eminent people

1 within the diamond industry, including eminent companies like De
2 Beers which are quite involved in diamond mining. Very briefly,
3 Mr Sesay, what do you say? During the 15 months that were you in
4 charge of the diamond mining Sierra Leone, you should have gotten
15:22:50 5 money in the region at the very least of \$60 million over the 15
6 months that you were mining.

7 A. Well, that is a big lie. The mining that we did, it's like
8 comparing death and sleep. If you are referring to a month like
9 this, that is a very strange thing. RUF people wouldn't hear
15:23:23 10 about mining, about the mining that we are doing. This can be
11 really strange to them. That's what I'm saying. It's the same
12 propaganda that the SLPP was running about the mining business.
13 It is the same thing that is continuing. We never dreamt of such
14 a thing.

15:23:39 15 Q. Mr Sesay, you will recall that you were referred to the
16 evidence of a Defence witness who said that you were receiving
17 all the diamonds and there was nothing in the RUF to show for
18 those diamonds. In other words, you were the sole beneficiary of
19 the proceeds of this 60 million or so. Mr Sesay, where is the 60
15:24:07 20 million?

21 A. I did not receive those quantities of diamonds that were up
22 to that amount of money. The money that I got as compared to the
23 ones that I have been referred to here is like comparing death
24 and sleep. These were just industrial diamonds that I received.
15:24:28 25 You know, like the RUF will talk about 300 pieces of diamond and
26 when you go and sell them you'll get \$10,000 to \$15,000. These
27 were black or coffee colour diamonds. These are diamonds that we
28 got from just dry dirt.

29 THE INTERPRETER: Your Honours, the witness has used an

1 expression that he needs to explain the meaning, "overkick". The
2 interpreter does not know what that means.

3 PRESIDING JUDGE: What do you mean, Mr Sesay? You said,
4 there are the diamonds we got from dry dirt, and then what else
15:25:03 5 did you say?

6 THE WITNESS: I said from overkick.

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

15:25:27 10 PRESIDING JUDGE: Yes, can you please explain what you mean
11 by "overkick", the interpreter doesn't understand. So can you
12 explain to us.

13 THE WITNESS: My Lord, overkick is dirt that had been
14 washed before the place where they had done mining, it is kind of
15:25:44 15 rewashing it and doing mining there again. Something that has
16 been mined before, it is kind of you are re-mining in the same
17 place. So you take the same dirt that had been mined before you
18 take it and rewash it and to get some diamonds from that. That
19 is what we refer to as "overkick."

15:26:07 20 MR CHEKERA:

21 Q. Now, Mr Sesay, I don't want to spend too much time on this.
22 Maybe just to help us understand, I have already referred you to
23 the evidence as it was put to you by learned counsel opposite,
24 that obviously the money that you were realising didn't go to the
15:26:26 25 RUF and the only logical conclusion that counsel drew us to is
26 that the money went to yourself and to Charles Taylor. I am
27 going to ask you first: What do you have, Mr Sesay, to show that
28 you were receiving these millions of dollars from the proceeds of
29 diamonds that were being mined in Sierra Leone?

1 A. Well, even my colleague RUF, like the witness whom the
2 Prosecution lawyer was referring to, I don't know if that was a
3 Defence lawyer that referred to me - that I was the one selling
4 the diamonds and the Sierra Leoneans did not benefit anything
15:27:08 5 from the diamonds. That Defence witness, the two of us were
6 together, up to the time we created the office in Freetown and up
7 to my arrest he used to visit me, up to 2007 elections. That was
8 when we had some misunderstanding. He knows that I don't have
9 anything. While I was in detention, he knew that even to
15:27:32 10 maintain my family, to take care of my children, I had to sell my
11 vehicle to take care of my children. I have nothing. Even if my
12 children are to go to school, it is family members and friends
13 who assist.

14 Q. Well, Mr Sesay, according to the Prosecution theory you
15:27:51 15 have nothing because you gave the diamonds to Charles Taylor.
16 Now, what I want you to explain is why you would give the
17 diamonds to Charles Taylor and let your kids live on charity.

18 A. Well, that is the question. So how would I like Mr Taylor
19 much more than my father? When I was in detention, whatever they
15:28:19 20 gave to me for my visitors, what I sent to my parents for food.
21 How would I like Mr Taylor much more than my father? Even my
22 mother when she was sick.

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

15:28:38 25 PRESIDING JUDGE: Just pause. Even your mum, when she was
26 sick, please continue from there. We didn't hear what else you
27 said.

28 THE WITNESS: I said my mother was sick in Makeni and they
29 sent to me and when they sent a message to me, I told my lawyers,

1 I said, "Do they have anything?" and that my mother was sick. So
2 what helped was she gave a statement as a Defence witness
3 regarding what transpired between Pa Kabbah and myself and it was
4 the WWS who assisted, they took my mother to her hospital until
15:29:19 5 her death. So how would I take diamonds to Mr Taylor and my
6 parents and my family, my children are suffering and I will not
7 say it? Mr Taylor is a Liberian, I am a Sierra Leonean. What
8 kind of interest would I have in him?

9 Q. Mr Sesay, according to the Prosecution theory, he was your
15:29:44 10 Papay, that is why, and you respected Foday Sankoh and possibly
11 Taylor more than your own father, you heard that from the
12 Prosecution.

13 A. May the Lord forbid. I would not respect Mr Taylor more
14 than my father. I would not have any blessings from Mr Taylor.
15:30:10 15 It is only for my father and my mother that I would have
16 blessings, nor would I have blessings from Mr Sankoh. Mr Sankoh,
17 when I told him to do what I thought was right, he refused. I
18 could not continue my loyalty to him because if you suggest to
19 somebody and he doesn't listen to you.

15:30:31 20 Q. Very well, Mr Sesay, let's turn to another topic. Let's
21 turn to the Freetown invasion.

22 You will recall, Mr Sesay, that counsel opposite spent
23 quite a great deal of time on this topic. And before asking you,
24 Mr Sesay, I just want you to understand what counsel was
15:30:53 25 suggesting to you.

26 Mr Sesay, you have said in your evidence-in-chief that the
27 Freetown invasion was purely AFRC effort. And what counsel
28 opposite said to you or was trying to put to you in
29 cross-examination was that that was all lies; in fact, the RUF

1 and the AFRC worked together during the Freetown invasion. A
2 number of propositions were put to you that I am going to go
3 through with you in greater detail. But I want you to understand
4 counsel's position and then, from there, we will try to explain
15:31:34 5 and see whether you agree with counsel's position.

6 Learned counsel opposite's position is that you were lying
7 about the Freetown invasion, the RUF was in it as much as the
8 AFRC and that is why you, for instance, went as far as Waterloo
9 to reinforce the AFRC and cut off the Guineans from Port Loko and
15:31:56 10 give them passage out of Freetown when they were boxed in
11 Freetown. Do you understand that?

12 Now, let's start with the time that you left Buedu to go to
13 Makeni. Your instructions, when you left Buedu, to go to Makeni
14 - sorry, to go to Kono, that is your evidence, your instructions
15:32:21 15 before you left Buedu to go to Kono were to attack Kono?

16 A. Yes, it was to attack Kono.

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

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

15:32:49 20 Q. Where did the ECOMOG run away to?

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

24 Q. Now, ECOMOG, having fled Kono, why did you then proceed to
15:33:15 25 Makeni?

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

1 wherever they were going from places that we wanted, so we went
2 there.

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

15:33:56 5 THE INTERPRETER: Yes, your Honour. It's B-A-A-M-A, one
6 word, Konta is K-O-N-T-A.

7 MR CHEKERA:

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

12 A. Yes.

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

15:34:30 15 A. The Kamajors, the CDF and the SLAs, who were fighting
16 alongside the ECOMOG.

17 Q. And, Mr Sesay, at this time we have another group, the
18 AFRC, that's around the Koinadugu axis, as you put it. Who are
19 they fighting at this time?

15:34:52 20 A. There was the AFRC that was in Koinadugu District and RUF,
21 STF and there was the other set of AFRC who were around the Port
22 Loko District at this time. Before I captured Makeni they had
23 captured Waterloo. That is the AFRC under SAJ Musa's command and
24 there was the other set of AFRC in Koinadugu, that what was under
15:35:21 25 Brigadier Mani's command and RUF Superman. Then there was
26 Bropleh STF.

27 PRESIDING JUDGE: Mr Interpreter, were you saying there was
28 the other "set" of AFRC?

29 THE INTERPRETER: Yes, your Honour.

1 MR CHEKERA:

2 Q. Mr Sesay, let's just understand these groups more clearly.
3 Musa and his group, that's one. We have Brigadier Mani and
4 Superman, is that another group?

15:35:52 5 A. Yes.

6 Q. General Bropleh, STF. Is that another group?

7 A. Yes, but they were operating together, the three of them,
8 Bropleh, Superman and Mani.

9 Q. Let me understand this, Mr Sesay, because this is very
15:36:08 10 important. We have got those three groups operating together?

11 A. Yes, sir.

12 Q. A joint - do you have a joint commander?

13 A. Well, each of these groups had commanders for their group.
14 Superman was commander for the RUF. Mani was commander for the
15:36:38 15 AFRC and Bropleh was commander for the STF, so the three of them
16 were working together with their men.

17 Q. And who were they fighting?

18 A. They were fighting against ECOMOG and the CDF.

19 PRESIDING JUDGE: You said Bropleh was a commander for who?
15:36:59 20 THE WITNESS: For the STF, my Lord.

21 MR CHEKERA:

22 Q. Now, Mr Sesay, we have got these three groups fighting
23 together and they are fighting ECOMOG. Do you know what brings
24 these three groups together? Why are they - they are separate
15:37:22 25 groups fighting together. Do you know what brings the three
26 groups together?

27 A. Well, the three groups were in the Koinadugu District.
28 They were in Koinadugu District. So all of them came together to
29 attack Makeni.

1 Q. And at the time that they attack Makeni, where are you and
2 the RUF?

3 A. Myself and the RUF from Kono, we were - we were moving
4 towards Magburaka when they attacked Teko Barracks, when they
15:38:07 5 were not successful they then withdrew back to Binkolo, the RUF
6 then came and captured Magburaka and the RUF from Kono advanced
7 on Makeni. That was the time Sam Bockarie called Superman and
8 spoke to Rambo that the two of them should link-up and then we
9 all attacked Teko Barracks.

15:38:36 10 Q. The three groups that are working together, I just want to
11 understand this, are they working under Sam Bockarie?

12 A. No, no, no. The only time Superman then started taking
13 instructions from Bockarie again was during the attack on Teko
14 Barracks in December of 1998. But from August to that December
15:39:01 15 of '98, Superman was not taking instruction from Sam Bockarie.
16 Brigadier Mani was not taking instruction from Sam Bockarie.
17 General Bropleh was not taking instruction from Sam Bockarie. So
18 even when Superman now started taking instruction from
19 Sam Bockarie again, they, the others were not taking instruction
15:39:23 20 from Sam Bockarie.

21 Q. Mr Sesay, I just want to understand this clearly. So what
22 you're saying is that these are separate groups, separate
23 leadership and what brings them together is this common desire to
24 attack ECOMOG in Makeni. Is that what you're saying?

15:39:41 25 A. Yes. Before they came to Makeni, after SAJ Musa and
26 Superman got the infight, SAJ Musa went and joined Gullit. The
27 three groups stayed and were working together in Koinadugu, even
28 before they planned to come and attack Teko Barracks in Makeni.

29 Q. So you then take over Makeni?

1 A. Yes, we took over Makeni. We took over Makeni. But I also
2 did not instruct Brigadier Mani, nor did I instruct General
3 Bropleh, no.

15:40:33 4 Q. Very well, Mr Sesay. When you take over Makeni, do you
5 know where Musa and his groups are at that point?

6 A. Well, at that time I did not know that he was dead, but I
7 heard that they were around Waterloo.

8 THE INTERPRETER: Your Honours, could the witness be asked
9 to repeat the last tail of his testimony.

15:40:57 10 PRESIDING JUDGE: Mr Sesay, could you repeat the last bit
11 of your answer, please.

12 THE WITNESS: My Lord, I said it was on Focus, when they
13 said the troops had attacked and captured Waterloo and that was
14 the very troop that captured Benguema, that is the AFRC.

15:41:24 15 MR CHEKERA:

16 Q. And when SAJ Musa dies at Benguema, where are you,
17 Mr Sesay, and your RUF crew?

18 A. We were in Makeni. I was in Makeni.

15:41:56 19 Q. When you move from Makeni, where do you go? I am still on
20 you, Mr Sesay.

21 A. Well, I was in Makeni. I was in Makeni.

22 Q. Did you eventually leave Makeni to go anywhere else?

23 A. Yes. I used to go to Magburaka, Makali, Masingbi, and
24 sometimes I will go to Kono and return.

15:42:21 25 Q. Now, when Superman is now taking instructions from
26 Sam Bockarie, you said from the time he is now in Makeni, he is
27 now taking instructions from Sam Bockarie, right?

28 A. Yes, but when the AFRC attacked Freetown, Superman also was
29 ready to take the Port Loko route and then move to Lungi. So

1 Sam Bockarie gave the go-ahead for Superman, Rambo to take that
2 flank because Gullit spoke with Sam Bockarie and Gullit accepted
3 what Sam Bockarie told him. And when Bockarie heard that they
4 had taken over Freetown, Bockarie also said that Superman should
15:43:09 5 go towards the Port Loko area and attack Lungi Airport, but the
6 attack on Port Loko was not successful.

7 Q. That's the part I want us to discuss in closer detail,
8 Mr Sesay.

9 Superman in Makeni now starts taking instructions from
15:43:26 10 Sam Bockarie. Sam Bockarie gets into contact with Gullit. When
11 do they - when does Superman - sorry, let me start again. When
12 does Sam Bockarie and Gullit establish contact?

13 A. Well, it was before the attack on Freetown. After Gullit
14 had called SAJ Musa - I mean, sorry, Bockarie, and informed him
15:44:00 15 that SAJ Musa was dead. But at that time Bockarie did not
16 believe. So he told Gullit that - because when he asked him, he
17 said, "Where?" He said, "At Benguema." Bockarie then told him
18 that he should wait so that he will inform us in Makeni so that
19 we will put a strong group together to go and assist him to
15:44:19 20 attack Freetown. But Gullit did not wait for that. Gullit went
21 on with the attack. So they went on to attack Freetown.

22 Q. Let's just dismantle that, Mr Sesay, because this is very
23 important and this is a part I want us to expand on. Gullit and
24 Sam Bockarie established contact when SAJ Musa dies. What is the
15:44:46 25 nature of the arrangement, if you know, that they get into, that
26 is Gullit and Sam Bockarie? What arrangement did they strike or
27 what arrangement did they agree on, if you know, or if there was
28 any, during the time that Gullit contacted Sam Bockarie?

29 A. Well, what I heard later was that they said when SAJ Musa

1 died, that was the time Gullit called Sam Bockarie and informed
2 Sam Bockarie that they had captured Benguema and that SAJ Musa
3 was dead. So he said they wanted to move to go and attack
4 Freetown. And then Sam Bockarie told him that they should wait
15:45:28 5 there "so that I will coordinate my men in Makeni, I will inform
6 them, so that they will be able to join you so that you carry on
7 with the attack." But Gullit did not wait for that. They then
8 went and attacked Freetown.

9 Q. This arrangement for Sam Bockarie and Gullit to then
15:45:56 10 combine forces and attack Freetown, is this in an express
11 agreement that from now, from that point, from Benguema, is there
12 an agreement, express, as in Gullit and Sam Bockarie agree that
13 from Benguema we are going to attack Freetown together? Is there
14 that arrangement, from what you know, if you know?

15:46:21 15 A. Well, there wasn't any arrangement like that, because what
16 - from what I understood, Sam Bockarie asked Gullit to wait, but
17 Gullit did not wait. So, when they did the attack, Sam Bockarie
18 no longer had interest. That was why Sam Bockarie said the RUF
19 should go towards Port Loko and go to Lungi, and that if they
15:46:44 20 were going to capture Freetown, we also must capture Lungi. So,
21 since then, Sam Bockarie did not have interest, because Gullit
22 did not wait for what Sam Bockarie had asked him to.

23 Q. Now, Mr Sesay, I want you to - with that answer in mind, I
24 want you to then explain, because what the Prosecution suggested
15:47:07 25 to you was that actually, when Sam Bockarie instructed Superman
26 to go and attack Port Loko and proceed to Lungi, this was all
27 part of the plan to attack Freetown; that was designed to cut off
28 reinforcement into Freetown on the part of ECOMOG and its allies.
29 Do you follow what I'm saying? Or do you want me to repeat?

1 Because this is very critical.

2 A. No. I understood. If the RUF actually had plans to
3 reinforce Freetown, there was no need to go and attack Port Loko.
4 We could have just captured the Gberi Bridge. After capturing
15:48:02 5 the Gberi Bridge, nobody would have left Port Loko to come to
6 Freetown. Gberi Bridge is a very strategic and long bridge, you
7 see, but if you are going to attack Port Loko and then advance -
8 our main interest was the airport, not Port Loko town itself,
9 because if you want to cut off a supply line, the easiest thing
15:48:28 10 to do was to just capture Gberi Bridge, because when you capture
11 Gberi Bridge, you have cut off the supply line between Port Loko
12 and Freetown.

13 Q. Mr Sesay --

14 JUDGE DOHERTY: Mr Chekera, have we got a location for
15:48:42 15 Gberi Bridge?

16 MR CHEKERA: That's exactly what I was trying to explore,
17 and if you notice, I'm actually also trying to locate a map that
18 could assist us in that regard. I hope there will be one.

19 PRESIDING JUDGE: In the meantime, Mr Interpreter, can you
15:48:58 20 spell for us Gberi?

21 THE INTERPRETER: Yes, your Honour. It's G-B-E-R-E.

22 PRESIDING JUDGE: Thank you.

23 MR CHEKERA: Madam President, while I try to locate a map,
24 maybe I could just explore from the witness.

15:49:41 25 Q. Mr Sesay, if you are coming from Freetown, after Waterloo
26 you go past Gberi Junction to go to Waterloo - sorry, to go to
27 Port Loko. Let's take it from - let's take from Waterloo. Which
28 is the next town, if you are going to Waterloo - sorry, if you
29 are going to Port Loko from Waterloo, where do you go next? Just

1 give me the major towns. I don't want the small towns in
2 between.

3 THE INTERPRETER: Your Honours, the witness's microphone is
4 not activated.

15:50:27 5 PRESIDING JUDGE: Mr Sesay, can you face us? Because when
6 you do this, facing counsel, the interpreter won't hear what
7 you're saying. So give your answers facing the Bench, please.
8 Repeat your answer.

9 THE INTERPRETER: Your Honours, it is still not activated.
15:50:50 10 I can see the light on, but we can't hear anything from him.

11 MR CHEKERA: Mr Sesay, just try to speak into the mic. It
12 appears your microphone is not working.

13 PRESIDING JUDGE: Mr Interpreter, can you hear anything?

14 THE INTERPRETER: We can't hear anything. Something must
15:51:18 15 have been manipulated, your Honour.

16 PRESIDING JUDGE: Are you sure, Mr Interpreter, you are
17 tuned in on the right channel?

18 THE INTERPRETER: Yes, your Honours, that is where we have
19 been all this while.

15:51:46 20 THE WITNESS: Can you get me now, sir?

21 THE INTERPRETER: Yes, I am getting now.

22 Yes, your Honours, I am getting him clearly now.

23 PRESIDING JUDGE: Mr Chekera, ask your question again and
24 get an answer.

15:52:00 25 MR CHEKERA: Thank you.

26 Q. Mr Sesay, while I try to locate a map that could assist us,
27 I just want you to help us with your evidence and try to locate
28 where this bridge is in relation to Port Loko and Waterloo.

29 A. When you travel from Waterloo, you come to RDF, that is,

1 and from RDF, Sumbuya, you go to Mile 38, and from Mile 38, you
2 come to Masiaka, and from Masiaka, you come to Gberi Bridge.
3 That is where the bridge is. They call the bridge Gberi Bridge.
4 Across on the Masiaka-Waterloo side, there is a high hill there,
15:52:51 5 and across the Port Loko side is a flat land, you see. And it's
6 a long bridge and it is very narrow. On the other side there is
7 no side-guard. When vehicles reach there, a vehicle is coming
8 from Port Loko end and the other coming from the Freetown end,
9 one would have to wait until the other crosses before it also
15:53:16 10 comes over to cross, because the Gberi Bridge is very narrow.
11 That is the Gberi Bridge.

12 Q. So, Mr Sesay, the Gberi Bridge is between Masiaka and Port
13 Loko, somewhere between Masiaka and Port Loko?

14 A. Yes, but it's purely between Masiaka and Gberi Junction.
15:53:44 15 That is where you have the Gberi Bridge. It is the Rokel River.
16 It is long.

17 Q. And so, from Masiaka, you get to Gberi Junction, and from
18 Gberi Junction, you cross the bridge towards Port Loko; is that
19 correct? Just correct me if I am wrong.

15:54:11 20 A. No, sir. From Masiaka, you cross the bridge, the Gberi
21 Bridge, and then you come to Gberi Junction. From Gberi
22 Junction, you are going to Port Loko.

23 Q. Okay, that's clear. Okay.

24 JUDGE DOHERTY: Mr Chekera, if I understand correctly, the
15:54:31 25 bridge is a one-way bridge.

26 MR CHEKERA:

27 Q. Is that so, Mr Sesay, it's a one-way bridge?

28 A. Yes, my Lord, it's a one-way bridge.

29 Q. And Mr Sesay, which river is the bridge over?

1 A. Rokel River.

2 Q. Mr Sesay, I am going to give you a map here and see if it
3 can be of assistance in trying to locate this bridge. That's the
4 best I can do, with your permission, Madam President?

15:55:06 5 PRESIDING JUDGE: Mr Interpreter, can you please spell
6 Rokel, please.

7 THE INTERPRETER: Your Honours, it is R-O-K-E-L.

8 MR KOUJIAN: Rokel Creek is marked on one of the maps
9 which I believe is --

15:55:19 10 MR CHEKERA: S3-C, is that the one you are looking at?
11 S3-C?

12 PRESIDING JUDGE: Can you first give the map to the witness
13 for him to find his bearings. After he has found the bridge or
14 the river then he can point it out to us on the overhead.

15:56:13 15 MR CHEKERA:

16 Q. Mr Sesay, you understand your assignment? We're trying to
17 locate the bridge, Gberi Bridge, or Rokel River in relation to
18 Port Loko.

19 A. Yes, after Masiaka. But what the lawyer just told you, on
15:56:40 20 the map that he has it is clearly shown there and it is marked,
21 in fact.

22 MR CHEKERA: Mr Koumjian, I might ask your assistance, your
23 map, is that map S3-C?

24 MR KOUJIAN: I believe so. The Rokel Creek is marked and
15:57:06 25 the point where the road crosses is marked as Ferry on this map,
26 F-E-R-R-Y

27 MR CHEKERA: It appears it is the same map.

28 Q. Mr Sesay, if you can find the Rokel Creek and where it is
29 marked Ferry?

1 A. Yes. I have seen the Ferry.

2 Q. Now, is that where the bridge is, to your knowledge of the
3 geography of the area?

4 A. Yes. This is where the bridge is.

15:57:58 5 Q. Now, make sure you note where the bridge is, Mr Sesay,
6 because we will move the map over to the overhead projector and
7 ask you to point it out for the Court. So just look at the map
8 carefully, locate the bridge, because I am also going to ask you
9 to locate Port Loko and to locate Gberi Junction and Waterloo on
10 that map, so if you can just familiarise yourself with those
11 locations; the bridge, Gberi Junction, Port Loko and Waterloo.

12 A. Yes, I have seen it.

13 Q. If you can hand it over to Madam Court Manager to put on
14 the overhead, and maybe if you can move over so that you can mark
15:58:50 15 - you can indicate on the map. Mr Sesay, if you can point for us
16 where the bridge is on that map.

17 A. The bridge is around here. Around here. Because this is
18 the Rokel River. It is crossing over here. So the bridge should
19 be around here, between Masiaka and Gberi Junction. It should be
15:59:45 20 around here. This is Gberi Junction and this is Masiaka. So the
21 Gberi Bridge should be here.

22 Q. And, Mr Sesay, while we are on the map, can you please
23 locate for us where Port Loko is in relation to the bridge?

24 A. This is Port Loko.

16:00:10 25 Q. Can you point sideways so that your hand doesn't block your
26 - yes, thank you.

27 A. Okay. This is Port Loko, sir. This is Port Loko. This is
28 Gberi Junction. This is Gberi Bridge. And this is Masiaka.
29 This is the road that comes down, Okra Hills, to Songo, to

1 Waterloo.

2 Q. Now, let's just keep that map on for a while, Mr Sesay, and
3 just try to understand your evidence.

4 The RUF that went to attack - sorry - okay, you might just
16:00:47 5 have to move. The RUF that went to attack Waterloo were coming
6 from where?

7 A. They came from Gberi Junction. They came from Gberi
8 Junction.

9 Q. And in your evidence, your evidence was that if you wanted
16:01:11 10 to cut off ECOMOG reinforcement into Freetown all you had to do
11 was to take the bridge?

12 A. Yes, because if you put a blockage, like for instance, you
13 use old vehicles, you come and park them across the bridge, and
14 across towards Waterloo you will be on top of the hill, you will
16:01:39 15 be at the advantageous side. You will have more advantage than
16 the people who were coming from the Port Loko area, because they
17 would be downwards and you will be almost on top of the hill, you
18 see.

19 MR CHEKERA: Madam President, I will probably seek your
16:01:57 20 assistance whether it will be necessary to put some markings on
21 that map to assist you locating the bridge. It is very faint in
22 mine, but if your Honours --

23 PRESIDING JUDGE: It's up to you, Mr Chekera. It's your
24 evidence. You said that you have a number of places that are
16:02:13 25 relevant to this particular piece of evidence.

26 MR CHEKERA:

27 Q. Mr Sesay, let's just look at the map again and just try to
28 put some markings and possibly put it into evidence, just to
29 understand your aspect of the evidence on this issue. Let's mark

1 where the bridge is, Mr Sesay. If you can use a distinct - yes,
2 let's use that and just mark - just put an X where you would
3 reckon the bridge is?

4 A. You want me to put an X?

16:02:54 5 Q. Yes, where you think the bridge is.

6 A. Yes, sir.

7 Q. And if you could also circle where Waterloo is. Sorry,
8 just hang on. Let me start again. The group that attacked - the
9 Superman group that attacked Port Loko and failed was coming from
10 Gberi Junction, you said? Sorry, Mr Sesay, before you mark just
11 confirm that the group came from Gberi Junction?

12 A. Yes. The group came from Lunsar and from there it came to
13 Gberi Junction and they launched the attack on Port Loko, but
14 because they were unsuccessful, they were in the defensive
15 position. Sam Bockarie instructed them to come back and take the
16 route to Waterloo. So the group withdrew from Port Loko to Gberi
17 Junction before taking the road through Gberi Bridge to Masiaka.

18 Q. Very well, Mr Sesay. Let's circle Lunsar where the group
19 came from. Let's just put a circle around Lunsar. And let --

16:04:18 20 A. No, no.

21 Q. And let's circle Port Loko.

22 PRESIDING JUDGE: Why did the witness say, "No, no"? Why
23 are you saying, "No, no"?

24 THE WITNESS: No, I did not say no.

16:04:39 25 MR CHEKERA:

26 Q. You were captured as saying, "No, no." Maybe that was just
27 a mistake. So you've circled Lunsar, you've circled Port Loko.
28 Now, maybe before I continue, Mr Sesay, how many routes are there
29 from Lunsar to Port Loko?

1 A. From Lunsar to Port Loko it's the main road, that's the
2 only road, because the other road, except we pass through Gbinti
3 and that's very far. This one is from Lunsar, you come to Gberi
4 Junction. From Gberi Junction you go to Port Loko.

16:05:27 5 Q. Now I just want you with that mark to trace that route,
6 that one road, from Port Loko all the way to Masiaka - sorry, to
7 Lunsar. Sorry. To Lunsar, where they started. Let's just trace
8 that road, the one road you said is most accessible. Just follow
9 that one road with that one marker so we can tell which road it
16:05:55 10 is from Lunsar all the way through the bridge to Port Loko.

11 A. No, when you come from Lunsar you don't have to pass
12 through the bridge to go to Port Loko. When you come from Lunsar
13 you go to Gberi Junction and from there you go to Port Loko.

14 Q. Let's mark the road, the one road that you said if you had
16:06:15 15 blocked the bridge it was impossible for ECOMOG to pass. Let's
16 mark the road from there, from Port Loko to the bridge.

17 A. Well, from Port Loko you come to Gberi Junction and from
18 Gberi Junction you take the road to the bridge to Masiaka.

19 Q. Yes, let's have that. Let's have that route marked.

16:06:51 20 A. I've marked it.

21 Q. Sorry, if we could just have a quick look at what you've
22 mark, because I don't have the map I have no clue.

23 Now, Mr Sesay, the bridge - the cross on the bridge doesn't
24 quite appear. Could you put another - a different mark or even -
16:07:28 25 put a different colour just to put a cross on the bridge so that
26 we can see where the bridge is.

27 Now somewhere at the bottom of that map, Mr Sesay, where
28 there is space enough to write, can you put the same cross in
29 that colour and next to the cross write "Gberi Bridge". Is it

1 Gberi? Sorry, somewhere - yes, where there is enough space to
2 write. Where there is clear space for you to write we want to
3 put a legend to show that the X you put relates to the bridge.

4 Now, let's just have a quick look, Mr Sesay. I was hoping
16:08:47 5 we could wind-up today, so let's just see.

6 PRESIDING JUDGE: Mr Chekera, your instructions to the
7 witness, I am looking at page 150, you said, "Now, I just want
8 you to, with that marker, trace the road from Port Loko all the
9 way to Lunsar." Is that what the witness did, according to that

16:09:23 10 map? And then you said to him: "When you come from Lunsar" -

11 no, this is what he answered: "When you come from Lunsar you
12 don't have to pass through the bridge to go to Port Loko. When
13 you come from Lunsar you go to Gberi Junction and from there you
14 go to Port Loko." So then you said to him: "Let's mark the one

16:09:53 15 route that you say if you had blocked the bridge was impossible
16 for ECOMOG to pass. Let's mark the route from there, from Port
17 Loko to the bridge." Is that what the witness has done?

18 MR CHEKERA:

19 Q. Now, Mr Sesay, you have marked the distance from Masiaka to
16:10:20 20 Gberi Junction. Can you mark from there to Port Loko to complete
21 the loop all the way to Port Loko?

22 PRESIDING JUDGE: Mr Chekera, what did Masiaka have to do
23 with this journey?

24 MR CHEKERA: No, we have kept Masiaka out. We have - we
16:10:37 25 are now trying to connect the loop from Port Loko to the bridge.

26 PRESIDING JUDGE: Yes, but you asked him to mark, and
27 obviously he has marked something from Masiaka. That's why I'm
28 asking you, what does Masiaka have to do with anything? This is
29 misleading us.

1 MR CHEKERA: Yes. Actually, Madam President, you are
2 right. My - the instructions - what he has marked is actually
3 what we would want to reflect on the map, not Masiaka because
4 Masiaka has nothing do with it, as you correctly point out.

16:11:14 5 PRESIDING JUDGE: But he has marked a route from Masiaka.
6 That's the point I am making.

7 MR CHEKERA:

8 Q. Mr Sesay, just put that map back, because I can't quite see
9 it from - Mr Sesay, the marking you have is from what place to
16:11:35 10 what place?

11 A. You told me to mark from Gberi Junction, that is here, to
12 Masiaka, through the bridge.

13 Q. Yes --

14 PRESIDING JUDGE: Mr Sesay, there is no point you pointing
16:11:51 15 at the screen. Move over to the overhead and give your --

16 THE WITNESS: I am sorry, ma'am.

17 PRESIDING JUDGE: And give your evidence so that we can see
18 what it is that you are illustrating.

19 THE WITNESS: My Lord, my lawyer told me to mark from Gberi
16:12:14 20 Junction through the bridge to Masiaka and that is what I did,
21 from Gberi Junction through the bridge, here, the bridge is
22 locating here, and to Masiaka down here.

23 PRESIDING JUDGE: And what does that signify, the route
24 that you just showed us, what does that signify?

16:12:34 25 THE WITNESS: The importance is just a bridge. The bridge
26 is the importance. And across the bridge, you can stay from
27 across here and you can see across because the bridge, there is a
28 hill here, across the bridge towards Masiaka.

29 PRESIDING JUDGE: Mr Sesay, let me ask you this question

1 again: When you put a blue line from Masiaka all the way up to,
2 and I can't see the city, what is that city?

3 MR CHEKERA: It is Gberi Junction.

16:13:10

4 PRESIDING JUDGE: Yes, Gberi Junction, that blue line, what
5 does that represent?

6 THE WITNESS: Well, my Lord, I was instructed by the lawyer
7 to draw the route from --

8 MR CHEKERA:

9 Q. Mr Sesay, let's just pause there. Let me try to assist.

16:13:25

10 Mr Sesay, if you had to block ECOMOG from coming to attack your
11 position, either in Freetown or in Waterloo, you said you would
12 block the bridge.

13 Now, my question is: Which most immediate route would the
14 ECOMOG had taken if they were going to reinforce Freetown from
15 Port Loko?

16:13:50

16 A. If they were to come from Port Loko to Gberi Junction and
17 through Gberi Bridge and on to Masiaka and they would come down
18 to Waterloo and down to Freetown.

19 Q. Now, with that in mind, you have marked, Mr Sesay, from
20 Gberi Junction to Masiaka. Can you finish that loop from Gberi
21 Junction to Port Loko to finish that route that you've just
22 described? Sir, can you mark the rest of the route from Port
23 Loko.

16:14:08

24 Now, Mr Sesay, let us me just make sure that we understand
25 your evidence before we try to mark this document.

16:14:51

26 ECOMOG has got - or rather the Guineans are based in Port
27 Loko. You said there was a big Guinean contingent at Port Loko.

28 A. Yes.

29 Q. And you are saying in your evidence that if the sole

1 purpose for the attack on Port Loko by RUF was to block
2 reinforcement from Port Loko, the easiest way for you would have
3 been to block the Gberi Bridge; is that correct?

4 A. Yes. I said the attack on Port Loko was not to stop
16:15:40 5 ECOMOG. I said the attack on Port Loko, if the RUF were
6 successful to get Port Loko, they were to advance to Lungi but if
7 the RUF only wanted to block the reinforcement for supply not to
8 come to the Guineans, it would have blocked Gberi Junction, it
9 wouldn't have attacked Port Loko but blocked Gberi Junction so
16:16:04 10 the reinforcement wouldn't have come down to Freetown.

11 Q. So, now, Mr Sesay, we just want to understand the markings
12 on the map. The markings on the map represent the route that
13 ECOMOG would have taken - sorry, the Guinean contingent at Port
14 Loko - would have taken the most immediate route, let me be
16:16:24 15 faithful to your evidence, the most immediate route that the
16 Guineans at Port Loko would have taken if they were to reinforce
17 Freetown would have been to cross over the Gberi Bridge. And the
18 route that you have marked from Port Loko across the Gberi Bridge
19 to Gberi Junction, that was the most immediate route they would
16:16:47 20 have taken. And your evidence is, if your sole purpose was to
21 block that advance you would have laid an ambush over the bridge;
22 is that correct?

23 A. Yes. If our purpose was to come and reinforce Freetown or
24 was to join the attackers in Freetown. If we were to block the
16:17:14 25 reinforcement from the attack in Freetown, I said we were only to
26 set the ambush at this Gberi Bridge, there was no need for us to
27 attack Port Loko. But the RUF also had intention to go to Lungi,
28 that's why the RUF attacked Port Loko, so it would have moved to
29 Lungi from there.

1 Q. We will come to your object for wanting to take over Lungi.
2 So now let's just go back to that map, and if you could write at
3 the bottom of it, as usual, sign it and date it and we'll see
4 what we can write to reflect the markings there.

16:18:05 5 A. What should I write?

6 Q. Let's start by - if you can sign at the bottom. Or is
7 there space at the bottom or maybe at the back of - yes. If you
8 can maybe - let's describe the route and say a route that would
9 have been taken "R-O-U-T-E" "that would have been taken by

16:18:35 10 Guinean forces at Port Loko to provide reinforcement at
11 Freetown".

12 A. By the Guineans in Port Loko?

13 Q. "To provide".

14 A. I would like you to begin again, the route that were taken
16:19:12 15 by the Guineans in Port Loko.

16 Q. "That would have been taken by the Guineans in Port Loko to
17 provide reinforcement in Freetown and the position that would
18 have been taken by the RUF at the Gberi Bridge" - the position
19 that would have been taken by the RUF.

16:20:19 20 PRESIDING JUDGE: I thought you said Gberi Junction. Isn't
21 that what he said?

22 MR CHEKERA: The bridge.

23 PRESIDING JUDGE: Mr Sesay, did you say that the RUF would
24 have laid ambush at the bridge or at the junction?

16:20:37 25 THE WITNESS: At the bridge. Should have just blocked the
26 bridge. I should put - set an ambush across.

27 MR CHEKERA:

28 Q. At the bridge to block the reinforcement?

29 A. I would like you to go over that again and the position

1 that could have been, what?

2 Q. "That would have been taken by the RUF at Gberi Bridge to
3 block the reinforcement" then let's sign it and date it - at the
4 bottom sign and date it somewhere.

16:21:47 5 PRESIDING JUDGE: Mr Chekera, if I might inquire from you.
6 This would have been the position during what time frame?

7 MR CHEKERA: Yes, thank you.

8 Q. Mr Sesay - okay, just sign and date and then we will come
9 back to the legend that you were putting there.

16:22:16 10 Mr Sesay, after, "To block the reinforcement" let's say,
11 "During the time" after reinforcement let's continue writing on
12 that. After - remember you wrote, "At Gberi Junction to block
13 the reinforcement", I want you to add on a few more lines after
14 that sentence, to make the sentence continue, "During the time
16:22:53 15 that the RUF attacked Port Loko."

16 Mr Sesay, hold your pen right there and then I will ask you
17 a question. When was it that Superman attacked Port Loko and
18 failed? The attack on Port Loko.

19 A. It was the very week that the AFRC attacked Freetown.

16:23:31 20 Q. I know what the date is but I want it to come from you.
21 What date was it, what month and year was it?

22 A. That was January 1999.

23 Q. Let's write, "In January 1999." Have you finished? Maybe
24 if we could have a quick look at what you have written.

16:24:27 25 I guess that will suffice, subject to any observations from
26 your Honours.

27 PRESIDING JUDGE: I just want to understand this evidence.
28 This is - let me call it what I think it is. It's conjecture on
29 the part of Mr Sesay. It's not something that actually happened,

1 is it?

2 MR CHEKERA: Yes, Madam President. This is his response to
3 the suggestion that the RUF attacked Port Loko to block ECOMOG
4 reinforcement on Freetown. That was the proposition by I learned
16:25:04 5 counsel opposite. And his response is depicted in this document,
6 that if that were the case, then they would not have gone that
7 far; they would have just blocked the bridge.

8 PRESIDING JUDGE: Mr Sesay, whilst we are on this map, are
9 you saying that that was the only possible scenario, that if the
16:25:30 10 RUF wanted to block the Guinean ECOMOG, the only way they could
11 do it was blocking them at Gberi Bridge? There was no other way
12 to do it?

13 THE WITNESS: Yes, my Lord, because it's Gberi Bridge that
14 was the easiest obstacle to create in front of the Guineans,
16:25:58 15 instead of attacking Port Loko, if that was the purpose.

16 PRESIDING JUDGE: What if the RUF wanted to capture some
17 ammunition, and perhaps that would have been the objective of
18 attacking ECOMOG at Port Loko? Is that a possible scenario?

19 THE WITNESS: If RUF wanted to have ammunition, yes, ma'am,
16:26:28 20 RUF could have attacked Port Loko because they wanted ammunition.
21 But at that time it was that the RUF wanted Port Loko and to
22 advance on to Lungi. That was the purpose at that time.

23 JUDGE LUSSICK: And, Mr Chekera, you did say earlier that
24 you were going to come back to the reason why the RUF wanted to
16:26:53 25 take Lungi.

26 MR CHEKERA: Yes, yes. I was going to pursue that line of
27 questioning. And just to indicate that, from the observations by
28 I learned Madam President, the response is entirely conjecture,
29 based on a proposition that is in itself not fact, that was put

1 to the witness by the Prosecution.

2 PRESIDING JUDGE: Very well. Proceed.

3 MR CHEKERA: I was going to ask that that document be
4 marked for identification.

16:27:27 5 PRESIDING JUDGE: The map of Sierra Leone, as marked by the
6 witness, Issa Sesay, showing the route that the Guineans at Port
7 Loko would have taken in providing reinforcement in Freetown in
8 January 1999, and the position of the RUF - the position that the
9 RUF would have taken at Gberi Bridge to block them, that is
16:27:54 10 marked MFI-45.

11 MR CHEKERA: Thank you, Madam President.

12 Q. Now, Mr Sesay, I had put to you a proposition by the
13 Prosecution that your attack on Port Loko was designed to block
14 reinforcement from Port Loko to Freetown, and you said in your
16:28:20 15 response that was not the purpose; if that were the purpose, the
16 easiest thing for you to do would have been to block Gberi
17 Junction. And we have gone into detail on that and we have
18 marked the map.

19 Now, you said when Gullit decided not to wait for the RUF
16:28:40 20 to come and reinforce him for a joint attack on Freetown,
21 Sam Bockarie ordered Superman to proceed to Port Loko, to Lungi .
22 Do I capture your evidence correctly so far?

23 A. Yes. If Superman was able to capture Port Loko, he was to
24 advance - to have advanced to Lungi.

16:29:11 25 Q. Now, the question, Mr Sesay, that then arises is: Why was
26 Sam Bockarie eager for the RUF to control Port Loko and, if they
27 succeed, move on and control Lungi?

28 A. Well, because Gullit disagreed with Sam Bockarie's proposal
29 to wait for the RUF. Gullit did not wait. That's why

1 Sam Bockarie also wanted the RUF to move and advance to Lungi
2 Airport. So, while Gullit and others would have been in
3 Freetown, they would have been in Lungi.

16:29:59 4 Q. Now, let me ask the question differently, and that will
5 answer the proposition from learned counsel opposite. The attack
6 on Port Loko, and the contemplated attack on Lungi, was it
7 designed to provide relief to the AFRC who were in Freetown? In
8 other words, was it designed to keep the ECOMOG engaged so that
9 the AFRC in Freetown would have it easy with the ECOMOG that were
16:30:27 10 in Freetown?

11 A. No. That was not the reason, because the RUF too -
12 Sam Bockarie did not want Gullit and the others to have the
13 names. The RUF - in the AFRC could get Freetown, the RUF also
14 could get Lungi, because at that time ECOMOG and others were on
16:30:54 15 the run. So he thought the guys would be able to capture
16 Freetown, and if that was the case, then the RUF too would have
17 been able to capture Lungi.

18 Q. Mr Sesay, let me just make sure I understand your answer
19 here, because it is very important. You will recall the learned
16:31:10 20 justice was also quite eager for you to explain this carefully.
21 You say then Sam Bockarie did not want Gullit and others to have
22 names. Can you explain what that means in --

23 A. If they were able to capture Freetown - because they were
24 moving, and ECOMOG was running away from them. So it would have
16:31:33 25 been that the AFRC would have captured Freetown on their own.
26 That was the plan. So that was why the RUF too wanted to capture
27 Lungi on their own.

28 PRESIDING JUDGE: Mr Chekera, we have come to the day's
29 end. I suppose you will continue tomorrow.

1 MR CHEKERA: Thank you. I hope to wind up tomorrow.

2 PRESIDING JUDGE: Very well.

3 Mr Sesay, we are nearly at the end of your testimony, which
4 we hope we will complete tomorrow, but in the meantime you are
16:32:15 5 not to discuss your evidence with anyone.

6 The Court adjourns until tomorrow at 9 o'clock.

7 [Whereupon the hearing adjourned at 4.33 p.m.
8 to be reconvened on Thursday, 27 August 2010
9 at 9.00 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

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CROSS-EXAMINATION BY MR KOUMJIAN	47184
RE-EXAMINATION BY MR CHEKERA	47214