



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 6 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:

Mr Simon Meisenberg

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Joseph F Kamara
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Silas Chekera
Mr Michael Herz

1 Friday, 6 August 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.03 a.m.]

09:05:35 5 PRESIDING JUDGE: Good morning. We'll take appearances,
6 please.

7 MR KAMARA: Good morning, Madam President, your Honours,
8 counsel opposite. This morning, for the Prosecution, Maja
9 Dimitrova, Nick Koumjian, and myself, Joseph F Kamara.

09:05:56 10 MR CHEKERA: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence, myself, Silas Chekera, and
12 Mr Michael Herz.

13 PRESIDING JUDGE: Mr Chekera, are you going to proceed with
14 the examination of the witness?

09:06:12 15 MR CHEKERA: Yes, Madam President. But before that, I was
16 going to make an application.

17 Madam President, Mr Griffiths is once again indisposed on
18 account of ill health, and he called me this morning at about
19 7.40 to tell me that he would not be able to come to Court and
09:06:33 20 asked me whether I would be in a position to stand in for him. I

21 indicated that given that this issue has arisen so many times
22 before, that I would be constrained to ask the Court for an
23 adjournment and would try my best to stand in for him; however,
24 that I was not prepared to stand in immediately, your Honours.

09:06:58 25 Since this issue arose the last time, you will recall you
26 indicated in no uncertain terms that we should be able to
27 proceed, and pursuant to that order, I was prepared to proceed
28 for the last two days, from the time that Mr Griffiths was
29 indisposed last.

1 However, when Mr Griffiths came before to Court, because he
2 was indisposed for a while, the notes that I had prepared were
3 the very notes that I had to hand over to him for him to proceed
4 with the trial. So the transcripts that he was proceeding on
09:07:33 5 were the very same transcripts that I was prepared to proceed
6 with. Consequently, I do not have transcripts immediately ready
7 for me to be able to proceed. I would, if I were given a bit of
8 time, which I'm going to ask for, with your indulgence, I would
9 be able to, as it were, limp along, if I were just given about an
09:07:57 10 hour to get my head around some of the transcripts that we have,
11 that we intend to put across to the witness.

12 Madam President, it is my submission that it is in the
13 interests of all the parties concerned, the Court especially and
14 the accused person and myself, if I were given that time. That
09:08:12 15 way I could proceed in a more focused and expedient fashion.

16 So, in light of the those submissions, Madam President, I
17 would ask for an hour to just get my head around the transcripts
18 and come back to court and be able to proceed.

19 PRESIDING JUDGE: Very well. I'm going to ask the
09:08:34 20 Prosecution to respond before I give me ruling on this. You
21 don't have to respond, of course, if you don't want to.

22 MR KOUMJIAN: Your Honour, I would just say that I don't
23 find the request for an hour unreasonable. But I would say this:
24 I think the last time we asked Mr Griffiths for an estimate for
09:08:56 25 this witness, it was four or five days, and I think that was last
26 Thursday. It appears the Defence - I'm not sure, but it appears
27 that they're not close to finishing with this witness. And
28 frankly, we don't care how long Mr Sesay testifies, but we are
29 concerned with the length of the trial and the Defence commitment

1 to meet their representations to the Court about when they would
2 finish their case. And I just bring that to the Court's attention.

09:09:31 3 MR CHEKERA: Madam President, with your leave, I could just
4 assist the Court with regards to the submission by my learned
5 friend relating to anticipated time for us to wind up.

6 Madam President, incidentally, only yesterday, we had
7 discussion with Mr Griffiths as to when we were likely to
8 conclude with the transcripts, given that we still have quite a
9 substantial number of transcripts to go through. We agreed
10 that --

11 PRESIDING JUDGE: Conclude with what?

12 MR CHEKERA: Sorry?

13 PRESIDING JUDGE: Conclude with the Defence case or
14 conclude with the witness?

09:09:58 15 MR CHEKERA: With the evidence-in-chief, sorry, Madam
16 President, of the current witness. And we agreed and - we agreed
17 that we were going over the weekend to look at all the evidence
18 that we intend to put to Mr Sesay and try to synchronise it so
19 that we do not repeat every aspect of the evidence by another
20 witness for the Prosecution that's already been put to Mr Sesay.

09:10:18 21 And we were hoping that if we succeeded in doing that,
22 Mr Griffiths might be able to wind up with the evidence-in-chief
23 possibly by Wednesday next week. That is what we were working
24 on, and that as well threw my preparations completely off
09:10:44 25 balance, in the event that Mr Griffiths was not able to attend
26 Court and I was going to cover-up for him. That also put me off
27 balance in a way, in that we were going to change the strategy
28 completely and come up with a new strategy that is more
29 time-effective. So I just raise the issue to respond to the

1 inquiry by my learned friend.

2 PRESIDING JUDGE: First of all, do I take it, Mr Chekera,
3 that you are the new counsel that Mr Griffiths has assigned to
4 continue with Mr Sesay, in view of his illness?

09:11:16 5 MR CHEKERA: I was just going to stand in for him on a
6 case-by-case basis. I wasn't going to substitute him, Madam
7 President.

8 PRESIDING JUDGE: Because if you are going to stand in for
9 him on a case-by-case basis, it is only logical, in my view, that
09:11:30 10 you would prepare thoroughly to conclude Mr Sesay's evidence,
11 alongside Mr Griffiths. If Mr Griffiths is here, well and good,
12 but in the event that he's not here, well, you are ready to
13 proceed without a need for adjournment.

14 MR CHEKERA: Madam President, if we were to commit to that
09:11:51 15 suggestion, which I could hear our client, Mr Taylor, is in
16 agreement with, if we were to commit to that suggestion, I would
17 make an application that I'm very hesitant to make, but that
18 might actually assist the proceedings further in the long-term.

19 My submission would be to seek an adjournment until after
09:12:17 20 the evidence of the interposed Prosecution witnesses, by which
21 time I would commit that either myself or Mr Griffiths would be
22 available to continue with Mr Sesay's evidence and conclude it
23 within a reasonable time of possibly not more than three sitting
24 days, because we already have a plan to streamline the evidence
09:12:41 25 the way it has been going.

26 MR KOUMJIAN: Could I just briefly be heard on that
27 application?

28 PRESIDING JUDGE: Yes, yes, indeed.

29 MR KOUMJIAN: Your Honours, we would oppose it. Frankly,

1 the Defence has given us estimates at least three times,
2 Mr Griffiths, that have not been met regarding the length of time
3 to complete the witness. We think we should take advantage of
4 the time today to proceed with the examination. An hour's
09:13:13 5 adjournment, I think, is reasonable.

6 PRESIDING JUDGE: Let me consult.

7 [Trial Chamber conferred]

8 JUDGE LUSSICK: Mr Chekera, I just have one inquiry. We've
9 indicated to you before that whenever Mr Griffiths becomes ill,
09:13:37 10 he should delegate somebody to carry on the case in his absence.
11 Now, it looks to me as though no system whatsoever has been put
12 in place, and it does seem, from what you're saying, that
13 whenever Mr Griffiths is not well, the system is that you come to
14 Court and ask the Court to prepare your questions - time to
09:14:03 15 prepare your questions on the Court's time rather than your own.
16 If so, that's not a very good system and it doesn't work.

17 MR CHEKERA: Would you allow me to respond, Madam
18 President, or it is an observation?

19 PRESIDING JUDGE: No, it is an observation by the judge but
09:14:22 20 of course you should respond.

21 MR CHEKERA: Yes, Madam President. I just sought leave to
22 respond because it might be impertinent for me to respond to.

23 PRESIDING JUDGE: Please respond.

24 MR CHEKERA: Thank you. I do agree with your Honour that
09:14:36 25 it would be an untidy contingent plan for us to not have someone
26 prepared until Mr Griffiths calls each morning to say that he's
27 indisposed. In this particular case, your Honours, as I have
28 indicated, and I say this in all honesty, I was prepared to deal
29 with any eventuality in the event that Mr Griffiths was not

1 available and, to the extent that I could within the time
2 available, I prepared the very same information and material that
3 Mr Griffiths has been using for the last two days. That put our
4 contingent plan off balance completely. Over the weekend --

09:15:19 5 JUDGE LUSSICK: But that's my point. If Mr Griffiths used
6 your material that you'd prepared for the last two days, why
7 weren't you working on some more material for the following days
8 instead of just standing still, doing nothing and then now
9 Mr Griffiths is ill again and here you are asking the Court to
09:15:37 10 give you the time on the Court's time to prepare questions that
11 you could have done in advance.

12 MR CHEKERA: Your Honour, that is - I take full - I agree
13 with the observation completely, only that that is the very same
14 material, your Honours, that I am going just to finalise and be
09:15:58 15 able to proceed within an hour or so.

16 JUDGE LUSSICK: [Microphone not activated]

17 PRESIDING JUDGE: Very well. Give us time to consider
18 this. I'll rule shortly.

19 [Trial Chamber conferred]

09:19:24 20 PRESIDING JUDGE: Right, two things that we've deliberated
21 upon that are of concern to us. The first one is the issue
22 raised by the Prosecution, namely, the length - the total length
23 of this trial and when the end is likely to be in sight. This is
24 a matter that is constantly of concern to the judges, given the
09:19:46 25 length already of this trial.

26 Now, I'm not apportioning blame on anybody, seeing that
27 only yesterday the Prosecution reopened their case. This is not
28 the point at all. But the point is we must be organised and we
29 must expedite this trial. And so it is our plan that as soon as

1 the three additional Prosecution witnesses have concluded their
2 testimonies, we intend to hold a scheduling conference or status
3 conference for the parties to let us know how much longer this
4 case will be and when the Defence is likely to close their case.

09:20:27 5 I'm giving you this notice in good time and we will hold the
6 status conference soon after the Prosecution have called their
7 last witness and their last witness has concluded that testimony.
8 I think this is a good way to proceed and for everyone to know
9 how much longer we will be.

09:20:48 10 Now, the second matter is the one at hand, which is again
11 of Mr Griffiths's illness. This is a matter that I will not
12 revisit, the Chamber has very clearly said so before that we will
13 not adjourn any more on account of Mr Griffiths's illness on the
14 grounds that you have had adequate warning and directives from
09:21:14 15 the Trial Chamber to be prepared to proceed.

16 Now, I do appreciate that Mr Griffiths doesn't plan to fall
17 sick and that sometimes he tells you early in the morning, like
18 today. But, Justice Lussick pointed out, you should have
19 foreseen this, that this is a likelihood. Mr Griffiths is not in
09:21:38 20 very good health; probably the team knows it better than the
21 Bench does. And therefore, for us, the most important thing is
22 to keep this trial moving and, frankly, we are very reluctant,
23 Mr Chekera, to grant you this adjournment. In fact, if it were
24 up to Judge Lussick he wouldn't even grant you half an hour.

09:21:59 25 However, the majority of us are going to grant you the hour
26 that you've asked for. Simply because, one, the Prosecution
27 thinks it's a reasonable request, and, two, because the majority
28 think that you are - the accused is entitled to the guarantee for
29 adequate time to prepare. However, as a compromise we also think

1 that we need to sit for an extra half hour today. That is, you
2 know on Fridays we sit till 1 o'clock and today we are minded to
3 sit to 1.30 in order to catch up on hearing time.

09:22:39

4 So we're going to adjourn. It is now 20 past nine. We are
5 going to resume at 20 past 10 for you to take over the
6 examination-in-chief of Mr Sesay. And please bear in mind
7 everything that I have said.

8 MR CHEKERA: I am indebted, Madam President.

09:22:53

9 PRESIDING JUDGE: Thank you. Court is adjourned
10 accordingly.

11 [Break taken at 9.23 a.m.]

12 [Upon resuming at 10.23 a.m.]

10:24:04

13 PRESIDING JUDGE: Mr Chekera, I want to inquire. We are
14 minded to take a shorter break, in view of the long adjournment
15 we have just had - a shorter break of 15 instead of 30 minutes.
16 Would that pose problems for Mr Taylor in any way?

17 MR CHEKERA: If you would allow me just to confer quickly.
18 Madam President, if it were his way, Mr Taylor would rather have
19 the normal break.

10:24:55

20 PRESIDING JUDGE: What is the problem?

21 MR CHEKERA: That is the time that he catches up with his
22 breakfast and takes a short rest.

23 [Trial Chamber conferred]

10:25:45

24 PRESIDING JUDGE: Listen, I'm dealing with so many
25 adjustments here on everybody's behalf, so I am going to be very
26 fair in the spirit of give and take, and this is the schedule for
27 the morning: We are going to sit until 11.45 now. We will take
28 a 15 minute break until 12, resume at 12 and sit until 1.30.
29 That should really take care of everybody's concerns.

1 So please continue, Mr Chekera, with your witness.

2 MR CHEKERA: Thank you, Madam President. Before I
3 continue, I want again just to apologise for the hiccup this
4 morning and to express our gratitude to your Honours for giving
10:26:25 5 us the indulgence for preparation.

6 MR KOUMJIAN: There is a change of appearance for the
7 Prosecution; Mr Kamara has left us.

8 WITNESS: DCT-172 [On former oath]

9 EXAMINATION-IN-CHIEF BY MR CHEKERA:

10:26:42 10 Q. Mr Sesay, I am going to continue with your evidence in
11 place of Mr Griffiths. I will try to pick up from where you left
12 off with Mr Griffiths and continue from there. We were dealing
13 with the transcript of 23 January 2008 in relation to the
14 evidence of Abu Keita.

10:27:06 15 Maybe before I go to the transcript there is just one issue
16 that I would like you to help us clarify, that is an issue that
17 was raised by your Honours.

18 You will recall, when you were talking about the 25 men
19 that Abu Keita brought with him and whether they were engaged in
10:27:26 20 combat and, in your evidence, you said that Mike Lamin took some
21 of them to the front line and that some of them were not armed.
22 Now, could you just quickly explain to us what the role of those
23 armed men were?

24 PRESIDING JUDGE: Armed or unarmed?

10:27:48 25 MR CHEKERA:

26 Q. Unarmed, sorry. The role of the unarmed men?

27 A. Well, the unarmed men were not involved in attacks. They
28 were responsible for taking care of wounded soldiers. In case a
29 soldier is wounded or dies in action at the battlefield, they

1 would take them to the rear to take treatment from the medics.

2 THE INTERPRETER: Your Honour, can he kindly repeat this
3 last bit slowly.

4 PRESIDING JUDGE: Mr Sesay, you said, "In case a soldier is
10:28:30 5 wounded or dies in action they would take them to the rear for
6 treatment." Now, what did you say after that?

7 THE WITNESS: I said the unarmed man would take the arms
8 and give that to the unarmed men, in case a soldier is wounded or
9 dies. That was the role of the unarmed men. So the unarmed men
10:28:53 10 were standbys just in case a soldier dies or is wounded.

11 PRESIDING JUDGE: "The unarmed man would take the arms and
12 give that to the unarmed men." What does that mean?

13 THE WITNESS: I said the unarmed men, they were standbys,
14 in case the armed man who was carrying out the attack gets
10:29:20 15 wounded or dies in action, then the armed man - the unarmed - the
16 armed man would give the unarmed man the gun to continue the
17 attack. That was the role of the unarmed man. Or the unarmed
18 man would take the wounded soldiers to the rear, to the combat
19 medics for treatment whilst the fighting was going on.

10:29:47 20 MR CHEKERA:

21 Q. Now was this a practice peculiar to the 25 men that Abu
22 Keita came with, or this generally prevailed within the RUF?

23 A. This was an RUF practice even before Abu Keita's men
24 arrived. And Abu Keita's men, by the time they came, the system
10:30:15 25 was in place during the early stages of the war. Because not
26 everyone in the RUF had arms. And these men that we're talking
27 about, they were not a unit. Because it was not possible for the
28 way Mr Griffiths explained yesterday, he said they made him a
29 unit commander. That was not possible for just one tribe to be

1 in a unit because all of them were Mandingos.

2 Q. Maybe if you could just quickly explain. I don't want you
3 to go into too much detail, but why was it not possible for these
4 25 men to constitute a unit?

10:31:04 5 A. Well, I said I have never seen that in the RUF, to say that
6 a unit in the RUF just contained one tribe - that did not include
7 another tribe; just one tribe. Because the men whom Keita
8 brought were all Mandingos. There was no other tribe among them.

9 Q. Now other than these 25 men, were there any other men that
10:31:39 10 subsequently joined the RUF from Liberia?

11 A. No, no. No other person, no other men came from Liberia in
12 1998, only Abu Keita's men.

13 Q. Were you subsequently joined by any other fighters who were
14 ex-ULIMO fighters, after these 25 men?

10:32:07 15 A. Well, before these - those 25 men, like in 1997, when Mike
16 Lamin came, he brought along Senegalese and three ULIMO men whom
17 I knew, Musa and Jungle, and Senegalese. They came with Mike
18 Lamin in 1997, around June. Since then, it was only Abu Keita
19 and his men in December '98. Since then, no other ULIMO fighter
10:32:40 20 joined the RUF, nor did they seek refuge through the RUF.

21 Q. Trial transcript of 25 January 2008, page 2025, line 12.

22 PRESIDING JUDGE: You initially said 23 January. Are you
23 now changing to 25 January?

24 MR CHEKERA: Did I say 25? I'm sorry, I meant 23rd, sorry,
10:33:06 25 line 12:

26 Q. "Q. You talked about some men coming with Bockarie when he
27 came first - when he first arrived in Buedu."

28 PRESIDING JUDGE: Please stop. What page are you reading
29 from?

1 MR CHEKERA: 2025, two-zero-two-five.

2 Q. The question was:

3 "Q. You talked about some men coming with Bockarie when he
4 first arrived in Buedu after your arrival. Did you ever
10:33:43 5 see any other arrivals of manpower into Sierra Leone?

6 A. Yes. Later some more men followed.

7 Q. Do you recall when that was, approximately?

8 A. That was after Freetown and Kono invasions. Another
9 150 men came with Marzah and Sampson.

10:34:08 10 Q. What happened to those men?

11 A. The men were dispatched into another group of the RUF."

12 Mr Sesay, do you recall this incident that Abu Keita is
13 talking about concerning the arrival of 150 men subsequent to the
14 arrival of the 25 men that you talked about?

10:34:31 15 A. No, no other reinforcement, no other men joined the RUF,
16 that were 150 men. Minus, Keita's men, no other men joined the
17 RUF from Liberia.

18 Q. Do you recall Marzah and Sampson bringing any men from
19 anywhere into the RUF subsequent to the incident that Abu Keita
10:34:55 20 is talking about?

21 A. No. I never saw that, and I never heard of that.

22 Q. You have made references, many references, to Marzah and
23 Sampson. What were their dealings with the RUF?

24 A. Well, at this time I did not know of any dealing with the
10:35:19 25 RUF. At the time that I knew about Marzah, it was during the
26 Lome Accord when he came with the ambassadors and Musa Cisse,
27 when they came from Lome, when they passed through Liberia.
28 Marzah was one of the securities that came with them. That was
29 around June of '99, 1999.

1 Q. What about Sampson?

2 A. I knew Sampson in 2000, at the time that I was transporting
3 the UNAMSIL people. He came with the helicopter to Foya. He
4 distributed the uniforms to the UNAMSIL people, for them to go to
10:36:06 5 Monrovia.

6 Q. Just one other - on a different matter completely, just a
7 quick question: When Abu Keita came to Sierra Leone, was he
8 appointed into any position where he was dealing with diamonds?

9 A. No, no. He had no position in the RUF or neither did he
10:36:38 10 deal in diamonds. He had his own men, who were mining for him in
11 Kono, but he hadn't any position on behalf of the RUF to do any
12 mining.

13 Q. Did you appoint him to any position?

14 A. No, no.

10:37:01 15 Q. 23 January 2008, page 2027, line 3:

16 "Q. When Sam Bockarie went to Liberia, who became in
17 charge of the RUF?

18 A. Foday Sankoh himself was in charge of the RUF.

19 Q. Who took Bockarie's position?

10:37:25 20 A. It was Issa Sesay.

21 Q. During the time that Issa Sesay took over, what was
22 your assignment?

23 A. Issa Sesay assigned me to a mining camp by the Sewafe
24 River called Sandia."

10:37:45 25 Do you recall that, Mr Sesay?

26 A. No. I never assigned Abu Keita to Sandia. That never
27 happened around the Sewafe River. And when Sam Bockarie left in
28 December in '99, I, Abu Keita, Lion and Bockarie, we were all in
29 Makeni. It was when Mr Sankoh posted me in February of 2000 to

1 Kono, it was at that time that we went with Abu Keita, Lion,
2 Eddie Bockarie and Lawrence Womandia, we left Makeni for Kono.

3 PRESIDING JUDGE: Just excuse me. Mr Sesay, you just told
4 the judges that Abu Keita had his own men who were mining for him
10:38:35 5 in Kono and that he hadn't any position on behalf of the RUF.
6 Now, where were these men of Abu Keita's mining? What is the
7 location where they were doing the mining?

8 THE WITNESS: Well, they were mining in Small Sefadu,
9 ma'am, Small Sefadu. His own men that he brought to Sierra
10:38:59 10 Leone, they were among the few civilians who were mining in Small
11 Sefadu, and Abu Keita was based in Lebanon where I was as well.

12 PRESIDING JUDGE: Is this Small Sefadu anywhere near
13 Sandia?

14 THE WITNESS: No, ma'am. It is a very long distance away.
10:39:19 15 Sandia was by the border going towards the north, by Gold Town.
16 Small Sefadu is one mile away from Lebanon.

17 MR CHEKERA:

18 Q. Mr Sesay, just to pick up from the question from the
19 learned justice, was there any mining going on by the Sewafe
10:39:48 20 River called Sandia by the RUF?

21 A. Yes, mining was going on there. Civilians and RUF were
22 mining there.

23 Q. And during the time that you took over from Sam Bockarie,
24 who was in charge of the mining at the Sewafe River on behalf of
10:40:11 25 the RUF?

26 A. During the time that Sam Bockarie left, mining was not
27 going on in Sandia. That was in December '99. It was in 2000
28 that mining was going on in Sandia. And the Kamajor commander
29 that was in Masingbi at this time, because they had surrendered

1 to the RUF, that is Amadou Conteh, he was mining in Sandia in
2 2000.

3 Q. Just to be clear, Amadou Conteh, who was he mining for?

4 A. Well, he was mining for himself. He and his Kamajors who
10:40:54 5 had joined the RUF, they were mining. They used to divide the
6 gravel into two piles. They would take one pile and give one
7 pile to the RUF. That was how the mining was going on in 2000,
8 that two-pile system.

9 Q. So the defected Kamajors were involved in a two-pile system
10:41:16 10 where they would retain one pile and the other pile would be
11 surrendered to the RUF; do I capture your evidence correctly?

12 A. Yes, that was what I said. And even the civilians, that
13 was the condition.

14 PRESIDING JUDGE: What about Abu Keita's men? Were they
10:41:35 15 also part and parcel of this two-pile system?

16 THE WITNESS: Yes, ma'am, everybody.

17 MR CHEKERA:

18 Q. And again just to be clear on that, Mr Sesay, Abu Keita's
19 men were also part of the two-pile system, and where were they
10:41:53 20 mining that two-pile system?

21 A. I said in Small Sefadu.

22 Q. Let's move on to a different issue, Mr Sesay. How many
23 incidents do you remember, Mr Sesay, during the time that you
24 were in the RUF, where - which involved the capture of
10:42:23 25 peacekeepers by the RUF?

26 A. Repeat the question.

27 Q. How many incidents do you remember involving the capture of
28 peacekeepers by the RUF during the time that you were in the RUF,
29 1991 to 2002?

1 A. Well, from 1991, I can recall RUF used to capture some SLA
2 soldiers; '92 it used to go on; but the first time that the RUF
3 captured a number of prisoners of war, that is a large number, it
4 was during the attack on Kono. That was 12, who were captured
10:43:24 5 together. But before that, just a few soldiers from the Sierra
6 Leone Army, and those soldiers were with the RUF. Some of them
7 became instructors, because I could recall Amuyepoh, he was a
8 Sierra Leonean soldier, he became an instructor. Long Life,
9 Moses Tarawalli, and even Dundas, all these were Sierra Leonean
10:43:59 10 soldiers, Pato-Pato. They were Sierra Leone soldiers whom RUF
11 captured.

12 JUDGE LUSSICK: You weren't asked that question,
13 Mr Witness. You were asked about the capture of peacekeepers.
14 You haven't answered that question at all. No one asked you
10:44:17 15 about the capture of SLA.

16 MR CHEKERA:

17 Q. Just peacekeepers, Mr Sesay.

18 A. Well, I did not understand the question. I can recall only
19 once.

10:44:28 20 JUDGE DOHERTY: What may have contributed to the confusion,
21 Mr Chekera, is that you said '91 to '92, when in fact there were
22 no peacekeepers in '91 and '92.

23 MR CHEKERA: I might have contributed, your Honour. I
24 thought I said 2002, just to give a time. I possibly
10:44:47 25 contributed.

26 Q. Mr Sesay, peacekeepers, you say you remember one particular
27 incident. Could you please tell us when that was and in relation
28 to which peacekeepers?

29 A. That was in May 2000. They were UNAMSIL peacekeepers.

1 Q. And how many were they?

2 A. Well, I cannot recall the exact figure now.

3 Q. And who was involved in that incident from the RUF side?

4 A. Those who started this whole thing were commanders who were
10:45:34 5 in Makeni, Kailondo, Gbao, Kallon and Komba Gbundema. They were
6 at the place where the problem started in Makeni.

7 Q. And were you involved in any way in that incident?

8 A. Yes, because when the problem started in Makeni, fighting
9 erupted between the RUF and the UNAMSIL. Mr Sankoh called to
10:46:07 10 Kono, he called from Freetown and told me - he called on the
11 phone and told me that fighting has erupted in Makeni between the
12 RUF and the UNAMSIL and that I was to go to Makeni. So I passed
13 the night in Kono, and on the following day I travelled to
14 Makeni. I was involved in that.

10:46:32 15 Q. Were you involved in any incident where you actually took
16 part in the capture of peacekeepers, Mr Sesay?

17 A. No. I, myself, did not capture peacekeepers. When I came
18 to Makeni, I - they had already arrested the Kenyans and one
19 MILOBS from Asia whom had been --

10:47:05 20 THE INTERPRETER: Your Honour, can he kindly repeat this
21 answer more clearly?

22 PRESIDING JUDGE: Mr Sesay, please repeat your answer
23 slowly so that the interpreter will hear what you're saying.

24 THE WITNESS: Your Honour, I said before I arrived - before
10:47:20 25 I arrived in Makeni they had arrested some Kenyans, including two
26 military observers. One from one Asian country, whose name I
27 cannot remember now, and one from The Gambia, they were in the
28 custody of the RUF at the Teko Barracks before I left for Makeni.
29 And when I arrived in Makeni, Komba Gbundema had already captured

1 a large number of UNAMSIL personnel, Zambians and some Kenyans,
2 between Makeni and Lunsar. So that is what happened.

3 MR CHEKERA:

4 Q. Do you recall an incident involving the capture of ECOMOG
10:48:11 5 keepers, Nigerian ECOMOG peacekeepers?

6 A. What time are you talking about? When you're asking me a
7 questions you should show the time frame, because the ECOMOG,
8 there was a time that they became peacekeepers and there was a
9 time that they became fighters against the RUF and the AFRC, so
10:48:35 10 you cannot just say the ECOMOG were peacekeepers.

11 Q. Very well, Mr Sesay. After the attack on Kono, when was
12 the attack on Kono by yourself?

13 A. That was in December '98.

14 Q. Yes. After the attack on Kono, do you recall an incident
10:48:53 15 involving the capture of ECOMOG peacekeepers?

16 MR KOU MJIAN: I think it might be confusing to call them
17 peacekeepers at that time.

18 MR CHEKERA: I am calling them peacekeepers for a reason
19 simply because that's the way that that's the way they were
10:49:11 20 described by the witness, and I am going to continue.

21 PRESIDING JUDGE: Very well. Continue, Mr Chekera.

22 MR CHEKERA:

23 Q. Mr Sesay, do you want me to repeat the question?

24 A. Yes, sir.

10:49:25 25 Q. After the attack on than Kono do you recall an incident
26 involving the capture of 11 ECOMOG peacekeepers?

27 A. Well, it was only during the attack on Kono that I knew
28 that I captured 12 Nigerian ECOMOG but after the attack on Kono,
29 after the capture of Kono I did not know about capturing ECOMOG

1 peacekeepers. And during this time, ECOMOG were not on
2 peacekeeping, they were fighting. You cannot be dropping cluster
3 bombs and saying you are a peacekeeper. You are killing people,
4 collaborators, how could you call such people as peace keep?

10:50:12 5 When you surrender, they kill you. They kill collaborators.
6 They dropped cluster bombs and they were launching heavy bombs
7 that exploded in civilian villages and killed civilians.
8 Q. Transcript of 23 January 2008, page 2028. I will probably
9 just start at line 1, which starts midway.

10:50:40 10 "Q. Sir, during the time you were with the RUF, did you
11 become aware of any incident of peacekeepers - involving
12 peacekeepers?

13 A. Yes.

14 Q. Can you tell us about the first one.

10:50:54 15 A. The first one, after the capture of Kono, the Nigerian
16 ECOMOG were captured, 11 peacekeepers were captured under
17 ECOMOG. They were in Buedu in the dungeons.

18 Q. When you say this was after the capture of Kono, is
19 this after the Kono attack that you spoke about before
10:51:19 20 involving Christmas Day?

21 A. Yes, after the Kono attack ."

22 Line 20:

23 "Q. Who captured them?

24 A. The RUF, they were captured by General Issa Sesay."

10:51:38 25 He goes on to explain when this was.

26 "Q. Was this during the time that Sam Bockarie was in
27 Liberia or after the time?

28 A. At that time Sam Bockarie was the commander in charge.

29 Q. What happened to the 11 peacekeepers after they were

1 captured?"

2 Answer at line 11:

3 "A. The 11 peacekeepers were later released into Liberia."

4 As you have explained, Mr Sesay, is this the incident you
10:52:09 5 were referring to involving the 12 ECOMOG soldiers that you said
6 you captured or this is a different incident?

7 A. No. It is the same - it is only one incident that happened
8 when they took the 12 Nigerian soldiers in Buedu.

9 THE INTERPRETER: Your Honour, can he kindly repeat the
10:52:37 10 last bit slowly.

11 PRESIDING JUDGE: Just pause there, Mr Sesay. You said it
12 was - it's the only one incident that happened when they took the
13 12 Nigerian soldiers in Buedu. Continue from there, slowly.

14 THE WITNESS: Yes, ma'am. I said those prisoners of war,
10:52:57 15 the Nigerian ECOMOG, during the Lome Accord, when the ambassadors
16 came to Buedu, they took them along to Liberia.

17 MR CHEKERA:

18 Q. Mr Sesay, let's take your evidence in stages. When were
19 these ECOMOG soldiers captured?

10:53:21 20 A. The ECOMOG soldiers were captured between 16 and 17
21 December 1998.

22 Q. Where were they captured?

23 A. In Koidu Town - Koidu Town.

24 Q. And who captured them?

10:53:40 25 A. I did. The RUF under my command, they did.

26 Q. And in what context did you capture them? How did you get
27 to capture them?

28 A. Well, during the fighting they surrendered. They raised
29 their arms up - they raised their arms up and surrendered. We

1 disarmed them. That was the way it happened at the battlefield
2 during the exchange of firing.

3 Q. And who were you fighting during that battle that you are
4 talking about, that one in which the ECOMOG soldiers surrendered?

10:54:21 5 A. We were fighting against the ECOMOG, the ECOMOG and the
6 Kamajors.

7 Q. And when these ECOMOG soldiers surrendered, what did you
8 do?

9 A. Well, I sent them to the ground where we were in the Jungle
10:54:42 10 at Superman's ground. I sent them to the MP. I said the MP
11 commander should take care of them. They should sleep at the MP
12 until the following morning. So MP Jalloh went with them and
13 they slept at the MP office. The following morning I asked that
14 they be brought to Koidu Town at Kuyor where I spoke to them.

10:55:11 15 They remained there until I sent a message to Sam Bockarie. Then
16 Sam Bockarie told me to send them to him, to Buedu. So I told
17 the MP commander to provide escorts to take them to Buedu and we
18 took them there. But at the time that we stayed in Koidu we
19 provided food for them because there was one among them who had a
10:55:41 20 bullet wound in his leg so he had medical treatment until he went
21 to Buedu, but it was not a serious injury.

22 Q. And do you know what happened to them when they went to
23 bed?

24 A. They were at the MP office because I, in late March to
10:56:09 25 April I had to go to Buedu, I myself used to go to the MP office
26 and I used to see them there, I used to give them cigarettes
27 because they knew that I sent them to Buedu, so I used to go
28 there to greet them at the MP office until they were released to
29 the ambassador. That was in June of '99.

1 Q. Which ambassador were they released to?

2 A. The delegation that came consisted of the Nigerian
3 ambassador to Lome, the Nigerian ambassador to Liberia, Musa
4 Sesay, from Liberia, and one other ambassador, he too had come
10:57:01 5 from Nigeria but he was in Lome. So there were three
6 ambassadors, including Musa Sesay, SYB Rogers, Omrie Golley -
7 Omrie Golley, all of them came and even the late - I think the
8 Lome ambassador to Liberia too came.

9 Q. Who arrange for their release?

10:57:31 10 A. Well, it was Mr Sankoh who gave orders to Sam Bockarie that
11 when the ambassadors come to talk to us, the RUF, when they come
12 to talk to us about the Lome Peace Accord, Sam Bockarie should
13 release those people as a goodwill gesture to the Lome Accord, to
14 show to the most strict commitment to the Lome Accord.

10:58:00 15 PRESIDING JUDGE: Mr Sesay, where did you say these 11 or
16 12 ECOMOG prisoners were kept?

17 THE WITNESS: At the MP office in Buedu, that is where they
18 were.

19 PRESIDING JUDGE: Where exactly in the MP office?

10:58:20 20 THE WITNESS: The MP office in Buedu. It is in the centre
21 of town. That is where the building was. That was where they
22 were.

23 PRESIDING JUDGE: Inside the MP office itself is where they
24 slept, these 12 men?

10:58:36 25 WITNESS: Yes, ma'am, because the MP office had rooms. It
26 was in those rooms that were made into cells, that is where they
27 were. Even members who - of the RUF, who used to commit crimes
28 were detained in that office in Buedu at the MP office.

29 JUDGE DOHERTY: Mr Sesay, by my calculation, they were held

1 for about six or so months; is that correct?

2 THE WITNESS: Well, my Lord, yes about that, because it was
3 from December to June '99 - December '98 to June '99.

4 MR CHEKERA: May I continue?

10:59:28 5 PRESIDING JUDGE: Yes, please, do continue.

6 MR CHEKERA:

7 Q. Mr Sesay, just to pick up on a few questions from the
8 questions that arose, just if you could just assist to clarify in
9 light of the allegations which were made. Were these 11

10:59:40 10 peacekeepers kept in dungeons when they were in Buedu?

11 A. No. That was not to my knowledge. Because when I went to
12 Buedu in late March to early April, when I went to Buedu at this
13 time the Alpha Jets was assaulting Kailahun, it was flying over
14 Buedu, so in the morning Bockarie gave orders to the MP commander
15 and I used to take them out and they would go and stay at the
16 edge of the town for the entire day and in the evening they would
17 return to the MP office to sleep, to pass the night there. This
18 was what was going on until the declaration of the ceasefire.

19 After the declaration of the ceasefire, they used to spend their
11:00:27 20 whole day at the MP office but they used to come out on the
21 verandah at the backyard of the house. Because I used to go
22 there from between May - from between April to - between April to
23 October, I used to go there to visit them at the MP office
24 because they were fond of me, who had captured them.

11:00:58 25 MR CHEKERA:

26 Q. Just briefly, generally how were they treated during the
27 time that they were detained in Buedu?

28 A. Well, they used to give them food. They used to give them
29 food. Bockarie facilitated the MP commander to be getting food

1 for them because they were prisoners of war. So they were
2 sleeping in cells.

3 JUDGE LUSSICK: And, Mr Chekera, just to clarify something
4 Mr Sesay has said. I thought he said earlier that the prisoners
11:01:34 5 were held from December 1998 to June 1999. He has just said that
6 he used to visit them from between April to October. So how does
7 that stack up?

8 MR CHEKERA: Mr Sesay, are you able to assist? Did you
9 understand the learned justice's question?

11:01:59 10 THE WITNESS: Yes. Yes, my Lord, what happened - what made
11 that to happen was that I from December of '98 I was not in
12 Buedu, I went to Makeni and I was in Makeni January, February,
13 March. In late March, Superman and Gibriil Massaquoi attacked me
14 so I had to run away from Makeni via Kono and went to Kailahun.
11:02:24 15 So when I went I was staying to Buedu, that's why.

16 JUDGE LUSSICK: Look, I'm asking about the time factor.
17 You said that they were in custody from December '98 to June
18 1999. Now you said that you used to visit them between April to
19 October. How could you visit them in October if they were only
11:02:45 20 in custody from June - from December '98 to June '99? There is
21 no October in that period.

22 THE WITNESS: Well, it's not possible - it was not possible
23 for me to visit them in October because it was in June '99 that
24 we released them, that they took them.

11:03:10 25 JUDGE LUSSICK: That's my whole point, Mr Sesay. You said
26 you used to visit them. You said between April to October you
27 used to go there to visit them at the MP office because they were
28 fond of me who had captured them. Now you couldn't have seen
29 them in October, could you, because there was no October month

1 that they were in captivity.

2 THE WITNESS: Yes, my Lord. I am sorry. They were not in
3 Buedu until October. It was in June '99 that they were released.

4 MR CHEKERA:

11:03:46

5 Q. Now, Mr Sesay, so that the record is clear, when was it
6 that you were able to visit these detainees or these prisoners of
7 war?

8 A. I used to visit them at the MP between April and June 1999.

11:04:08

9 JUDGE LUSSICK: Well, that contradicts his previous
10 testimony.

11 MR CHEKERA:

12 Q. You said that they were eventually released after Foday
13 Sankoh directed you - directed Sam Bockarie to release them as a
14 sign of goodwill towards the Lome. Where were they released to
15 or to whom - rather, where did they go when they were released?

11:04:37

16 A. I told you that the ambassadors came from Lome who were
17 part of the negotiation and they came through Liberia and they
18 received those people and took them through Liberia and released
19 them. This was not just RUF. Outsiders also were involved in
20 their release and that was well known to guarantors and people
21 who were the negotiators during the Lome Accord.

11:05:04

22 PRESIDING JUDGE: These are ambassadors from where?
23 Ambassadors of which countries?

24 THE WITNESS: The ambassador for Nigeria to Lome, the
25 ambassador for Nigeria to Liberia, the ambassador of Togo to
26 Liberia, he too was there, and another ambassador, because there
27 were four ambassadors and Musa Cisse from Liberia, Omrie Golley,
28 SYB Rogers, all of them came.

11:05:27

29 PRESIDING JUDGE: And these ambassadors came where, came to

1 where?

2 THE WITNESS: They came to Buedu, my Lord. They used
3 vehicles, Land Rovers, from Liberia, from Monrovia, through Lofa
4 to Buedu.

11:06:15 5 MR CHEKERA:

6 Q. Other than the ambassadors, do you know of any Liberian
7 officials who came to escort these prisoners of war?

8 A. Yes, I saw Musa Cisse who was the chief of protocol to
9 President Taylor, he was amongst that group, and Zigzag Marzah
10 was one of the securities who came with them and some others
11 whose names I don't recall now, other Liberian securities.

12 Q. Transcript of 23 January 2008, page 2029 at line 7:
13 "Q. You mentioned that these prisoners were released. Do
14 you know what happened to lead to their release?

11:07:18 15 A. Yes.

16 Q. Can you tell the judges what you know about that?

17 A. Yes. The peacekeepers - Benjamin Yeaten and Sam
18 Bockarie, we had a meeting first at Dawa. Benjamin Yeaten
19 told Sam Bockarie that Charles Taylor said if he releases
20 the peacekeepers to him in Liberia and then Sam Bockarie -
21 and Sam Bockarie never hesitated, he didn't release them
22 the same day. Benjamin Yeaten went to Foya. We drove back
23 to Buedu. After a couple of days, Sam Bockarie said he had
24 had a call from Benjamin Yeaten instructing him that it is
11:08:02 25 an order from the President Charles Taylor to release the
26 peacekeepers and then we drove with the peacekeepers, along
27 with Marzah, Sampson to Foya where we met Benjamin Yeaten
28 and Joe Tuah where the peacekeepers were handed over, the
29 11 ECOMOG".

1 Do you recall any of this happening, Mr Sesay?

2 A. No. This did not happen, because I was there when the
3 delegation came, Benjamin Yeaten was not amongst them. The names
4 of people that I have called were the ones who came.

11:08:46 5 Q. Are you aware of this discussion allegedly between Benjamin
6 Yeaten and Sam Bockarie first at Dawa?

7 A. No. I did not have any hear of any discussion between Sam
8 Bockarie - I did not hear any discussion coming from Sam Bockarie
9 about the release of those people to Benjamin Yeaten or about
10 Benjamin Yeaten. The one that I have explained is what happened.

11:09:14 11 When the delegation came, Mr Sankoh had sent a delegation - a
12 message ahead before this delegation arrived to Sam Bockarie.

13 Q. Where was Mr Sankoh at this point?

14 A. Mr Sankoh was in Lome.

11:09:34 15 Q. And how did he send a message?

16 A. Well, sometimes he called through the satellite phone.
17 Sometimes he sent messages through the radio, the field radio.

18 Q. I am sorry, I am just going to cut you short, Mr Sesay. In
19 relation to this incident, the instructions to release the 12
20 ECOMOG by your account, do you remember how he sent the message
21 across?

11:09:52 22 A. Well, I think it was through the satellite phone, because
23 he used to call the line and talk to Sam Bockarie and he
24 discussed the importance of releasing those people and that a
25 delegation was coming to speak to us about the importance of the
26 Lome Accord and if Sam Bockarie had any concerns or that any of
27 the other commanders had concerns, they should explain to the
28 delegation.

29 Q. And you have mentioned some Liberians involved in this

1 particular incident. Do you know whether Mr Taylor was
2 personally involved in the release of these 12 ECOMOG prisoners
3 of war by your account?

11:11:00 4 A. Well, I did not hear of any directive or any direct message
5 from Mr Taylor to Sam Bockarie, but I saw Mr Taylor's chief of
6 protocol amongst the delegation, so he must have had knowledge
7 about it.

8 PRESIDING JUDGE: Who was this chief of protocol, what was
9 his name?

11:11:19 10 THE WITNESS: Musa Cisse, my Lord. He came to Buedu and
11 that was his first time to come there and the first time that I
12 knew him.

13 MR CHEKERA:

14 Q. And just to be clear, how long after the delegation came
11:11:39 15 were the prisoners of war released - the delegation of the
16 ambassadors, if I may be clear. Do you follow the question or do
17 you want me to rephrase?

18 A. Well, I recall that the ambassadors went with the prisoners
19 of war.

11:12:20 20 Q. Mr Sesay, you have already mentioned another incident
21 involving peacekeepers in 2002. I am just going to put to you
22 what this witness said in relation to that incident and ask you
23 to comment. Same transcript, same page, line 27:

24 "Q. Were you aware of another incident involving
11:12:53 25 peacekeepers?

26 A. Yes.

27 Q. When did that occur?"

28 Over the page:

29 "A. That was when Sam Bockarie was no longer in charge.

1 It was General Issa Sesay.

2 Q. Do you remember which year that was?

3 A. That was in 2000, sir.

11:13:16

4 Q. Can you tell us what you know about this second
5 incident?

6 A. That was Augustine Gbao. They said they arrested three
7 SUBs in Makeni " --

8 PRESIDING JUDGE: SBU's.

9 MR CHEKERA: Sorry.

11:13:34

10 Q. "...SBU's in Makeni and they were forcefully taken to the
11 disarmament camp and so the Lome Accord never said they
12 should force any combatants to disarm, so that brought
13 about the idea of us arresting the Kenyans and the
14 Zambians."

11:13:52

15 This incident, Mr Sesay, just to be sure, the incident that
16 you spoke about earlier, is this the same incident that is
17 reflected in this evidence?

18 A. Yes, because that was the only incident that took place
19 2000, but the accounts that you are giving now was not the
20 account that happened. They were not SBU's as Augustine Gbao and
21 Morris Kallon said.

11:14:12

22 Q. Okay. Just explain what happened leading to the capture of
23 the peacekeepers. Mr Sesay, I am saying you are disputing this
24 account that the capture of SBU's resulted in the capture of the
25 peacekeepers, I am saying what is your account of what happened
26 resulting in the capture of the peacekeepers?

11:14:47

27 A. Well, those who were in Makeni, Augustine Gbao, Morris
28 Kallon and Kailondo and others said the RUF fighters, they were
29 not SBU's, they were moving from Magburaka to Makeni and the DDR

1 camp was located at Makump, between Makeni and Magburaka. So
2 when these fighters got to the DDR camp they said the military
3 observers and the Kenyans arrested them and they disarmed them
4 forcefully and there were three in number. So the others came to
11:15:32 5 Makeni and when they disarmed them, the others came and gave the
6 report to Augustine Gbao and Morris Kallon and Kailondo. So when
7 they made the reports, Augustine Gbao and others went to the DDR
8 camp. Augustine Gbao, Kallon and Kailondo went to the DDR camp.
9 But before they went there - and when they went there they said
11:16:02 10 firing took place between them and the peacekeepers. So from
11 that point when they returned from the DDR camp any UNAMSIL that
12 they met on the way, they arrested them until they entered Makeni
13 Town. They started arresting them and taking them to the
14 barracks. So from the DDR camp they came back to Makeni and
11:16:22 15 fighting then erupted between them and the UNAMSIL. So they sent
16 a message to Mr Sankoh in Freetown saying that the UNAMSIL had
17 forcefully disarmed some RUF and that when they went to the camp
18 to retrieve their arms, the UNAMSIL opened fire on them. So they
19 said that was what brought about the problem.

11:16:48 20 PRESIDING JUDGE: Mr Chekera, I don't know if it arises out
21 of the record or the speed at which the witness is speaking, who
22 were these three people that were forcefully disarmed by the
23 peacekeepers?

24 MR CHEKERA:

11:17:04 25 Q. Mr Sesay, can you assist the learned justices?

26 A. My Lord, they were RUF. They were RUF fighters.

27 Q. And maybe just to give a bit of background, why were they
28 forcibly disarmed, Mr Sesay, if you know?

29 A. Well, I never knew why they actually disarmed them

1 forcefully, but they said what happened was that the UNAMSIL
2 wanted to disarm Makeni, and General Jetley was pressurising
3 Mr Sankoh to disarm in Makeni, when Mr Sankoh too was saying that
4 no, he would not continue with the disarmament if President
11:17:53 5 Kabbah did not show his own commitment to the accord.

6 Q. Line 13 of the same page:

7 "Q. How many peacekeepers - you said Kenyans and Zambians.
8 How many of them were arrested by the RUF?

9 A. Roughly about 500, the whole Zambian troops.

11:18:26 10 Q. Did Issa Sesay speak about his feelings about this
11 incident?

12 A. Issa Sesay was the commander but Foday Sankoh was in
13 Freetown when all of us, the frontline commanders, we
14 expected to get orders that we should release the people,
11:18:45 15 but we never had the orders, and then Issa Sesay told us to
16 take the people to Number 11 Plant in Kono."

17 During this time, Mr Sesay, were you the commander, as
18 alleged by this witness?

19 A. Yes, I was the field commander.

11:19:08 20 Q. And when these peacekeepers were arrested and no orders for
21 their release were forthcoming from Foday Sankoh, did you order
22 that they should be taken to Number 11 Plant in Kono?

23 A. Yes, I do agree that no orders came from Mr Sankoh about
24 their release, and Mr Sankoh was saying that I should take them -
11:19:33 25 I should go and keep the people in the forest, in the Kangari
26 Hills, but I decided that, no, I will send them to Kono instead.
27 So they went. They were at Yengema, and few of them told the
28 Number 11 Plant which was the mining quarters.

29 PRESIDING JUDGE: Few of them did what?

1 THE WITNESS: I said some of them, I mean few of them, were
2 sent to the Number 11 Plant. They had some mining quarters there
3 that the NDMC had built.

11:20:16

4 PRESIDING JUDGE: And the rest of them, what happened to
5 them?

6 THE WITNESS: The larger number stayed in Yengema.

7 MR CHEKERA:

11:20:37

8 Q. Why did you defy Foday Sankoh's instructions to send them
9 into the bush or to take them into the bush and instead took them
10 to Yengema and a few to Number 11 Plant?

11 A. Well, I thought that could have worsened the problem
12 because, had we taken those people to the forest, you will need
13 somewhere for them to sleep, their feeding, their medication. So
14 I then decided that they should go and stay in Kono.

11:21:06

15 Q. Line 25:

16 "Q. How long were these peacekeepers held?

17 A. The peacekeepers were there until the attack took place
18 at Foday Sankoh's house in Freetown."

11:21:25

19 Is that an accurate estimation of how long the peacekeepers
20 were detained, Mr Sesay?

21 A. It was more than that, because the time Mr Sankoh's house
22 was attacked was on May 8, and those peacekeepers were at Yengema
23 and Number 11 up to late May.

11:21:58

24 Q. The witness - your evidence tallies with the witness to an
25 extent. Line 28:

26 "Q. Again, you mentioned that this was in 2000. Do you
27 know what month that was?

28 A. That happened in May.

29 Q. What happened then with the peacekeepers after the

1 attack on Foday Sankoh's house?

2 A. We got Dennis Mingo, who was call Superman, and Gibri I
3 Massaquoi and one bodyguard to Foday Sankoh who was called
4 Ray. He was the Black Guard commander. They retreated
11:22:30 5 from Freetown and then we got them. We met with them, it
6 was supposed to be at Gberi Junction. That was the time
7 they reached amongst us. They entered our midst and we
8 drove them to Makeni, and then they said Foday Sankoh gave
9 them message that Issa Sesay should take charge of the
11:22:56 10 RUF." Line 14:

11 "Q. After the message came from Foday Sankoh that Issa
12 Sesay should be in charge, what happened with the
13 peacekeepers?

14 A. The peacekeepers were still under their control, and we
11:23:14 15 saw Marzah and Jungle, they came for Issa Sesay in Makeni.
16 We drove to the border. They crossed into Liberia. When
17 Issa Sesay came back, he brought a satellite phone. He
18 called a meeting in Makeni at the Military Police
19 headquarters at the roundabout because we were using the
11:23:36 20 old bank in Makeni. So he spoke to all the commanders. He
21 said, 'Charles Taylor said we should release the
22 peacekeepers over to him in Liberia,' and then now we never
23 had any alternative but for us to release the peacekeepers.
24 So we took the peacekeepers, we drove them to the border,
11:24:00 25 and then they were handed over to Benjamin Yeaten and Joe
26 Tuah, again in Foya." Line 28:

27 "Q. When Issa Sesay came back from Liberia, you said he
28 brought a satellite phone. Did he indicate where he got
29 the satellite phone?" Over the page:

1 "A. He said the satellite phone was issued to him by
2 Charles Taylor, and then with the satellite phone he came
3 with 50 boxes of ammunition again."

4 Mr Sesay, I am just going to go back and ask you to deal
11:24:41 5 with a few issues that have arisen from this excerpt.

6 When Gibril Massaquoi and Superman came to you, did they
7 bring a message from Foday Sankoh that you should take over
8 command of the RUF?

9 A. No. I did not receive such a message. They did not give
11:25:06 10 me such a message.

11 Q. Did they bring any message to you from Foday Sankoh?

12 A. No.

13 Q. Now, concerning the peacekeepers, did Marzah and Jungle
14 come for you in Makeni to go to Liberia?

11:25:30 15 A. Not at all. Benjamin Yeaten, whom Mr Taylor sent, he flew
16 on a helicopter and landed in Pendembu. When he met the
17 commander, Dennis Lansana in Pendembu, he told him - he asked for
18 me and Dennis Lansana told him that I was in Makeni, and he said
19 that Dennis Lansana should please send a radio message to me
11:26:01 20 saying that President Taylor wants to see me urgently. So this

21 was something that Dennis Lansana and all the RUF fighters in
22 Pendembu were aware of. Jungle did not come, nor did Zigzag

23 Marzah come to Makeni, not at all. It was Dennis Lansana who
24 sent a message to me, and then I informed Kallon and Gbao about

11:26:25 25 it, and at this time Superman and the others had not yet come,
26 and I drove and went through Kono and I went to Kailahun. I then
27 crossed over the border and I met the commander in Foya. And
28 then he called Monrovia and a helicopter was dispatched to come
29 and pick me up.

1 Q. And when you drove to the border, did Abu Keita come along
2 with you?

3 A. No, no, no. I left Abu Keita in Makeni, and then I came to
4 Foya through Kailahun.

11:27:00 5 Q. Now, when you came back from Liberia, did you come back
6 with a satellite phone?

7 A. No, no. On that trip, I did not bring a satellite phone,
8 except the satellite phone that had been given to me by

9 Mr Sankoh. That was what I was using. And after I had answered
11:27:27 10 to Mr Taylor's call, when Mr Taylor spoke to me about the release
11 of the UNAMSIL, he too made me understand that he had got a
12 mandate from his colleague ECOWAS leaders, and I knew that the
13 ECOWAS leaders were the guarantors to the Lome Accord, so I had
14 to accept, because of what I had heard from Mr Taylor, because of
11:27:51 15 the guarantors. So, I -

16 THE INTERPRETER: Your Honours, could the witness be asked
17 to repeat from where I stopped?

18 PRESIDING JUDGE: Pause. You said "because of what I had
19 heard from Mr Taylor, because of the guarantors." Now, what did
11:28:08 20 you say after that? Repeat it please, slowly.

21 THE WITNESS: I said what I heard from Mr Taylor, and he
22 said it was a mandate from the ECOWAS leaders, and I said during
23 the Lome, I knew that it was the ECOWAS leaders who were the
24 guarantors to the Lome Accord. So that was why I accepted and I
11:28:35 25 went and released the people.

26 MR CHEKERA:

27 Q. Did you bring back 50 boxes of ammunition?

28 A. Not at all, not at all. I did not bring ammunition. I did
29 not bring a satellite phone. The only thing that Mr Taylor gave

1 to me was the \$5,000. That was after I had requested that the
2 transportation of the UNAMSIL will be a difficulty to me, in case
3 of fuel, so that is when Mr Taylor said that he should give me
4 \$5,000. That was the only thing that I received from Mr Taylor
11:29:19 5 on that visit.

6 Q. Now, Mr Sesay, when you came back from this particular
7 trip, did you call a meeting in Makeni at the Military Police
8 headquarters?

9 A. No. Mr Lawyer, I have just told you that I did not go to
11:29:44 10 Makeni. When I returned from Monrovia, I stopped in Kono, I
11 collected the UNAMSIL, and I went back to Liberia for them to be
12 released. I did not go to Makeni. I recall that it was only a
13 message that I sent to Kallon about the call that Mr Taylor had
14 invited me, that - about the release of the UNAMSIL. I did not
11:30:06 15 go to Makeni. So if I did not go to Makeni, how would I have
16 been able to call a meeting there?

17 Q. Mr Sesay, I am just putting to you evidence. These are not
18 my words, and I just have to do that, so you will bear with me.

19 Let's just move on to a different topic. I am just going
11:30:35 20 to ask you, maybe initially, generally, Mr Sesay: During the
21 time that you were fighting as a member of the RUF, were you ever
22 involved in combat outside Sierra Leone?

23 A. No. I did not fight outside of Sierra Leone.

24 Q. Have you ever heard of an operation called Mosquito Spray?

11:31:14 25 A. Yes, I heard it on the BBC.

26 Q. What did you hear about Mosquito Spray?

27 A. Well, I heard that dissidents, armed men from Guinea,
28 crossed into Liberia and attacked Lofa County.

29 Q. Now, you, in your evidence over the course of the weeks,

1 you indicated about cross-border attacks from Guinea. Was the
2 RUF ever involved in cross-border attacks into Guinea?

3 A. Yes. That started since 1998 when the Guineans crossed
4 over into Yenga and Mofindor in the Kailahun District and they
11:32:11 5 also crossed over in Kono at Kombeyendeh and the RUF repelled
6 them. At that time it was Rambo who was in Kono as brigade
7 commander. He repelled them, he crossed into Guinea and was able
8 to capture some missiles from them and even those cross-border
9 attacks took place in '99 also, around Rokupr in the Kambia
11:32:35 10 District border with Guinea. And that started in 2001.

11 PRESIDING JUDGE: Can we have some name spellings,
12 Mr Chekera, please.

13 MR CHEKERA:

14 Q. Mr Sesay, just assist me, the cross-border attacks into -
11:33:02 15 in 1998, you said were in which place, Yenga?

16 A. Yenga. Yenga it is after Koindu in the Kailahun District,
17 Yenga.

18 Q. Are you able to help us with the spelling of Yenga?

19 A. No, let the interpreter try.

11:33:25 20 MR CHEKERA: Madam President, I am sorry.

21 PRESIDING JUDGE: First of all, Mr Sesay, you mentioned
22 three place names. There was Yenga, Mofindor and there was a
23 third place.

24 THE WITNESS: Yes, that was in the Kono District,
11:33:40 25 Kombeyendeh.

26 PRESIDING JUDGE: Now, Mr Interpreter, we will need those
27 three spellings, please.

28 THE INTERPRETER: Your Honours, Yenga is Y-E-N-G-A.

29 Mofindor is M-O-F-I-N-D-O-R. Kombeyendeh is

1 K-O-M-B-E-Y-E-N-D-E-H.

2 PRESIDING JUDGE: Thank you, please continue.

3 MR CHEKERA: Thank you, Madam President.

4 Q. Mr Sesay, you have mentioned three or so incidents
11:34:17 5 involving cross-border attacks into Guinea, 1998, Superman and
6 1999 and another in 2001.

7 A. I did not say Superman. I said Rambo.

8 Q. Sorry, my mistake. Rambo, yes. In 1999 who was involved
9 in the cross-border attacks into Guinea?

11:34:45 10 A. That was Komba Gbundema and you can see it in the radio log
11 exhibit. That message was there in '99 when Komba Gbundema sent
12 a message through Superman to Sam Bockarie.

13 Q. And during this time that Komba Gbundema attacked Guinea,
14 where was he based?

11:35:15 15 A. He was in command of the Kambia District, Rokupr down to
16 Kombeyendeh, that is where the Guineans crossed and he too
17 repelled them.

18 Q. Just to be clear, Mr Sesay: You say that that's where the
19 Guineans crossed and he too repelled them. Who attacked whose
11:35:42 20 territory first, the Guineans or the RUF?

21 A. The Guineans first crossed. Because even in the Kailahun
22 District, starting from 1991 to 1998, we used to do - transact
23 business with the Guineans on the borderline. They never crossed
24 into our own place and we never crossed to them. But in July of
11:36:11 25 '98 they crossed and came and occupied Yenga. So they first
26 started crossing over into the RUF territories because they were
27 acting in collaboration with the Government of Sierra Leone at
28 that time.

29 Q. And if you recall, where did you get the arms that the RUF

1 used during the attack against the Guineans in 1999?

2 A. Well, you are asking me a question about where RUF got arms
3 in 1999. RUF had been in arm from 1991 and they have been arming
4 themselves up to 1999. So where did you expect the RUF to get
11:37:02 5 arms from when RUF were capturing arms from military troops?

6 PRESIDING JUDGE: Mr Sesay, you are supposed to answer
7 questions, not to ask questions to counsel, okay. Counsel asked
8 you the question where did you get the arms that the RUF used
9 during the attack against the Guineans in 1999? Now, is there an
11:37:27 10 answer that you can give us.

11 THE WITNESS: Yes, my Lord. The RUF had been in arm before
12 1999.

13 MR CHEKERA:

14 Q. Mr Sesay, my question will become very apparent when I
11:37:42 15 refer you to the transcripts, in reference to these attacks. And
16 in 2001 --

17 PRESIDING JUDGE: He has not answered the question and I
18 want to hear the answer.

19 Do you want me to repeat the question again, Mr Sesay? The
11:38:02 20 question is: "Where did you get the arms that the RUF used
21 during the attack against the Guineans in 1999?"

22 THE WITNESS: My Lord, the RUF had been capturing arms from
23 the government troops since 1991 up to 1999. So the RUF were in
24 arm. They were armed up to 1999.

11:38:27 25 PRESIDING JUDGE: And those are the arms that you used
26 against the Guineans in 1999; is that correct?

27 THE WITNESS: Yes, ma'am, when they crossed into --

28 MR CHEKERA: Maybe I contributed too. Let me ask a
29 different question.

1 Q. Where did you get the ammunition that you used for the
2 attack on Guinea in 1999?

3 A. Well, the commander who was at Rokupr who was Komba
4 Gbundema and who was in command in the Kambia District, if he saw
11:39:07 5 the message that he September to Sam Bockarie, the Guineans first
6 crossed and he decided to repel them. So he had ammunition on
7 his own. So that why he was able to repel the attack. If you
8 watch into the radio logbook you can see that message, that
9 Mr Griffiths had shown me before.

11:39:42 10 MR CHEKERA:

11 Q. 2001, who was involved in the cross-border attacks into
12 Guinea?

13 A. It was Komba Gbundema who was in Kambia, he was the brigade
14 commander there. When the Guineans crossed around the Madina
11:39:58 15 area, he then repelled them.

16 Q. Transcript of 23 January 2008, page 2046, line 20:

17 "Q. Can you tell us how the RUF got involved in the
18 operation against Mosquito Spray.

19 A. Sam Bockarie contacted us in the morning to prepare
11:40:49 20 ourselves to move to Foya. He said LURD rebel Mosquito
21 Spray had already attacked Voinjama and Kolahun, so
22 Benjamin Yeaten said we should move. So he got the
23 instructions from Benjamin Yeaten. So he called Issa Sesay
24 and Morris Kallon for us to move and implement this
11:41:18 25 operation in Liberia. And then he, Sam Bockarie, said
26 he was busy in Foya, and then the Liberian commander
27 that was based in Foya called Stanley, Colonel Stanley of
28 the AFL, he was the commander in charge of Foya.

29 Q. Okay, thank you. Mr Witness, a few questions about

1 this. First, can you help us by letting us know when this
2 happened, when the RUF was involved in the operation
3 against Mosquito Spray.

4 A. That was what I said. I said August 1999, sir."

11:42:11 5 Question, line 12:

6 "Q. Did you go and fight then in Liberia?

7 A. Yes, we fought against the LURD rebels against Mosquito
8 Spray and we took over Kolahun and then we took over

9 Voinjama. That was a successful mission for us. And then

11:42:32 10 Benjamin Yeaten, Sam Bockarie and the defence minister,

11 Daniel Chea, they arrived on helicopter in Voinjama and

12 then they were flown to Monrovia, sir.

13 Q. In that operation in Liberia, which RUF commanders
14 were involved?

11:42:55 15 A. That is what I was saying. It was Issa Sesay, Morris

16 Kallon and then the overall commander was Sam Bockarie, who
17 was based at Foya."

18 Before I continue, Mr Sesay, the witness here, Abu Keita,

19 is quite sure, on more than one occasion, he says, you were

11:43:20 20 involved in the attack in Voinjama and Kolahun, the operation

21 that was called Mosquito Spray.

22 A. He's lying. I was not involved in any operation in Liberia

23 in August 1999. And even he, Abu Keita, was in Buedu in August

24 of 1999. And in August 1999 Morris Kallon was in Magburaka from

11:43:58 25 December of '98 Morris Kallon left Buedu. He never went to Buedu

26 again until December '99 at the time Sam Bockarie left Buedu.

27 And during this time in August, Kallon was the commander in

28 Magburaka in '99.

29 Q. And you, Mr Sesay, during this time, where were you?

1 A. At this time I was in Buedu. I recall that it was in
2 August that Mr Sankoh sent a message to me that I should go and
3 drop Johnny Paul in Foya where a helicopter picked him up to
4 Monrovia. So the RUF did not take part in attacking LURD rebels
11:44:42 5 in Kolahun nor in Voinjama, that is not true.

6 Q. Do you know Daniel Chea?

7 A. Yes. I know Daniel Chea, I knew Daniel Chea for the first
8 time when he came as the representative on the morning of the
9 arms at Lungi airport. That was the first time I had had a
11:45:12 10 discussion with him.

11 PRESIDING JUDGE: Mr Chekera, it is 11.45. We are going to
12 take a 15-minute break. As I said before, we will reconvene at
13 12 o'clock.

14 [Break taken at 11.45 a.m.]

11:59:25 15 [Upon resuming at 11.59 a.m.]

16 PRESIDING JUDGE: Mr Chekera, please continue.

17 MR CHEKERA: Thank you, Madam President.

18 Q. Transcript of 23 January 2008, page 2048, line 20:

19 "Okay, let me start again, Mr Witness. I apologise. So
12:00:06 20 I'm finished now asking you about Mosquito Spray and I'm
21 asking you were you involved in any other operation outside
22 of the borders of Sierra Leone with the RUF?

23 A. Yes.

24 Q. What was the next time?

12:00:25 25 A. The next one, after releasing the peacekeepers, which
26 were the Zambians and the Kenyans, when Issa Sesay came
27 with 50 boxes of ammunition, we moved from Makeni to
28 Kamakwie and then the commander who was in Kokui ma, who was
29 called Colonel Komba Gbundema, he was the commander in

1 Kamakwie, and then we used the Kabbah ferry. We went to
2 Madina Wola; we attacked Madina Wola in Guinea, and then in
3 that attack we incurred more casualties.

12:01:23 4 Q. Okay. What year did this occur then, you said that
5 was the time the peacekeepers in Makeni that were taken
6 captive.

7 A. That was in 2000."

8 Mr Sesay, do you recall an attack on Guinea led by Komba
9 Gbundema in 2000?

12:01:47 10 A. Well, that was the cross-border attack that I was talking
11 about when the Guineans crossed in and Komba Gbundema repelled
12 them. But what this witness is alleging, or what he is saying,
13 did not happen that way because when he was in Kono I was with
14 him in Kono, he did not go, in Kamakwie; he was not part of that.

12:02:17 15 Q. Let me just ask you for a bit more detail, Mr Sesay. Did
16 you provide ammunition for that attack?

17 A. No, I did not provide ammunition.

18 Q. At this time you do agree, do you, that Komba Gbundema was
19 in Kamakwie - he was the commander in Kamakwie?

12:02:56 20 A. Yes, Komba Gbundema was the commander in Kamakwie from '99.
21 He was the one who controlled that axis from '99 to 2000.

22 Q. And during this time he fell under you, did he?

23 A. Yes.

24 Q. And this attack on Guinea by Komba Gbundema, was there any
12:03:29 25 plan to undertake this attack?

26 A. No, it was not something I and Komba Gbundema planned.
27 When the Guineans crossed and attacked he repelled them and he
28 had been doing it on his own in '99. And even at one time in
29 '99, when the Guineans were coming from Guinea to come to Sierra

1 Leone, he set up an ambush and disarmed a 40-barrel missile and
2 other ammunition from them. Even that 40 barrel, it was
3 Mr Sankoh who handed it over to the Guineans in Makeni.

12:04:30

4 Q. And can you explain why the RUF repelled the Guineans all
5 the way into Guinea?

6 A. Well, the Guineans had been crossing and attacking
7 RUF-controlled areas. That was why RUF repelled them.

12:04:56

8 Q. And my question was, rather than - let me say, rather than
9 stopping at the border, do you - can you comment or can you tell
10 us why the RUF proceeded to enter into Guinean territory?

11 A. Well, it was to ensure that the Guineans did not attack RUF
12 positions. That was why the RUF went into Guinea, because they
13 had been doing it from '98.

12:05:27

14 JUDGE DOHERTY: Mr Chekera, as he's answered it appears to
15 me that the RUF had been going into Guinea since 1998. Is that
16 what is intended?

17 MR CHEKERA: Let me just pick it up from the transcript.

18 PRESIDING JUDGE: Line 17, page 53.

19 MR CHEKERA: Yes.

12:05:43

20 Q. Mr Sesay, your answer is captured on the transcript:

21 "Well, it was to ensure that the Guineans did not attack
22 RUF position. That was why the RUF went into Guinea,
23 because they had been doing it from 1998."

12:06:12

24 Who had been doing it, that is attacking the other in their
25 territory, since 1998?

26 A. It was the Guineans. The Guineans had been crossing and
27 attacking RUF territories since 1998 and, since the start of the
28 war in 1991, RUF had been in Kailahun and they never crossed into
29 Guinean territory until '98 when they started attacking RUF

1 positions up to 2000.

2 PRESIDING JUDGE: So Abu Keita's testimony that the RUF
3 under Komba Gbundema attacked Madina Wola in Guinea is true,
4 Mr Sesay, is it?

12:06:57 5 THE WITNESS: Yes, the RUF crossed into Guinea, based on
6 the attack that the - that they attacked RUF.

7 PRESIDING JUDGE: I wish you would answer my question. The
8 question I asked was: So is it true that the RUF attacked Madina
9 Wola in Guinea, as Abu Keita says here?

12:07:22 10 THE WITNESS: Well, I don't know whether RUF reached Madina
11 Wola, but I know that they crossed and repelled the Guineans.

12 JUDGE LUSSICK: Well, they actually repelled the Guineans
13 before they crossed, didn't they?

14 THE WITNESS: Yes, my Lord, because the Guineans crossed
12:07:51 15 and attacked RUF positions and RUF repelled them and, when they
16 went into Guinea, the RUF chased them there, so later RUF
17 retreated into Sierra Leone and went back to their positions.

18 MR CHEKERA:

19 Q. And, Mr Sesay, just to be clear and to follow up from the
12:08:17 20 question by the presiding judge, when Komba Gbundema attacked
21 Madina Wola, or when he crossed over into Guinea, was Abu Keita
22 part of that group?

23 A. No, Abu Keita was in Kono. I and Abu Keita were living on
24 a daily basis in Kono. Look at his house and look at mine.

12:08:43 25 Q. When you say "look at his house and look at mine",
26 Mr Sesay, what do you mean, just to be clear?

27 A. What I mean was that there is only - there was only one
28 house in between us. He could come from his own backyard and
29 come to my own backyard and I could leave my own backyard and go

1 to his.

2 Q. Same transcript, same page, at line 29:

3 "Q. Sir, did you receive any information, were you told
4 why RUF was going to Guinea, attacking Guinea at that time?

12:09:30 5 A. Issa Sesay said Charles Taylor informed him that we
6 should give him grounds in Guinea so that the time for the
7 disarmament into Sierra Leone, some of the arms we had
8 would be crossed over into Guinea for safekeeping."

9 Let me maybe start by asking you, Mr Sesay, when Komba
12:09:59 10 Gbundema attacked Guinea, did he maintain ground in Guinea or did
11 he withdraw back to Sierra Leone?

12 A. He withdrew into Sierra Leone.

13 Q. Do you know for how long he was in Guinea during that
14 attack or do you remember?

12:10:22 15 A. Well, I knew that those incidents occurred within a week,
16 but it was not up - he did not spend up to one week in Guinea.

17 Q. Now, there is an allegation here that you discussed this
18 attack with Mr Taylor. Did you discuss the attack on Guinea with
19 Mr Taylor?

12:10:56 20 A. No, I and Mr Taylor did not have any such discussion.

21 Q. During this time that you - that is in 2000, what was
22 happening with respect to disarmament?

23 A. Well, the RUF had disarmed when Mr Sankoh was there,
24 Lunsar, Fadugu, Segbwema and at this time I had held a meeting
12:11:45 25 with ECOWAS leaders and they had called for the Abuja I, so - and
26 we were thinking about disarmament for UNAMSIL to redeploy and
27 carry out the disarmament.

28 Q. Just briefly, Mr Sesay, just to be clear in relation to
29 your answer, Abuja I, what was Abuja I?

1 A. Abuja I is the meeting that the RUF and the Government of
2 Sierra Leone held in Abuja, together with the five ECOWAS state
3 representatives in respect of implementing the Lome Accord.

12:12:43 4 Q. And again very briefly, implementation of the Lome Accord,
5 what did that entail, in practical terms?

6 A. Well, in practical terms it was to go about the disarmament
7 and reintegration for peace to return to Sierra Leone. During
8 that process UNAMSIL was to redeploy and build the DDR camps and
9 go ahead with disarmament.

12:13:19 10 Q. You said earlier, Mr Sesay, that disarmament was already
11 underway in certain locations, and you've named the locations.
12 In those locations, when you say there was disarmament, what was
13 actually happening?

14 A. Well, in those areas, they hadn't - it was after May 8,
12:13:43 15 because, like, in Lunsar, they were completely disarmed. So from
16 December - November/December '98 to May '99, Lunsar had no guns.
17 It was after UNAMSIL, after the eruption of the fighting, that we
18 reinforced Lunsar with armed men from Makeni, but they were not
19 strong, in terms of arms, like before on those grounds, like
12:14:21 20 Segbwema, Lunsar.

21 Q. Just another way to get to the question I asked earlier,
22 you said the men in Lunsar for a while did not have arms. What
23 happened to their arms?

24 A. They had disarmed in Port Loko at the DDR camp.

12:14:54 25 Q. DDR camp, what was the DDR camp?

26 A. Where the disarmament was taking place, where the
27 combatants queued to disarm, and it was the UNAMSIL that carried
28 out the disarmament, monitored by the military observers.

29 Q. Now, Mr Sesay, in relation to the excerpt I read to you

1 earlier, my question is this: What was the RUF plan with respect
2 to their arms after disarmament?

3 A. Well, I did not have any further plan after the
4 disarmament. My plan was that all RUF arms were to be disarmed.

12:15:50 5 That was my plan, and that was what I went by, because when -
6 since RUF disarmed, nobody found arms with the RUF and said that
7 was an arm that was owned by the RUF. So I did not have any
8 other plan apart from disarming the RUF.

9 Q. Was there a plan to deploy the arms or secure them
10 somewhere else outside Sierra Leone?

11 A. No, no, no. I did not have such plan. I did not have that
12 plan. And even during the disarmament, some commanders came up
13 with that idea, like Gibril Massaquoi, a military man who was
14 close to me in Makeni, a prominent man in Makeni, he told him

12:16:47 15 that I was just disarming and Mr Sankoh was in jail, so if the
16 man should talk to me so that we could bury some of the arms, and
17 I told the man no, that I cannot fool the people, the ECOWAS
18 leaders who had told me that we should work with the United

19 Nations and the Government of Sierra Leone. I told him that I
12:17:05 20 could not fool the people of Sierra Leone. I would not be able
21 to keep arms. So I had no further plan to hide arms. My plan
22 was to ensure that the disarmament went ahead. Those allegations

23 were made against me, even before I was arrested by the Special
24 Court. Because the same RUF, including Mr Sankoh's bodyguards,
12:17:38 25 they used to tell General Opande and the authorities in UNAMSIL
26 that I was burying arms. So when the time came for them to go
27 and show where I was burying arms, they were hiding away.

28 Q. Who was hiding away when the time came to show the buried
29 arms?

1 A. Some of Mr Sankoh's bodyguards, some of the RUF members.
2 You know RUF people, because they were finding ways that the fact
3 that Mr Sankoh was in jail, I too should be in prison. So they
4 were telling Adeniji, Opande, that I had buried arms. So they
12:18:23 5 were encouraging them and they were giving the information. So
6 when the time came for them to go and show where the arms were
7 buried, they were not available. So even at one time, General
8 Opande called me and told me that Adeniji wanted to see me. When
9 I came, they asked me, and I told them, in Adeniji's office, the
12:18:45 10 ambassador, Ambassador Adeniji and General Opande. They asked
11 me, and I told them that if they find out anywhere that I had
12 buried arms, I said, "In the name of God, let them turn me over
13 to the Government of Sierra Leone so that they can discipline me,
14 but I would not be able to fool the Sierra Leoneans." So I did
12:19:07 15 not have plans to hide arms anywhere apart from the disarmament.

16 Q. During this time, Mr Sesay, 2000, disarmament was underway,
17 you've told this Court that you were in contact with Mr Taylor.
18 What was the nature of your discussions with Mr Taylor during
19 this time?

12:19:34 20 A. Well, I and Mr Taylor first met for the first time, he
21 first spoke to me about the release of UNAMSIL. During the
22 second meeting, he spoke about the changing of the leadership of
23 the RUF. The third meeting, appointing me be interim leader.
24 The fourth meeting was to take the delegation to Abuja. The
12:19:57 25 fifth meeting, he brought up the issues of Sam Bockarie, so that
26 when we went into disarmament we should remain in unity so that
27 Sam Bockarie would come back. Those were the issues. All the
28 discussions that I had with Mr Taylor in 2000 were about peace in
29 Sierra Leone, and it was from that those discussions that peace

1 started, and that was why peace returned to Sierra Leone during
2 those meetings in Monrovia.

3 Q. And Mr Sesay, in light of the allegations made by this
4 witness, in your discussions with Mr Taylor, what was his
12:20:42 5 attitude towards disarmament in Sierra Leone?

6 A. Mr Taylor was concerned about the disarmament, about the
7 commitment of the RUF, the process itself, because he and his
8 colleagues were telling me to please - not to please let them
9 down, because if they, as West African leaders, were not able to
12:21:07 10 solve their own internal problem, how would the western world
11 look at them? So they pleaded with me to go by whatever they
12 told me. Even Mr Taylor was one of the ECOWAS leaders who
13 brokered peace in Sierra Leone.

14 Q. Same transcript, page 2050, line 20:

12:21:46 15 "Q. What was the next operation you took part in with the
16 RUF outside the borders of Sierra Leone?

17 A. The next operation was Dennis Mingo, alias Superman.
18 When we moved from Kono, we attacked Guinea closer to
19 Kissidou. We went in between Kissidou and Gueckedou and
12:22:07 20 then they had a refugee camp there where both Liberians and
21 Sierra Leoneans were based. They call it Toma refugee camp
22 and Yende refugee came." Over the page:

23 "Q. You mentioned Dennis Mingo. What was his role in that
24 attack?

12:22:36 25 A. He was the commander that led the troops from Kono to
26 cross into Guinea." Line 13:

27 "Q. Who were you fighting against in that operation?

28 A. We were fighting against the Guinean government.

29 Q. How long do you think you were in Guinea that time?

1 A. We spent a month.

2 Q. Did you return to Sierra Leone?

3 A. We retreated to Sierra Leone."

4 Before I move on to the next aspect, which is another
12:23:19 5 operation, do you recall, Mr Sesay, an attack into Guinea that
6 was led by Superman?

7 A. No. Superman did not lead an attack into Guinea from Kono.

8 Q. Did he lead any attack into Guinea from anywhere other than
9 Kono?

12:23:41 10 A. No. I was not aware of that. What I knew of was that
11 there was fighting between the RUF and the Kamajors along the
12 Guinean border.

13 Q. Which part of the border? You said "along the Guinean
14 border". Which part of Sierra Leone was this fighting taking
12:24:08 15 place?

16 A. In the Kono District towards Kailahun, towards --

17 THE INTERPRETER: Can he repeat the name of the place?
18 Towards somewhere.

19 PRESIDING JUDGE: Mr Sesay, you said towards where?

12:24:21 20 THE WITNESS: Sandaru, my Lord.

21 MR CHEKERA:

22 Q. And who on the part of the RUF was engaged in that
23 fighting?

24 A. That was the brigade commander who was in Kono.

12:24:39 25 Q. And who was that by that time?

26 A. That was Lansana Sheriff, alias The Big. Lansana Conteh,
27 sorry, alias The Big.

28 Q. At this time, and we are talking of post-2000 when there
29 was an attack on Guinea by Komba Gbundema --

1 A. No, this was --

2 Q. Sorry, I'm coming to that. I'm saying post to the attack
3 that we discussed, that we were talking about, by Komba Gbundema,
4 which, according to this witness, was in 2000, was Superman

12:25:30 5 involved in any attack into Guinea?

6 A. No. Superman did not attack Guinea. I recall that
7 Superman left Sierra Leone around February, March 2001, when he
8 said he was returning to Liberia, around February 2001.

9 Q. And do you recall an attack by the RUF between Kissidou and
12:26:05 10 Gueckedou at any point?

11 A. No. RUF did not leave Sierra Leone to attack Gueckedou and
12 Kissidou. That did not happen.

13 Q. Line 19:

14 "Q. What was the next operation that you were involved in
12:26:45 15 with the RUF outside the borders of Sierra Leone?

16 A. We moved to Kono. From there, Issa provided transport
17 for every one of us and we moved to Liberia. And we were
18 in Foya where we met Colonel Benjamin Yeaten, and he said,
19 'Guys, everybody should get ready for the operation.' He
12:27:08 20 said, 'This time around, we have to take Gueckedou.' So we
21 used the Solomon crossing point, that is the crossing point
22 between Liberia and Gueckedou they call Solomon.

23 Q. So you were crossing into Guinea from Liberia, is that
24 correct?" Over the page:

12:27:37 25 "A. Yes, we used Liberia to cross.

26 Q. Mr Witness, when you said you crossed, which units were
27 involved in that operation?

28 A. It was a joint operation. The RUF, the AFL, the ATU
29 and the police, all of us crossed."

1 I will pause there, Mr Sesay, for the time being and ask
2 you to comment on a number of issue. Do you remember this
3 particular attack, where you crossed into Liberia and joined
4 forces with the Liberian forces and attacked Guinea?

12:28:17 5 A. No. I did not send Abu Keita or any other person to join
6 forces with the Liberian forces to attack Guinea. No.

7 Q. The witness says here, Mr Sesay, that you provided the
8 transport, and your forces including Abu Keita, moved to Foya
9 where they met Benjamin Yeaten. You were the one who provided
10 the transportation?

12:28:48 11 A. He is lying. That's a lie. I did not provide
12 transportation for Keita. I did not provide transport for Keita,
13 or any other person to go to Liberia to join forces with the
14 Liberians to attack Guinea, no. What I know, when I was

12:29:10 15 disarming the RUF some of my colleague vanguards and some of
16 their bodyguards crossed the border into Liberia, but to say that
17 I ordered anybody to cross into Liberia and organise fighters to
18 fight into Liberia, that's a lie. Those who did not want to
19 accept the disarmament, they were the ones who crossed into

12:29:34 20 Liberia, like CO Gorgie, and others, Kailondo, Lion, CO Vincent
21 and others. Those were the names. Ibrahim Dugba, Johannes
22 Roberts and their bodyguards and their vanguards, like myself.
23 But I did not put together any organised force and gave them
24 transport to go and join Benjamin Yeaten to attack Guinea. No,
12:30:01 25 that never happened.

26 Q. You mentioned a number of vanguards who crossed over into
27 Liberia with their bodyguards. Do you know why they crossed over
28 into Liberia?

29 A. Well, they crossed from Kailahun District and went to Lofa.

1 They used to cross by Koindu, go to Foya, by Vahun, those were
2 the points.

3 Q. Sorry, Mr Sesay, maybe you didn't get me correctly. The
4 question was why did they cross, not where? Why did they go into
12:30:35 5 Liberia?

6 A. Well, when I said we should disarm, they did not want to be
7 part of the disarmament. That was why they went.

8 Q. And do you know what they did when they went into Liberia?

9 A. Well, when I held a meeting in Kailahun before the
12:30:59 10 disarmament, I heard from the commander who was in Kailahun, Sam
11 Kolleh, that Lion, for instance, died in Kolahun in an attack
12 against the LURD rebels. So I knew - I heard that they were
13 fighting along there, the Liberians.

14 Q. You've mentioned about four vanguards by name that went
12:31:31 15 into Liberia. What were their nationalities, the ones who
16 crossed over into Liberia?

17 A. They were Liberians. Johannes Roberts was a Liberian. C0
18 Gorgie was a Liberian. C0 Vincent was a Liberian. Kailondo was
19 a Liberian. Lion was a Liberian. Ibrahim Dugba was a Liberian.

12:32:00 20 Q. And you indicated that they went with their bodyguards.
21 Are you able to give an estimation of the number of men that
22 crossed over into Liberia with these vanguards?

23 A. I can't be specific, in terms of figures because I was not
24 based in Kailahun when they were crossing. At the time I was in
12:32:23 25 Kono, Makeni, but some of these C0s had 10 bodyguards, 15
26 bodyguards, just like that.

27 PRESIDING JUDGE: And did these people cross over with
28 their arms, their weapons?

29 THE WITNESS: Yes, my Lord, because they defied my orders.

1 JUDGE DOHERTY: Mr Chekera, CO Li on died in Kolahun or
2 Kai lahun?

3 MR CHEKERA:

4 Q. Mr Sesay, please assist us?

12:33:01 5 A. Kolahun in Liberia, my Lord.

6 Q. Abu Keita, did he cross over with this group of men?

7 A. No, Abu Keita was in Kono. We came to Makeni, he left me
8 in Makeni and went to Freetown and from Freetown I was made to
9 understand that he went to Guinea.

12:33:32 10 Q. You heard from Sam Kolleh that one of the vanguards died in
11 a fight in Kolahun in Liberia. Do you know whether those
12 vanguards who crossed over into Liberia were engaged in combat in
13 conjunction with the Liberian forces in Guinea?

14 A. Well, I only knew that they were fighting with the Liberian
12:34:01 15 forces, but I can't gave any details because when they had gone I
16 did not go to Liberia.

17 Q. Line 14 of page 2052:

18 "You indicated that the units that were involved, and we
19 got that you told us it was the RUF, the AFL and the ATU.

12:34:40 20 Then I believe you were going to tell us who was commanding
21 the unit in the operation?

22 A. The commander was Benjamin Yeaten, the field commander
23 was Superman and then we had different commanders. I was a
24 commander, Matthew Barbue was a commander, was - Mark
12:35:13 25 Gwon was a commander, then I think the operation was
26 planned and signed by Issa Sesay and Benjamin Yeaten, and
27 I think I gave a copy of that to the Prosecution."

28 We will come to the document that the witness is talking
29 about in a bit. What this witness, Mr Sesay, was saying is that

1 you were directly involved in the planning of the attack on
2 Gueckedou.

3 A. It's a lie. It's a lie. I don't have any attack - I don't
4 have any knowledge of the attack on Gueckedou. I did not have
12:35:53 5 any plan.

6 Q. Superman was the field commander. Where was Superman
7 during the time - during this time?

8 A. Well, I said, and what happened was that Superman left the
9 RUF in February of 2001. Superman had gone to Liberia and, when
12:36:20 10 he went to Liberia I did not have any control over him, I did not
11 know about him. I only knew that was me with the AFL troops in
12 Liberia and he was fighting against the LURD.

13 Q. Matthew Barbue. Who is Matthew Barbue?

14 A. Matthew Barbue was one of the vanguards.

12:36:43 15 Q. For which organisation?

16 A. It was only the RUF that had vanguards.

17 THE INTERPRETER: Your Honours, can he kindly repeat the
18 last bit.

19 PRESIDING JUDGE: You said, Mr Sesay, it was only the RUF
12:37:01 20 who had vanguards and then you said something else. What did you
21 say?

22 THE WITNESS: When the lawyer asked me I said it was only
23 the RUF that had vanguards. I did not hear any other
24 organisation having vanguards, even the NPFL. It was only the
12:37:20 25 RUF that had vanguards.

26 MR CHEKERA:

27 Q. Around this time between 2000 and 2001, where was Matthew
28 Barbue?

29 A. Matthew Barbue was in Makeni and Binkolo because he was the

1 commander between Binkolo and Fadugu, '99 to 2001.

2 Q. And after 2001?

3 A. Well, he disarmed. He disarmed. He disarmed in Makeni.

4 Q. And Mark Gwon? I hope I pronounced the second name
12:38:11 5 properly. Mark Gwon, who is Mark Gwon?

6 A. I don't know him.

7 Q. Now, Mr Sesay, the operation plan was - the operation was
8 planned and signed by Issa Sesay and Benjamin Yeaten. During
9 this time what was your relationship with Benjamin Yeaten?

12:38:44 10 A. Around this time the relationship - I and Benjamin Yeaten
11 did not have such relationship to sign a single document about
12 fighting. We did not have that type of relationship. Our
13 relationship was that I knew him and he knew him - he knew me
14 before this time. That was all.

12:39:07 15 Q. During this time did you have any dealings with Benjamin
16 Yeaten?

17 A. In 2001, after my return from Monrovia in March, when I met
18 with Benjamin Yeaten, I did not have any further dealings with
19 Benjamin Yeaten until the conclusion of the disarmament.

12:39:31 20 Q. I just have to be as thorough as possible, Mr Sesay. Were
21 you in contact with Benjamin Yeaten during this time?

22 A. No, Mr Lawyer, I was not in contact with him. I said I
23 knew Benjamin Yeaten, I was meeting him when I went on my various
24 trips to Monrovia, but, after my last trip to Monrovia in 2001,
12:40:00 25 March, I and Benjamin Yeaten had no further business until I
26 finished the disarmament in Sierra Leone.

27 Q. Abu Keita said before these judges you and Benjamin Yeaten
28 planned the attack and there was a document, the operation plan
29 that you and Benjamin Yeaten co-signed. That document has been

1 shown to you before but, just for completeness for this part of
2 your evidence, I would like for you to be shown P-28?

3 MR KOUMJIAN: It's actually the third time it will have
4 been shown to the witness. It was shown when Mr Griffiths went
12:40:44 5 over documents and earlier going over Abu Keita's testimony.

6 PRESIDING JUDGE: Yes, but if counsel now wants to raise a
7 question, a different question arising, why can't he do that?
8 Please go ahead and show the witness the document.

9 MR CHEKERA:

12:41:37 10 Q. Mr Sesay, I do not wish for us to revisit that exhibit in
11 any detail. That document is the operation plan that Abu Keita
12 says you and Benjamin Yeaten co-signed concerning the plan to
13 attack Gueckedou?

14 A. No.

12:42:06 15 Q. So other than his independent testimony, what he told this
16 Court, he says that document supports his account that you and
17 Benjamin Yeaten planned the attack on Gueckedou. So only in that
18 respect will I ask you to comment on that document. What is your
19 comment, that is independent evidence supporting Abu Keita that
12:42:34 20 you and Yeaten planned the attack on Gueckedou?

21 A. Well, I and Yeaten did not plan an attack on Gueckedou.
22 This was a document prepared by Abu Keita himself. Throughout
23 RUF I have been spelling my name with "I", not "E" and they are
24 signing my name with "E". I never signed my name with "E". I
12:43:04 25 don't have any knowledge of this document until when I came to
26 this courtroom. This is the third time that I have seen it.
27 Yesterday was the second time. I did not make any such document.
28 And I and Benjamin Yeaten never signed a document for any attack
29 on Guinea.

1 You see, these are some of the reasons when I saw a
2 newspaper in 2009 when Abu Keita was desperate, he conducted an
3 interview in Freetown and he said if the Prosecutor does not
4 fulfil the promise made to him, he will take the Prosecutor to
12:43:35 5 court. And that's the promise - just because they've been lying
6 and telling lies here, you know, these are the things. They made
7 promises to them and they were forging documents.

8 Q. Mr Sesay, you make a very serious allegation here. You say
9 - effectively you are saying this is a document that was
12:43:57 10 manufactured by Abu Keita. What is your basis for saying that?

11 A. One, I read the newspaper when I was in detention in 2009
12 in Freetown before I was transferred to Rwanda, I read the
13 newspaper wherein Abu Keita was saying that he would take the
14 Prosecutor to court if the Prosecutor does not fulfil his promise
12:44:20 15 to him before he came to testify against Mr Taylor. And this
16 document that I am seeing here, I never saw a document in the RUF
17 that had my name spell as "E". My own name is "I". Even the
18 radio operators spelt my name as "I", not "E".

19 Q. Abu Keita was threatening to take the Prosecution to court
12:44:48 20 in connection with what issue? Promises that were made. What
21 promises and why would he be taking the Prosecution to court and
22 how should that influence to him to manufacture documents?

23 PRESIDING JUDGE: Mr Chekera, you know better than to
24 compound your questions. So break them down, please.

12:45:09 25 MR CHEKERA: Sorry.

26 Q. Did you gather what promises had been made to Abu Keita by
27 the Prosecution?

28 A. Yes, because according to the interview that was conducted
29 with the journalist who published the paper, he said the

1 Prosecutor was supposed to take him out together with his family,
2 the Prosecutor was supposed to take him abroad and that the
3 Prosecutor was supposed to give him a certain amount of money
4 that the Prosecutor had not still done. So if the Prosecutor did
12:45:47 5 not honour the arrangement that they had had before he gave his
6 testimony against Mr Taylor, he said he was going to take the
7 Prosecutor to court, that is the Court of Sierra Leone. And
8 these newspapers were brought by the Defence, through the Defence
9 office, and they would be sent to us at the detention centre
12:46:14 10 because at that time I was the one who was waiting for my appeals
11 judgment. All of us who were there as prisoners, detainees, we
12 read them, minus Kondewa and Fofana, but the rest of us - all of
13 us saw those papers and we read them, and his face was at the
14 front page of the newspaper.

12:46:33 15 Q. Now, you've mentioned that Abu Keita was - the Prosecution
16 had broken a promise to send him and his family abroad and give
17 him a certain amount of money. Those promises, did you gather
18 why they had been made to Abu Keita?

19 A. Well, it was for him to give a story that will appease the
12:47:06 20 Prosecutor, just for him to make up stories that the Prosecutor
21 would like, so that he would have been able to get the promise
22 that the Prosecutor gave to him.

23 Q. And from the newspaper article, had those promises been
24 fulfilled?

12:47:25 25 A. They did not fulfil it. That was the reason why the man
26 was desperate to take the Prosecutor to the Court of Sierra
27 Leone.

28 Q. And do you know what happened after? Did he eventually
29 take the Prosecution to court?

1 A. Well, after that paper I did not see any other papers that
2 I could have followed up about the story. But since then - it
3 was since then that I was able to know that he become a
4 Prosecution witness, because before this time, from 2005 up to
12:48:07 5 2009, he used to send messages to me, greetings, but from 2000 -
6 that was up to 2008, but since 2009 when I read those papers I
7 had not been getting messages from him. But from 2005 to 2008 he
8 had been sending messages. He used to tell Eddie Bockarie to
9 come and say hello to me because they were the around the Kissy
12:48:34 10 area.

11 Q. Now, Mr Sesay, you've just accused Abu Keita of
12 manufacturing this document, and I just want you to maybe if you
13 can comment further because Abu Keita says that he is illiterate,
14 he cannot read. Can you assist, if you can, how he got to
12:49:02 15 manufacture this document?

16 A. Even if he cannot read and write you can tell someone to
17 type something for you. You can explain in a language that you
18 know, and people can do that. But as far as I know, Abu Keita
19 does read because I had been with him together and I used to see
12:49:29 20 him read newspapers in Makeni.

21 "Q. Maybe just for completeness of the record" - line 5 -
22 "just to be clear, you told us you were not - you did not
23 have the opportunity for education so you cannot read it,
24 but you can recognise it. Is that correct?"

12:49:52 25 That is in reference to P-8 --

26 PRESIDING JUDGE: P-28.

27 MR CHEKERA: I'm sorry. P-28.

28 Q. Now, Mr Sesay, just to complete the record on this issue,
29 what is your basis for saying that P-28 is a forgery, apart from

1 the newspaper article that you've referred to? On the face of
2 the document itself. I don't want you to repeat in detail the
3 evidence you've already given. On the basis of the document
4 itself, what makes you conclude that it is a forgery?

12:50:36 5 A. Well, I cannot append my signature when my name is being
6 spelt wrongly. Since I was going to school, since primary school
7 I knew that I used to spell my name with an "I", not an "E", so I
8 cannot look at my name being spelt wrongly and then I append my
9 signature there, no.

12:51:06 10 Q. Now, Mr Sesay, was it practice in the RUF to sign
11 operational orders or documents before any attack?

12 A. My dad, this is my first time of seeing this kind of thing.
13 That in the RUF operation to say before the operation commenced
14 you will write a document and sign it, but throughout the RUF we
12:51:36 15 did not have such a system. We have a meeting, we plan the
16 operation and we give orders to the commanders before - the
17 commanders who carry out the operation, that was the period. But
18 we did not make documents, append our own signatures. For
19 instance, Mr Mr Sankoh was within the RUF, when he was at Zogoda,
12:51:54 20 he used to direct the war at that time, if it was for the
21 northern jungle, the Kangari Hills, if he wanted Mohamed
22 Tarawalli to attack Kabala he will send a message, a coded
23 message, he will say attack so and so place, but we did not
24 append signatures on documents to carry on with operations, no.

12:52:16 25 Q. We are talking in general terms. Let's talk about the time
26 that you were leader of the RUF. Did you ever sign any
27 operational order relating to any attack during the time that
28 you, Issa Sesay, were the leader of the RUF?

29 A. I never signed operational orders. I never signed

1 operational orders. In fact, the things that Gibril used to -
2 Gibril and others used --

3 THE INTERPRETER: Your Honours, could the witness be asked
4 to repeat that area.

12:52:49 5 PRESIDING JUDGE: Pause, Mr Witness. You said you never
6 signed operational orders. Now continue from there, slowly.

7 THE WITNESS: I did not hear that.

8 PRESIDING JUDGE: You said that you were saying something
9 about Gibril. The interpreter didn't get any of that. Repeat
10 what you said about Gibril Massaquoi.

11 THE WITNESS: Yes, ma'am. I said at the time I became
12 interim leader, Gibril and others used to provoke me about my
13 administration. They said in Issa's administration, Issa does
14 not promote RUF commanders or RUF officers. And in my response
12:53:30 15 to that I said I was made a leader to disarm the RUF. Then how
16 would I start promoting the RUF again. That means I am going
17 contrary to what I have been made a leader for.

18 Q. Now, you mentioned Foday Sankoh, and we've covered yourself
19 --

12:53:50 20 JUDGE DOHERTY: Mr Chekera, are you leaving this document,
21 P-28?

22 MR CHEKERA: I wasn't quite. I was going to ask questions
23 relating but you can go ahead, my Lord.

24 JUDGE DOHERTY: No, it was just that you had said that this
12:54:05 25 was an operational order in relation to an attack in Gueckedou and
26 I would like to find out why you say it's Gueckedou. I don't see
27 it mentioned.

28 MR CHEKERA: Yes, your Honour. If you look at the document
29 in relation to the evidence that I was referring to. If you read

1 the document in relation to the evidence of Abu Keita that I'm
2 referring to.

3 JUDGE DOHERTY: Thank you.

4 MR CHEKERA:

12:54:31 5 Q. Mr Sesay, we've talked about the time that Foday Sankoh was
6 leader and when you were leader. During the time that Sam
7 Bockarie was leader, interim leader, did you sign any operational
8 order or orders?

9 A. No. I never signed operational orders like before an
12:55:00 10 attack or for people to go and attack to write something and sign
11 it, no. And, for example, if Mosquito wanted to send orders,
12 standing orders to Kono, he will send it through a radio message
13 to the commander. But it was not to type a document and signed
14 it. No, I never saw that before.

12:55:22 15 Q. When you were dispatched to attack Kono in 1998, December,
16 you said, did you get anything other than verbal instructions?

17 A. I did not get anything further. I was only verbally given
18 an instruction.

19 MR CHEKERA: That will be all in relation to exhibit 28,
12:55:53 20 thank you.

21 Q. 23 January 2008, same transcript, page 2055:

22 "Q. Now, sir, during the operation - we are still talking
23 about the same operation that Abu Keita is talking about
24 where you and Benjamin Yeaten signed this operational
12:56:39 25 order. Now, sir, during the operation you mentioned
26 against Gueckedou. Do you know if Issa Sesay went
27 anywhere?

28 A. Yes, Issa Sesay and Benjamin Yeaten left us and went to
29 Monrovia.

1 Q. Do you know what they went there to do?

2 A. Actually, I was on the front line but they left us,
3 boarded a helicopter from Foya to Monrovia, the helicopter.

4 Q. Did they ever tell you who they saw in Monrovia?

12:57:21 5 A. When they came they told us they saw Charles Taylor.

6 Q. In those operations that you have talked about and
7 discussed in Guinea and against the LURD in Liberia, where
8 did the RUF get its ammunition?

9 A. They were supplied directly by Benjamin Yeaten."

12:57:50 10 Firstly, Mr Sesay, this is the allegation and you have to
11 confront it. After you dispatched your men you joined Benjamin
12 Yeaten and flew to Monrovia by helicopter and while in Monrovia
13 you went to see Mr Charles Taylor. I would like you to comment
14 on that.

12:58:20 15 A. No, Benjamin Yeaten and I did not fly from Foya to Monrovia
16 to see Mr Taylor, and I was not part of that. I was not on such
17 a trip.

18 Q. Ammunition that you were using to Guinea, from the time of
19 the Mosquito Spray that Abu Keita talked about until the two
12:58:53 20 attacks on Guinea, you were being supplied ammunition by Benjamin
21 Yeaten?

22 A. It's a lie. I did not receive any supply of ammunitions
23 for the attack in Guinea or Gueckedou. I was not part of that,
24 and I never sent anyone to go and join Benjamin Yeaten to fight
12:59:13 25 in Guinea or in Liberia. That is not a truth.

26 Q. From the time that you started disarmament, Mr Sesay, did
27 you ever receive ammunition from Liberia?

28 A. No, no. Since the time I was made interim leader, I did
29 not receive any ammunition from Liberia until the end of

1 disarmament. No.

2 Q. I'm going to refer you, Mr Sesay, to the evidence of
3 another witness, a different witness from this, on this very same
4 issue relating to the attacks on Guinea by the RUF, but before I
12:59:57 5 do that, just one quick issue I want you to comment on. You
6 talked about a Colonel Foday. Do you recall talking about a
7 Colonel Foday, the former SLA?

8 A. Yes, I recall.

9 Q. And just briefly remind us how he died.

13:00:27 10 A. Well, Colonel Foday, let me just give a brief story about
11 him, what led to his death.

12 Q. Yes.

13 A. Around mid-1998, because he was based at Baiwala, Sam
14 Bockarie invited him to go to Buedu, so he passed through
13:00:55 15 Pendembu, where he met me, and he told me that he was going to
16 Sam Bockarie. He said he had received a radio message in Baiwala
17 that Sam Bockarie wanted to see him, so he spoke to me and then
18 he passed through and went to Buedu. When he went to Buedu, Sam
19 Bockarie spoke - talked to him, and he said he - he wanted he,
13:01:15 20 Foday Kallon, to cross the border into Liberia, to go and talk to
21 the SLAs who had crossed since February and March of '98, for
22 them to come back. So he said he should go to Kolahun, Vahun and
23 the surrounding areas to try and assemble them. So he gave him
24 some money, Foday Kallon crossed, he went to Kolahun, and from
13:01:39 25 there he came through Vahun, and he brought with him about 15
26 SLAs or more, something like that. So when he came, he came
27 through Vahun and he came to Pendembu. He crossed the border
28 through Bomaru and he met me in Pendembu and he brought the
29 soldiers with him, and he explained to me that Sam Bockarie sent

1 him and this was the mission that he had given to him, and he
2 said I should inform Sam Bockarie. So I sent a message to Sam
3 Bockarie, and Sam Bockarie gave me instruction that I should send
4 the soldiers to the training base, to go and exercise before they
13:02:20 5 deploy at the front line. So we deployed them at the front line.
6 So he said I should let the MP take them with him. So from that
7 point Mosquito said Foday Kallon should go back to Buedu and meet
8 him there. So Foday Kallon went to Buedu, and he met Sam
9 Bockarie there, he had discussion with him, and he again came
13:02:43 10 through Pendembu and told me that Sam Bockarie said he should
11 come and rest. He said when he was is ready for him, he would
12 call on him again. So he passed through there and went to
13 Baiwala.

14 PRESIDING JUDGE: Slow down, please. Okay, continue when
13:02:57 15 he is supposed to have gone to Baiwala.

16 THE WITNESS: Yes, my Lord. Should I go ahead?

17 PRESIDING JUDGE: Yes, I've said go ahead, but slowly.

18 THE WITNESS: So he came and passed through again and went
19 to Baiwala. That was around September. So up until November, he
13:03:34 20 was again invited by Sam Bockarie, and he went to Sam Bockarie in
21 Buedu before Sam Bockarie went on a trip, and he again passed
22 through Pendembu and went there. So when he went there, he told
23 him that he should go back to Liberia and continue with this same
24 mission that he had done once. So Sam Bockarie sent him and he
13:03:55 25 went. So he went to Liberia again. And when Sam Bockarie was
26 ready to travel, he called on me, he said I should go with Mike
27 Lamin to Buedu. So Sam Bockarie left and he was in Monrovia when
28 he sent a radio message to me saying that when Foday Kallon
29 returns to Sierra Leone, he said I should arrest Foday Kallon and

1 put him under custody until his return, he Sam Bockarie. So
2 Foday Kallon came. So when Foday Kallon came, he went and
3 greeted me, and I asked him, I said, "Oh," I said, "How are
4 things?" He said he was unable to get men at this time, and I
13:04:42 5 said, "Okay." And I said, "But what happened?" He said, "What
6 is it?" And I told him, "I have received orders from Sam
7 Bockarie that when you come back to Buedu here, I should arrest
8 and detain you until his return." I said, "What have you done?"
9 And then he said, "But I don't know." And I said, "Are you
13:05:03 10 sure?" He said, "Yes," and I said, "Okay." I said, "But I will
11 not detain you because you know that you and I have a
12 relationship," because he was my wife's uncle. Foday Kallon was
13 my wife's uncle. I said, "I will not want to lock you up," I
14 said, "But the only thing I want you to do for me, I want you to
13:05:22 15 stay here in Buedu. I will not want you to go out of Buedu. I
16 am not going to lock you up but you should stay in Buedu until
17 Mosquito's return." And he said, "Yes, sir." So Foday Kallon
18 was in Buedu for up to a week when Sam Bockarie returned. And
19 after Sam Bockarie's return, Sam Bockarie said when he was in
13:05:48 20 Monrovia, he said, "Foday Kallon," he said, "His bodyguards, JR,"
21 told him that Foday Kallon went to the American embassy, which
22 meant that Foday Kallon was collaborating with the SLPP, and Sam
23 Bockarie then took out his pistol and shot Foday Kallon, and
24 Foday Kallon died. So that was what happened.

13:06:12 25 MR CHEKERA:

26 Q. Okay. That just about answers my question, but before I
27 proceed, American embassy in which country?

28 A. Oh, I said the Sierra Leone embassy. The Sierra Leone
29 embassy in Monrovia in Liberia. I have not said American

1 embassy.

2 PRESIDING JUDGE: You did say American embassy, but perhaps
3 you meant something else.

4 THE WITNESS: Okay, my Lord. If I did, then it's a
13:06:52 5 mistake, but I meant the Sierra Leone embassy. That was what he
6 was accused of.

7 MR CHEKERA:

8 Q. You say and then Sam Bockarie shot him?

9 A. Yes.

13:07:13 10 Q. 23 January 2008, page 2061, line 8. It's a very brief
11 point I just wish to make:

12 "Q. Okay. What happened when he was brought there? That
13 is Foday.

14 A. When they brought him, they gave him - they gave him -
13:07:46 15 they shot him twice. Issa and Sam Bockarie. Issa shot the
16 man on his chest, and Sam Bockarie shot him on his head."

17 Mr Sesay, according to Abu Keita, you took part in the
18 execution of Foday.

19 A. No, I did not shoot Foday. When the instruction came for
13:08:11 20 me to lock him up, I did not lock him up. He was in Buedu until
21 Sam Bockarie's return. It was Bockarie who killed him. And that
22 very day Bockarie reached Monrovia - I mean, sorry, the very day
23 Bockarie reached Buedu was the day he did the killing. By then,
24 Abu Keita had not yet got to Buedu. It was the following day
13:08:32 25 that Abu Keita arrived in Buedu. I will never forget that story.

26 It was the following day that Abu Keita arrived in Buedu. It was
27 later that he came and heard about the killing of Foday Kallon.

28 Q. Let's just be clear on that. You said Abu Keita arrived
29 the following day after the killing of Foday Kallon. Where was

1 Abu Kei ta coming from?

2 A. Abu Kei ta came from Li beri a wi th those 20 to 25 of hi s men,
3 when he sai d he came to seek refuge wi th Sam Bockarie. That was
4 the fi rst time for Abu Kei ta to come to Buedu.

13:09:14 5 Q. So your evi dence i s Abu Kei ta was not present when Foday
6 Kall on was executed?

7 A. No. He only heard the story. He was not there. He was
8 not present when the i ncident took place.

9 Q. I'm going to refer you to the evi dence of another wi tness
13:09:35 10 which I want to tie to some of the i ssues that you raised - that
11 arose in relation to the evi dence of Abu Kei ta. TF1-337. I
12 thi nk the wi tness was - that was in open court, and the wi tness
13 di d not have any protective measures. I j ust - out of abundance
14 of caution, I wi ll j ust check wi th my l earned friend before I put
13:10:05 15 the name to the wi tness.

16 MR KOU MJIAN: Can we get the date of the testimony, please?

17 MR CHEKERA: 5 March 2008.

18 MR KOU MJIAN: Yes, that was open testimony. The wi tness
19 testi fied usi ng hi s name.

13:10:39 20 MR CHEKERA: Thank you.

21 Q. Mr Sesay, do you know someone called Mustapha Mansaray?

22 A. Mustapha Mansaray? No, I don't know that name.

23 Q. Very well. I wi ll refer you to hi s evi dence and maybe that
24 mi ght assi st you remember who he was. Evi dence of 5 March 2008
13:11:27 25 at page 5336:

26 "Q. Wi tness, you testi fied yesterday that in July 2000 you
27 were assi gned as secretary to Komba Gbundema. Do you
28 recal l that?

29 A. Yes, I recal l that."

1 Does that help you remember Mustapha Mansaray, Mr Sesay,
2 who was secretary to Komba Gbundema in 2000, July.

3 A. No. I don't recall. I don't recall.

4 Q. "Q. What were your duties as secretary to Komba Gbundema?

13:12:11 5 A. At that time my duties were to take record of arms and
6 ammunition, the number of fighters, the reports that were
7 sent to Komba Gbundema from the various areas. At times he
8 gave them to me for safekeeping. Those were my duties."

9 Line 22:

13:12:32 10 "Q. Witness, you said one of your duties was to take
11 record of arms and ammunition. Was there arms and
12 ammunition in Makeni at that time? And he's talking around
13 July 2000.

14 A. At the time I was working with him, we used to have
13:12:56 15 arms and ammunition.

16 Q. Where did those arms and ammunition come from?

17 A. Issa Sesay brought those arms and ammunition to him to
18 run our operations.

19 Q. What operations did he bring those arms and ammunition
13:13:17 20 for, for you to run?

21 A. Well, for the time that I was with him, the arms and
22 ammunition that Issa Sesay brought to him - that is to
23 Komba Gbundema - Issa Sesay gave the order to Komba to
24 attack Guinea."

13:13:38 25 Mr Sesay, again we have a witness here who is saying, one,
26 you ordered the attack on Guinea and, secondly, that you provided
27 the arms and ammunition for the attack on Guinea in 2000.

28 A. Well --

29 Q. [Overlapping speakers] You might have to repeat your

1 evidence. I want you to comment on this allegation. I don't
2 want you to go into detail. If you've already given the detail,
3 you can make reference to it, but I want you to confront this
4 allegation.

13:14:11 5 A. Well, during the time that you are referring to, July of
6 2000, at that time from May, June, July, when we were fighting
7 against the government troops of Sierra Leone, it was around
8 Lunsar going towards Gberi Junction and at this time the
9 cross-border attacks had not taken place and when Komba Gbundema
13:14:49 10 - when the Guineans attacked Komba Gbundema's position in Rokupr
11 in 1999 the message that he sent to Sam Bockarie, he was not
12 given orders to repel the attacks but he said he was going to
13 repel the attack on his own, so I did not give Komba ammunition
14 or arms to go and attack Guinea. In fact, in the first place I
13:15:14 15 did not have anywhere to get arms from.

16 Q. Now, during this time do you know whether Komba Gbundema
17 had an adjutant?

18 A. Well, during this time in July Komba Gbundema was the
19 operations commander based in Makeni. In fact, he was the one
13:15:54 20 who conducted a fight between the government troops and RUF
21 between Lunsar and Gberi Junction, but I did not know about any
22 adjutant, although as an operational commander, you must have a
23 clerk, but I did not come across any particular name because he,
24 Morris Kallon, Superman, all of them were in Makeni.

13:16:22 25 Q. Mr Sesay, you mentioned an attack - a fight between the
26 government troops and the RUF around Lunsar, and you say in July.
27 Just to be clear, you talking of July of which year?

28 A. July 2000. At that time the fight between us and the
29 government was serious, because at that time Johnny Paul had

1 declared over the BBC his support and loyalty to President
2 Kabbah, and they captured Lunsar from us, and he went on the BBC
3 that the next target was going to be Makeni, and from Makeni to
4 Kono, and that they were going to chase us in Kailahun, so.

13:17:01 5 Q. Yes, please continue, if you may do so slowly, because the
6 interpreters are trying to keep up?

7 A. I said so at this time my focus was for us to be able to
8 reorganise ourselves to repel the advance of the AFRC and the
9 Kamajors, according to what Johnny Paul had said and the SLAs
10 whose had come and captured Lunsar, because by then --

13:17:21

11 THE INTERPRETER: Your Honours, the last bit was not clear
12 to the interpreter.

13 PRESIDING JUDGE: You are running too quickly, Mr Sesay,
14 and you're giving problems to the interpreters. Now, you have to
15 slow down. You said so your focus at this time was for you to
16 reorganise yourself and repel the AFRC and Kamajors. Now
17 continue from there.

13:17:35

18 THE WITNESS: Yes, my Lord. I said the AFRC, Kamajors and
19 the Sierra Leone Army, the SLAs, because they had now combined to
20 fight against us. So that was what was happening from, starting
21 from July of 2000, the helicopter gun ship was bombarding Makeni,
22 Magburaka, that situation went on between Makeni and Magburaka in
23 July 2000.

13:18:00

24 MR CHEKERA:

13:18:25

25 Q. And you said during this time where was Komba Gbundema,
26 July 2000 when the government was bombarding?

27 A. Was it not July 2000 that I said? I did not say July 2001.

28 Q. Yes, I said July 2000 where was Komba Gbundema?

29 A. Komba Gbundema was in Makeni, but he was the operational

1 commander for the fighting that was going on at the Lunsar axis
2 between us and the government troops because, starting from May,
3 Komba Gbundema had come to Makeni and he was there up to August
4 when they had meeting with our leader and the fighting ceased.

13:19:24 5 So from May to August --

6 Q. Sorry, Mr Sesay - okay, please continue.

7 A. I said he was based in Makeni but he used to go to Lunsar,
8 carry out the attacks and then return to Makeni and he would go
9 back to Lunsar.

13:19:45 10 THE INTERPRETER: And then your Honours there is somewhere
11 the interpreter would like to make a correction where he talks
12 about leader. Instead of what appears on the transcript, the
13 actual thing he said, I've been reminded by my colleague, is
14 "when I was made interim leader."

13:20:07 15 PRESIDING JUDGE: So, Mr Interpreter, I don't know how to
16 put that in context because it says "Komba Gbundema had come to
17 Makeni and he was there up to August when they had a meeting with
18 our leader and the fighting ceased." So what do you want to
19 change in that?

13:20:34 20 THE INTERPRETER: So it should be, instead of "our leader",
21 it was "when I was made" --

22 THE WITNESS: No.

23 PRESIDING JUDGE: Mr Sesay, you repeat what your evidence
24 is please. Repeat it slowly.

13:20:47 25 THE WITNESS: My Lord, I said from May of 2000 Komba
26 Gbundema had come to Makeni and he was in Makeni up until May,
27 June, July to early August. He was supervising the attacks that
28 were going on between the government troops and the RUF. So in
29 early, August after my meeting with the ECOWAS leaders, since

1 then the fighting ceased between us and the government troops.
2 So Komba Gbundema had to go back to Kamakwie.

3 MR CHEKERA:

4 Q. Line 11, page 5337:

13:21:56 5 "At this time I was at Kamakwie Number 3 with Komba
6 Gbundema when Issa Sesay, Morris Kallon and my former
7 commander, Augustine Gbao, came and met us at Kamakwie and
8 we all slept in the same house. Then the following morning
9 Komba Gbundema held a muster parade, and Issa Sesay and
10 Morris Kallon addressed the fighters there to go and attack
11 the Guinean territory to oust Lansana Conte."

12 Mr Sesay, more detail here concerning this attack on
13 Guinea. You go to Kamakwie, in the company of Augustine Gbao and
14 Morris Kallon. Do you recall this happening?

13:22:44 15 A. No, I did not go to Kamakwie. I did not go to Kamakwie up
16 to the end of the disarmament. From January of '99 when I went
17 to Kamakwie and came back I never went there again. The only
18 time that I recall that I went to Kamakwie after that January was
19 at one time when Mr Sankoh visited there when he went to Rokupr,
13:23:19 20 but, after the arrest of Mr Sankoh, I never went to Kamakwie.

21 Q. You slept in the same house with Mustapha Mansaray, you
22 said you don't recall. The following morning you held a muster
23 parade, you addressed the fighters. Do you remember a muster
24 parade where you addressed the fighters to go attack Guinea and
13:23:44 25 oust Lansana Conte?

26 A. It's a lie. It's a lie. I did not pass the night in
27 Kamakwie and I did not go to Kamakwie to address fighters about
28 going to remove Lansana Conte from power. That did not happen.

29 Q. Mr Sesay, when you were leader of the RUF and, on occasion,

1 pursuing the Guineans across the border into Guinea, did you have
2 any other ambitions other than repelling Guinean attacks into
3 Guinea?

13:24:32

4 A. No, I did not have any other intention. The only intention
5 was that the Guineans were to stop the cross-border attacks and
6 at the time they never used to attack, when they never used to
7 come across to attack RUF positions before, RUF never attacked
8 any Guinea borders or any positions in Guinea.

13:24:54

9 Q. Was there any plan or intention on the part of the RUF to
10 remove Lansana Conte from power in Guinea?

11 A. No, no, no. We did not have such a plan.

12 Q. Did you ever discuss any such plan with Charles Taylor?

13 A. No, not at all.

14 Q. Line 24:

13:25:19

15 "Issa Sesay told us at the muster parade that ex-President
16 Charles Taylor had given him that mission to launch an
17 attack against Lansana Conte in Guinea.

18 Q. Did he say anything else?

13:25:42

19 A. Yes, he said the mission that Charles Taylor had given
20 to him, we should ensure that we accomplished it, that we
21 should attack the Guinean territory, that he had given him
22 arms and ammunition and bombs, so we should launch the
23 attack and the mission should be accomplished."

24 Any discussions, Mr Sesay, concerning attacking Guinea by
25 yourself and Mr Taylor?

13:26:10

26 A. I said no.

27 Q. Were you ever provided with arms, ammunition, including
28 bombs, by Mr Taylor to attack Guinea during this time?

29 A. No, no, no, no.

1 Q. Line 6, the witness emphasises the same point he makes:

2 "According to Issa Sesay you say it was ex-President
3 Charles Dankpannah Ghankay Taylor who had given him the
4 arms, ammunition, together with the RPG bombs, to go and
13:27:03 5 fight in Guinea to overthrow Lansana Conte.

6 Q. Witness, who was this Guinean who was present and also
7 addressed the muster parade?"

8 Apparently during this muster parade there were Guineans,
9 present, Mr Sesay, just to give you context. Line 12:

13:27:26 10 "The first person who addressed us was called Amadou
11 Toure. The second person was Ibrahim Sidi bay."

12 Amadou Toure. Do you any Amadou Toure, Mr Sesay?

13 A. No, I have never come across that name. Amadou Toure, no,
14 I do not know him.

13:27:53 15 Q. What about Ibrahim Sidi bay?

16 A. I do not know those names.

17 Q. Line 24:

18 "Amadou Toure and Ibrahim Sidi bay. Those were the Guineans
19 who introduced themselves to us. After Issa Sesay had
13:28:09 20 introduced them to us, they themselves introduced
21 themselves to us."

22 Mr Sesay, one of you is not entirely being truthful here,
23 either you or the witness concerned. You introduced Amadou Toure
24 and Ibrahim Sidi bay at the muster parade. This is what he
13:28:32 25 alleges.

26 A. No, that did not happen. I did not take anybody with me to
27 Kamakwie that I introduced during the parade to any RUF
28 personnel. That did not happen.

29 Q. Page 5339, line 8:

1 "After Issa Sesay had passed the command to Komba
2 Gbundema, we put some of the materials into the vehicles
3 and brought them to Kambia District headquarters town."

4 Line 16:

13:29:18 5 "After we left Kambia Town we came to Kambia Town
6 junction. We held a meeting there too. The brigade
7 commander in the area was present at the meeting."

8 And asked what his name was, the brigadier commander was
9 Abubakar Jalloh. Line 27:

13:29:45 10 "The first mission, we went and entered the Guinean
11 territory and launched an attack against the Guineans."

12 Over the page:

13 PRESIDING JUDGE: Mr Chekera, find an appropriate place to
14 end your questioning for today, in view of the time.

13:30:11 15 MR CHEKERA: Maybe, Madam President, I could just end right
16 here because I was going to go over a few pages.

17 PRESIDING JUDGE: I think it's best that we adjourn here.

18 Now, Mr Sesay, on Monday the Chamber is going to listen to the
19 evidence of two Prosecution witnesses. I'm not sure exactly how
13:30:31 20 long their testimonies will be and whether or not the testimonies
21 will spill over into Tuesday. But in any event, you will be
22 informed when you can continue with your testimony after those
23 two witnesses. In the meantime, you are not to discuss your
24 evidence.

13:30:51 25 MR CHEKERA: Madam President, I do not wish to overplay
26 this. I only once again would like to apologise for the hiccup
27 this morning.

28 PRESIDING JUDGE: The apology was taken well. The Court
29 will adjourn to Monday at 9 o'clock for the Prosecution case.

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[Whereupon the hearing adjourned at 1.31 p.m.
to be reconvened on Monday, 9 August 2010 at
9.00 a.m.]

I N D E X

WITNESSES FOR THE DEFENCE:

DCT-172	45574
EXAMINATION-IN-CHIEF BY MR CHEKERA	45574