



**U.C. Berkeley War Crimes Studies Center**  
**Sierra Leone Trial Monitoring Program**

**Charles Taylor Monthly Trial Report (July 1, 2010—July 31, 2010)**

**By Elena Marrs**

**1. Overview**

Trial Chamber II at the SCSL continued to hear evidence from Defense witnesses this month in the case against Charles Taylor. Proceedings were cut short at the end of the month (July 19 – July 23), when the Trial Chamber entered its weeklong summer recess. The Trial Chamber returned to the usual schedule on July 26.

The Defense introduced only one witness during this reporting period, former interim leader of the Revolutionary United Front (RUF), Issa Hassan Sesay.

This report summarizes witness testimony heard during the month of July and identifies important issues that have arisen at trial. As with previous WCSC monitoring reports, it is available at [http://socrates.berkeley.edu/~warcrime/SL\\_Monitoring\\_Reports.htm](http://socrates.berkeley.edu/~warcrime/SL_Monitoring_Reports.htm).

**2. Defense Themes and Strategies**

One of the few living senior commanders of the RUF and its one-time interim leader, Sesay's seniority puts him in a unique position in the Taylor case to be able to speak with personal knowledge about many aspects of the command and operation of the RUF. The Defense likely hoped that Sesay would corroborate Taylor's claims that he was not the commander of the RUF and is therefore not responsible for the crimes committed by the RUF or Armed Forces Revolutionary Council (AFRC) during the Sierra Leone civil war.

The Defense conducted its examination-in-chief of Sesay in a manner similar to how it has approached many of its witnesses. The Defense began by addressing all of the primary allegations in the Prosecution's case, including Taylor's control of the RUF, trading diamonds for guns, and Taylor's alleged appointment of Sesay as interim leader of the RUF. Sesay denied all of these allegations. The Defense then turned to Sesay's early days in the RUF, including his recruitment, training, and the initial RUF attacks on Sierra Leone in 1991. The Defense next questioned Sesay on various other aspects of the RUF's management, seeking his take on RUF leader Foday Sankoh's relationship with Taylor, the RUF ideology, sources of weapons, and command structure. Sesay's testimony seemed to corroborate testimony of prior Defense witnesses who have claimed that Taylor withdrew his support of the RUF in 1992, that the RUF respected civilians and did not recruit children, obtained its weapons primarily from the United Liberation Movement for Democracy in Liberia (ULIMO), and was controlled exclusively by Foday Sankoh, even while Sankoh was in detention. The Defense also asked Sesay about key events in the life of the RUF, including joining forces with the AFRC, the arrest of AFRC leader Johnny Paul Koroma and the rape of Koroma's wife, and the January 1999 attack on Freetown. Sesay

denied that Koroma's wife was raped, and that the RUF participated in the Freetown attack. Sesay was also asked in detail about his appointment as RUF interim leader, which he claimed came from a group of West African leaders, not from Charles Taylor alone. The Defense later moved to asking Sesay about the testimony of Prosecution witnesses, in an attempt to discredit those witnesses and provide alternative testimony on key issues such as RUF attacks and Taylor's contact with RUF and AFRC leaders.

### **3. Prosecution Themes and Strategies**

The Prosecution was not very vocal during Sesay's examination-in-chief. The lengthiest objection concerned the issue of whether Sesay could rightly comment or offer opinions on another witness' testimony. (The objection was raised in connection with TF1-571 who testified on May 8, 2008.) The Defense pointed out that the Prosecution has also invited witnesses to comment on other witness' testimonies, and Presiding Judge Sebutinde agreed, deeming it perfectly acceptable for a witness to be reminded of another witness' testimony and be asked to comment on it.

### **4. Legal and Procedural Issues**

#### *a. Defense Motion to Exclude Custodial Statements of Issa Sesay*

On July 1, 2010, the Defense filed a motion to exclude certain transcripts of custodial statements made by Issa Sesay to the Prosecution in 2003.<sup>1</sup> The transcripts the Defense sought to exclude were the subject of similar controversy once before, in the case against the RUF accused, *Prosecutor v. Sesay et al.* After a lengthy *voir dire* hearing in that case in 2007, Trial Chamber I concluded that the Prosecution had obtained the statements involuntarily from the accused, "by fear of prejudice and hope of advantage, held out by persons in authority."<sup>2</sup> At that time, the Chamber was of the opinion that use of the statements to impeach Sesay's credibility through cross-examination would bring the administration of justice into disrepute, as the process by which they were obtained violated Article 17(4)(a), (d) and (g) of the Statute<sup>3</sup> and Rules 42<sup>4</sup> and 63<sup>5</sup> of the Special

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<sup>1</sup> *Taylor*, Case No. SCSL-03-01-T-998, "Defence Motion to Exclude Custodial Statements of Issa Sesay," 1 July 2010.

<sup>2</sup> The Prosecution's procedural missteps in dealing with Sesay during the initial stages of his arrest were documented at length in a report authored by Berkeley War Crimes Study Center researcher Penelope Van Tuyl, "Effective, Efficient, and Fair?: An Inquiry into the Investigative Practices of the Office of the Prosecutor at the Special Court for Sierra Leone," War Crimes Studies Center, University of California, Berkeley, September 2008.

<sup>3</sup> In the determination of any charge against the accused pursuant to the present Statute, he or she shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her; (d) To be tried in his or her presence, and to defend himself or herself in person or through legal; (g) Not to be compelled to testify against himself or herself or to confess guilt. Statute, Article 17.

<sup>4</sup> Rule 42 (Rights of Suspects during Investigation) provides: (A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands: (i) The right to legal assistance of his own choosing, including the right to have legal assistance provided by the Defence Office where the interests of justice so require and where the suspect does not have sufficient means to pay for it; (ii) The right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning; and (iii) The right to remain silent, and to be cautioned that any statement he makes shall be recorded and may

Court Rules of Procedure and Evidence.<sup>6</sup> The unanimous decision by Trial Chamber I rendered over a thousand pages of custodial interrogation transcripts inadmissible.

Taylor's defense team sought to have Trial Chamber II exclude the same statements from evidence in the *Taylor* trial. Although the Prosecution had not yet demonstrated an intent to use Sesay's custodial statements at the time the Defense moved for exclusion, Counsel for the Accused noted that the Prosecution was in the possession of the statements and could reasonably be expected to make use of them in cross-examination to impeach Sesay.<sup>7</sup> The Defense asked the Court to pre-empt this scenario by ruling on the issue now, and indicate to the Defense whether it was necessary for them to address the statements with the witness during its examination-in-chief.<sup>8</sup>

The Defense did not append copies of the statements to its motion for exclusion. Counsel argued that the "the issue of [the] involuntariness of the Statements goes to the admissibility, not the weight or the content, of the evidence," so it could be prejudicial to the Witness for the Judges to read the statements before ruling on their admissibility.<sup>9</sup> The Defense further stressed that Trial Chamber I had conducted a comprehensive *voir dire* hearing and concluded that the statements were inadmissible.<sup>10</sup> The Defense cautioned Trial Chamber II regarding the reliability of an involuntary confession, submitting that "the Statements obtained from Sesay have no indicia of reliability, as they were obtained during a situation in which Sesay was trying not to implicate himself, causing him to, at times, shift blame to others."<sup>11</sup> According to the Defense, having been told that he failed to meet Prosecution's expectations, and thus afraid of the consequences, Sesay began telling "half truths."<sup>12</sup> The Defense also argued that even though Sesay and Taylor have been tried separately, they should be treated like co-defendants due to the joint criminal enterprise and superior responsibility charges that purport to link them. In these circumstances, the Defense averred, they should be subjected to general principles of criminal law where if "an interview takes place, and the person thus interviewed remains a suspect and thereafter a defendant, the content of such an interview cannot be used as evidence

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be used in evidence. (B) Questioning of a suspect shall not proceed without the presence of counsel unless the suspect has voluntarily waived his right to counsel. In case of waiver, if the suspect subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the suspect has obtained or has been assigned counsel. Rules, Rule 42.

<sup>5</sup> Rule 63 (Questioning of the Accused) provides: (A) Questioning by the Prosecutor of an accused, including after the initial appearance, shall not proceed without the presence of counsel unless the accused has voluntarily and expressly agreed to proceed without counsel present. If the accused subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the accused's counsel is present. (B) The questioning, including any waiver of the right to counsel, shall be audio-recorded and, if possible, video-recorded in accordance with the procedure provided for in Rule 43. The Prosecutor shall at the beginning of the questioning caution the accused in accordance with Rule 42(A)(iii). Rules, Rule 63.

<sup>6</sup> Defence Motion to Exclude Custodial Statements of Issa Sesay, ¶ 3.

<sup>7</sup> *Id.* at ¶ 5.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at ¶ 19.

<sup>10</sup> *Id.* at ¶ 21.

<sup>11</sup> *Id.* at ¶ 30.

<sup>12</sup> *Id.* at ¶ 30.

against a co-defendant.”<sup>13</sup>

The Defense emphasized the precedential value of the Court as an institution created with the intent “to leave behind a legacy of respect for the rule of law and the concept of justice.”<sup>14</sup> The Defense asked Trial Chamber II to follow the example of Trial Chamber I and exclude the statements from evidence in the current trial because “to admit such Statements would be an abuse of process and would allow gravely unreliable evidence into the record, bringing the administration of justice into disrepute.”<sup>15</sup>

In its response,<sup>16</sup> the Prosecution opposed as unfounded both requests made by the Defense. The Prosecution maintained that the context of the case at hand is materially different from the one in Sesay’s own trial, as “the issue presently before [the] Chamber is the impeachment of a witness with a prior inconsistent statement, whereas the decision in the RUF case involved the use of an accused’s prior self-incriminatory statements to impeach his testimony in his own trial.”<sup>17</sup> The Prosecution also opposed the Defense’s alternative request for the admission of the transcripts and exhibits from the *voir dire* hearing under Rule 92*bis*, describing the additional exhibits as “irrelevant and unnecessary.”<sup>18</sup> Finally, the Prosecution emphasized that, “in the interest of expediting the proceedings,” it sought only to use Sesay’s first custodial statement, dated March 10, 2003, during cross-examination.<sup>19</sup>

The Prosecution argued that Trial Chamber II was not obliged to follow the decision of Trial Chamber I in the *RUF* case, as the principle of *stare decisis* does not apply in the current case and cited ICTY jurisprudence that held that “a Trial Chamber is not bound by a decision of another Trial Chamber on a point of law.”<sup>20</sup> The Prosecution also sought to distinguish the legal issue in the *Taylor* case from the one litigated in the *RUF voir dire*. As a witness in the *Taylor* trial, the Prosecution submitted, Sesay does not enjoy the same rights as he did when he was the accused in his own trial. In support of this distinction, the Prosecution cited Rule 90(E), which “allows the Chamber to compel a witness to answer a question even if the answer might tend to incriminate him, subject to safeguards in relation to the use of such evidence.”<sup>21</sup> Counsel for the Prosecution further invoked ICTY jurisprudence as persuasive authority on highlighting the dichotomy between the rights of

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<sup>13</sup> *Id.* at ¶ 31.

<sup>14</sup> *Id.* at ¶ 25.

<sup>15</sup> *Id.* at ¶ 6.

<sup>16</sup> *Taylor*, Case No. SCSL-03-01-T-1002, “Prosecution Response to Defence Motion to Exclude Custodial Statements of Issa Sesay,” 12 July 2010.

<sup>17</sup> Prosecution Response to Defence Motion to Exclude Custodial Statements of Issa Sesay, ¶ 2.

<sup>18</sup> *Id.* at ¶¶ 1, 4, 26.

<sup>19</sup> For sampling purposes, the Prosecution appended a portion of the interview of March 10, 2003, to Annex C of its Response.

<sup>20</sup> Prosecutor v. Aleksovski, Case No. IT-95-14/1, Judgment (Appeals Chamber), 24 March 2000, ¶ 114. (“[D]ecisions of Trial Chambers, which are bodies with coordinate jurisdiction, have no binding force on each other, although a Trial Chamber is free to follow the decision of another Trial Chamber if it finds that decision persuasive.”)

<sup>21</sup> Prosecution Response to Defence Motion to Exclude Custodial Statements of Issa Sesay, ¶ 13.

an accused and those of a witness.<sup>22</sup> In any event, according to the Prosecution, the statement dated March 10, 2003 does not contain any self-incriminating testimony by Sesay, and could not be used against him anyway since the appeal in his case is already final.<sup>23</sup>

The Prosecution submission emphasized that Sesay's interview of March 10, 2003 is highly relevant to the *Taylor* trial, and contains evidence addressing the central issues in the case, namely the relationship between Taylor and the RUF.<sup>24</sup> The Prosecution emphasized that cross examination of the witness using the statement would serve the interests insofar as it would allow the Trial Chamber to properly assess the value of Sesay's testimony.<sup>25</sup> The Prosecution sought to illustrate that the statement in question was free of any corruptive elements, by attaching a portion of the statement to their submission. Prosecutors argued that, notwithstanding the Trial Chamber I finding to the contrary, Sesay could not have been confused about his status as an accused person or been corrupted by improper inducement, because the only representation made by the investigators in the interview transcript they submitted was that Sesay's cooperation could be a mitigating factor in sentencing. The Prosecution also pointed out that investigators used the word "accused" 23 times in the transcript in question. Counsel argued that this could leave no doubt that Sesay knew he was more than just a suspect.<sup>26</sup> Citing American jurisprudence,<sup>27</sup> the Prosecution also fought the Defense's assertion that, if Sesay lied under inducement from Prosecution investigators, it would render the evidence inadmissible, rather than simply diminish the weight of the evidence.<sup>28</sup>

As of the end of July, the Trial Chamber's decision on the motion was still pending.

*b. Defense Lead Counsel Courtenay Griffiths, QC, absent from Court*

The Defense sought adjournment for the interval July 15 – July 16, as lead Defense counsel, Courtenay Griffiths, QC, was absent from Court. After discussing Griffiths' absence in a private session, Presiding Judge Sebutinde informed the public that the trial could not proceed, as the Defense counsel was indisposed. However, she added that the trial needs to move forward, asking the Defense to prepare a contingency plan should a similar situation arise—either by having another counsel taking over the examination or by having another witness interposed.

*c. Postponement of Campbell's testimony*

The Trial Chamber granted a request made by Naomi Campbell's representatives for the

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<sup>22</sup> Prosecutor v. Kvočka et al., IT-98-30-30/I-A, Judgment (Appeal), 28 February 2005; Prosecution v. Blagojević & Jokić, IT-02-60-T, "Decision on Vidoje Blagojević's Expedited Motion to Compel the Prosecution to Disclose its Notes From Plea Discussions with the Accused Nikolić' and Request for an Expedited Open Session Hearing," 13 June 2003.

<sup>23</sup> Prosecution Response to Defence Motion to Exclude Custodial Statements of Issa Sesay, ¶ 13.

<sup>24</sup> *Id.* at ¶ 21.

<sup>25</sup> *Id.* at ¶ 24.

<sup>26</sup> *Id.* at ¶ 17.

<sup>27</sup> *People v. Ball*, 821 P.2d 905 (Court of Appeals of Colorado, 1991); *People v. Adams*, 283 Ill. App. 3d 520 (Appellate Court of Illinois, 1996).

<sup>28</sup> Prosecution Response to Defence Motion to Exclude Custodial Statements of Issa Sesay, ¶ 23.

supermodel's appearance to take place a week later than anticipated. (Campbell was expected to testify on July 29 concerning allegations that she received rough diamonds from Taylor in circumstances surrounding a dinner in South Africa in September 1997 that they both attended.) Campbell's testimony was rescheduled for August 5.

## 5. Witness Testimony

### a. DCT-172

The nineteenth Defense witness, Issa Hassan Sesay, was born on June 27, 1970, and belongs to the Temne tribe. Sesay, who acted as RUF's interim leader from May 2000 until the end of the conflict in 2002, was convicted in February 2009 for 16 out of the 18 charges he faced at the Special Court for Sierra Leone in Freetown.<sup>29</sup> He is currently serving a 52-year sentence in a Rwandan prison. He testified in Krio.

#### i. *Taylor's support for the RUF*

The Defense began its examination-in-chief by asking Sesay to address directly many of the allegations central to the Prosecution's case: whether Taylor controlled the RUF, whether he was involved in trading diamonds for arms, and if it was Taylor who appointed Sesay as interim leader of the RUF. Sesay flatly denied that Taylor was ever in charge of the RUF, and testified that he had never given Taylor diamonds in exchange for arms and ammunition. He further told the Court that, to his knowledge, neither Foday Sankoh nor Sam Bockarie had given Taylor diamonds. The Witness explained that the first time he personally met Taylor was in May 2000: "The first time that I saw [Taylor] was during the Lomé Accord but I did not talk to him. At the time that I spoke to him that he knew me was in late May 2000. That was the first time that we spoke, when he identified me to be Issa."<sup>30</sup> Contrary to Prosecution submissions that Taylor controlled the RUF and appointed Sesay interim leader of the RUF, the Witness maintained that he received the appointment from the ECOWAS group of West African leaders, not Taylor individually.

After dealing directly with these core allegations, Defense Counsel began to question the witness chronologically, in the same approach taken with other RUF insider witnesses,

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<sup>29</sup> Sesay was indicted on March 7, 2003, on a 17-count indictment for crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II (commonly known as war crimes), and other serious violations of international humanitarian law. An eighteenth count was later added. The consolidated indictment listed the following charges: (1) terrorizing the civilian population; (2) collective punishments; (3) extermination; (4) murder; in addition, or in the alternative, (5) violence to life, health and physical or mental well-being of persons, in particular murder; (6) rape; (7) sexual slavery and any other form of sexual violence; (8) other inhumane act; in addition, or in the alternative, (9) outrages upon personal dignity; (10) violence to life, health and physical or mental well-being of persons, in particular mutilation; in addition, or in the alternative, (11) other inhumane acts; (12) use of child soldiers; (13) enslavement; (14) pillage; (15) intentionally directing attacks against personnel involved in humanitarian assistance or peacekeeping mission; in addition, or in the alternative, (16) unlawful killings, murder; (17) violence to life, health and physical or mental well-being of persons, in particular murder; in addition, or in the alternative, (18) abductions and holding as hostage, taking of hostages. *Prosecutor v. Sesay, Kallon and Gbao*, Case No. 2004-15-PT, "Corrected Amended Consolidated Indictment," 2 August 2006.

<sup>30</sup> *Taylor*, Trial Transcript, July 5, 2010, pg. 16 (lines 4-8).

beginning with Sesay's early days in the RUF. The Witness offered ample details about his training experience at Camp Naama. He told the Court that when he first arrived, the training base hosted only 13 trainees, but soon the number increased to almost 300, both Sierra Leoneans and Liberians of Sierra Leonean origin. The Witness explained that while at Camp Naama he received training in "physical fitness, arms . . . political ideology, courtesy and discipline."<sup>31</sup> When asked about the presence of children in the camp, he told the Court that some children were indeed present, but that their number was less than 15, and they were not engaged in any physical training, only in ideology classes.

*ii. RUF conduct at the commencement of the war*

The Witness testified that he was part of the first group of RUF fighters to enter Sierra Leone through Bomaru in 1991. With regards to the RUF's conduct during the conflict, he admitted that members of the organization committed numerous crimes against civilians, including looting, murder, amputations, rape, forced labor, and military recruitment of children. However, Sesay maintained that terrorizing the civilian population of Sierra Leone was not the general policy of the RUF, and that RUF troops did not receive any training in this regard. Instead, he insisted, they were taught to behave "nicely" to the civilian population, as the alleged goal of the revolution was to bring democracy to the people of Sierra Leone.

*iii. RUF external delegation*

According to the Witness, in December 1994 RUF leader Foday Sankoh made the decision to create an external delegation "to spread out the RUF message and to explain to people what the RUF stood for."<sup>32</sup> Sankoh had allegedly not traveled outside of Sierra Leone from 1992 to 1994, and deemed it necessary that an external delegation should "contact . . . those who were sympathizers and friends of [his]."<sup>33</sup> Sesay testified that the RUF external delegation, comprised of Philip Palmer, Deen-Jalloh, Fayia Musa, Dr. Barrie, and David Kallon, was headquartered at Danane, Ivory Coast, and communicated with Sankoh through a field radio. When asked to list some of Sankoh's alleged friends to be contacted by the delegation, the Witness named Libyan President Muammar al-Gaddafi, the Libyan Ambassador in Ghana, and members of Burkina Faso's government—demonstrably omitting Taylor. Sesay added that in late 1995, certain members of the Ivorian government also became supporters of the RUF, most notably including the Foreign Minister, Amara Essay. When Defense counsel asked why the delegation had not been sent to Liberia, the Witness told the Court that, at the time, Sankoh was "unhappy . . . disgruntled, and had no dealings with Mr. Taylor." He cited the frictions between Sankoh and NPFL troops in Sierra Leone (who he claimed had severely maltreated the civilian population before being withdrawn by Taylor at Sankoh's request) as the reason for the fallout.<sup>34</sup>

*iv. Footpaths to Democracy*

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<sup>31</sup> *Taylor*, Trial Transcript, July 5, 2010, pg. 23 (lines 13-15).

<sup>32</sup> *Taylor*, Trial Transcript, July 6, 2010, pg. 7 (lines 7-8).

<sup>33</sup> *Taylor*, Trial Transcript, July 6, 2010, pg. 7 (lines 12-13).

<sup>34</sup> This was in reference to the Top 20, Top 40, and Top Final operations carried out in 1992, the subject of significant Witness testimony. See *Taylor*, Trial Transcript, July 5, 2010, pgs. 67-71.

According to the Witness, the RUF's manifesto, "Footpaths to Democracy," was the brainchild of the members of the external delegation. The book was published in 1996, after receiving Sankoh's approval. Defense counsel focused on excerpts from the book highlighting that the RUF was an independent organization that took great pride in its self-sufficiency:

We do not deny the fact that some of those who volunteered to join our cause were veterans of the Liberian civil war but [a] majority were of Sierra Leonean parentage. However, this minor 'alien' involvement in our just and human cause was curtailed as early as May 1992 when it became a nightmarish experience for our civil population. Ever since we have fought a self-reliant war, depending mainly on what we capture from the troops of the rebel NPRC of the regimes in Nigeria, Guinea and Ghana and of the United Liberation Movement For Democracy in Liberia (ULIMO). The RUF/SL is surrounded on all sides by hostile forces. [. . .] Therefore, the theory and accusations that we receive weapons and ammunition from Libya, by way of Burkina Faso and the NPFL, and at the same time being a conduit for the supplies of materials to the NPFL are nonsense. These are calculated lies to justify the pursuit of a policy of military option by the Freetown-based military junta against our treaties for peace through dialogue.<sup>35</sup>

Defense counsel further engaged in reading extensive passages from the manifesto, interjecting the reading to use the Witness for cross-checking some of propositions put forward in the text. By and large, Sesay affirmed the text in the manifesto. The Defense's likely strategic objective in familiarizing the Court with the manifesto was to demonstrate that the RUF was not a proxy force for Taylor, and that Taylor did not provide the RUF with arms and ammunition, or any other type of support.

*v. Arms and ammunition sources*

Denying that Taylor provided the RUF with arms and ammunition, Sesay testified that ULIMO and the Economic Community of West African States Monitoring Group (ECOMOG) were in fact the main sources of arms and ammunition for the RUF. Sesay told the Court that in 1997, after the RUF had come under fire from Kamajors,<sup>36</sup> Foday Sankoh gave Sam Bockarie \$7,000 and directed him to establish contact with and buy arms and ammunition from ULIMO. He further indicated that, to supplement its financial resources, the RUF also sold produce harvested by civilians in areas under their control, or traded a variety of looted items as ULIMO fighters and commanders were willing to take anything in exchange for the weapons: "They'll ask for money, generators, tape recorders . . . it came

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<sup>35</sup> *Taylor*, Trial Transcript, July 6, 2010, pg. 20 (lines 13-22); pg. 22 (lines 19-24).

<sup>36</sup> Comprised of various tribally based traditional hunters, the Kamajors were employed by President Kabbah in 1996 as the security force of the government that came to be known as the Civil Defense Forces (CDF). The leaders of the CDF were tried and found guilty of war crimes, crimes against humanity, and other serious violations of international law by the SCSL. *Prosecutor v. Fofana & Kondewa (CDF Case)*, Case No. SCSL-04-14-T, Trial Judgment, August 2, 2007; *Prosecutor v. Fofana & Kondewa (CDF Case)*, Case No. SCSL-04-14-T, Appeals Judgment, May 28, 2008.



to a time, even if you gave them anything, they'll take it if you don't have money. It became very rampant."<sup>37</sup> The Witness testified that the arms and ammunition trade between the RUF and ULIMO continued from December 1996 until 1998—a period covered by Taylor's indictment—and that during this interval, Taylor did not provide the group with any arms or ammunition:

[Establishing contact with Taylor] was not possible at all, because ULIMO was controlling the entire Lofa [County] and they entered parts of Bong County. In fact, the whole of Lofa [County] was under their control . . . and the entire Bomi Hills, so there was no means. There was no way to contact Mr. Taylor or the NPFL.<sup>38</sup>

The lead Defense counsel paid close attention to this portion of the testimony, seeking additional details concerning the alleged arms purchase from ULIMO fighters. The Witness testified that the ammunition was rusty when the RUF purchased it, having been buried for a year by ULIMO fighters who wanted to retain their weapons while seeming to comply with the 1997 Liberian disarmament agreement.

The Witness thus rejected suggestions that it was Taylor who provided the ammunition for the "Fitti-Fatta" mission in July 1998,<sup>39</sup> instead telling the Court that the arms and ammunition used in the attack came from ULIMO fighters. He consistently denied that Taylor planned the Fitti-Fatta mission, telling the Court that the mission was the initiative of Sam Bockarie, Superman and Mike Lamin. The Witness added that operation Fitti-Fatta ended up being a stunning failure, with the RUF incurring the highest level of casualties since the commencement of the war, allegedly due to the poor quality of arms and ammunition used by RUF troops.

*vi. RUF command structure*

It appears from the Witness' testimony that Foday Sankoh's detention by ECOMOG forces in Freetown caused significant conflict within the higher ranks of the RUF. According to the Witness, Sam Bockarie was in effect first in command of the RUF in Sankoh's absence; however, tensions soon began to develop between the imprisoned Sankoh and Bockarie.

The Witness told the Court that the last order coming from Sankoh was an instruction that the RUF should join forces with the AFRC in May 1997. The Witness insisted that Sankoh did not instruct Bockarie to take orders from Taylor: "Foday Sankoh said Bockarie should continue to work with Johnny Paul and should take all instructions from Johnny Paul."<sup>40</sup> According to the Witness, even though Sankoh would issue orders to Bockarie while in detention, Bockarie independently led the RUF troops on the ground: "Even before the AFRC regime, in early 1997, it was Bockarie who had the last say in the RUF after Foday Sankoh had been arrested. In fact, at that time Foday Sankoh used to give instruction to

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<sup>37</sup> Taylor, Trial Transcript, July 6, 2010, pg. 89 (lines 18-19).

<sup>38</sup> Taylor, Trial Transcript, July 6, 2010, pg. 91 (lines 20-26).

<sup>39</sup> Operation Fitti-Fatta consisted of a planned attack on the diamond-rich town of Kono in July 1998. The alleged goal of the operation was to create panic in ECOMOG forces, thus preventing their advance in RUF-controlled areas.

<sup>40</sup> Taylor, Trial Transcript, July 8, 2010, pg. 46 (lines 11-13).

Bockarie, but on the ground it was Bockarie that was the head.”<sup>41</sup> Furthermore, the Witness said, a time came when Bockarie deliberately ignored Sankoh’s calls, instructing the troops to “not respond to those calls . . . because Foday Sankoh was under duress. He was in the hands of enemy, so whatever Sankoh was saying he was not saying with his own free will.”<sup>42</sup> The Witness added that Bockarie made it clear that he would only talk to Sankoh if he were on neutral ground.

According to Sesay, Johnny Paul Koroma was regarded as the official leader of the AFRC and the delegated leader of the RUF, after Sankoh’s instructions to the RUF troops that they should take their orders from Koroma: “[In February/March 1998] Sam Bockarie, Mike Lamin and myself, all of us in the RUF, everybody was regarding Johnny Paul as the leader for the AFRC, and Mr. Sankoh had said that we should take instructions from Johnny Paul Koroma.”<sup>43</sup> In February/March 1998, Koroma allegedly promoted Bockarie to the position of brigadier and appointed Bockarie as Chief of Defense Staff. This portion of the testimony contradicts Prosecution allegations that it was in fact Taylor who promoted Bockarie to that position.

Defense counsel sought to establish that frictions within the higher ranks of the RUF and lack of a central command system in the group would have made the RUF impossible to coordinate during the period from 1997 – 1999:

- Q. So how would you describe the RUF as an organization during that period? Was it a unified organization or what?
- A. No. The RUF was not thinking as one at that time and they did not have a single command structure during this period.<sup>44</sup>

Griffiths further referenced two salute reports addressed to Sankoh—one allegedly written by Sam Bockarie and the other one by the Witness himself—that further highlighted various personality clashes and breakdowns in cooperation between the RUF and AFRC. While reaffirming some of the information contained in two salute reports, the Witness disputed the authenticity of the documents, insisting that both of them had in fact been written by Gibril Massaquoi. In support of this assertion, Griffiths pointed out that both documents listed the same issues, in the exact same order. Furthermore, the Witness also disputed the signature on the document alleged to have been authored by him by confronting it with his signature on a different Court exhibit, which displayed visible calligraphic differences. Sesay told the Court that Massaquoi was motivated to write the documents because Massaquoi had reached an early agreement with the Prosecution and was thus eager to provide any information required of him.

According to the reports, Superman defected from Bockarie’s leadership and launched several attacks on other RUF commanders, including the Witness himself. Superman

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<sup>41</sup> *Taylor*, Trial Transcript, July 8, 2010, pg. 45 (lines 5-8).

<sup>42</sup> *Taylor*, Trial Transcript, July 12, 2010, pg. 23 (lines 6-9).

<sup>43</sup> *Taylor*, Trial Transcript, July 8, 2010, pg. 31 (lines 20-24).

<sup>44</sup> A salute report details the activities going on within the organization and is normally prepared by a commander to the attention of the leader of the organization. The two salute reports were dated as follows: Bockarie report—September 26, 1999; Sesay report—September 27, 1999. *Taylor*, Trial Transcript, July 12, 2010, pg. 72 (lines 22-23).

purportedly attacked Rambo in his home and killed him, Sesay testified. Subsequently, Sesay claimed, Superman attacked his house. Sesay said that although he narrowly escaped, he was injured by a rocket launched behind him. The Witness told the Court that he sought refuge in the town of Makali but was followed there and attacked again by Massaquoi and Superman. He said he managed to escape and made his way to Kono.

The salute report supposedly written by Bockarie reported that Bockarie had contacted the government of the Ivory Coast in an attempt to secure Sankoh's release, who was then detained by the Nigerian government. The Witness told the Court that Bockarie did not ask for Taylor's help securing Sankoh's release "because he knew the assistance that the Ivorian government had been rendering to the RUF . . . and he knew that Amara Essy was Mr. Sankoh's friend."<sup>45</sup> The reason Bockarie went to the Ivoirians, Sesay claimed, was due to longstanding Ivoirian support of the RUF. Indeed, Sesay testified that the government of Ivory Coast had provided Sankoh and his delegation with a residence and amenities while they were in Abidjan discussing the 1996 peace accord. The RUF purportedly enjoyed the facilities in Abidjan from 1996 until 2000. The Witness testified that the RUF used the house for a variety of purposes, including hosting Sankoh's family and wounded RUF soldiers who needed treatment outside of Sierra Leone.

When questioned whether the RUF was also provided with a guesthouse in Monrovia, the Witness answered affirmatively, indicating that RUF members first gained access to the house in 1998 during a visit by Bockarie, and retained access until 2000. He insisted that the distinction between the assistance provided by the government of the Ivory Coast and the assistance provided by the government of Liberia laid solely in the duration of the alleged assistance—the Ivory Coast allegedly providing the RUF a house from 1996 and Liberia from 1998. By emphasizing the support provided by two neighboring African governments to the RUF, the Defense sought to undermine the Prosecution theory that Taylor's provision of a guesthouse in Monrovia was evidence of his control and command over the RUF. Rather, Sesay's account seemingly supports Taylor's contention that he provided a house to the RUF in an effort to facilitate peace talks.

*vii. Johnny Paul Koroma's house arrest*

Around 1998, during a meeting with Sam Bockarie, Johnny Paul Koroma purportedly expressed his intention to leave for Ghana and procure arms and ammunition for the troops. The Witness told the Court that Koroma claimed to have a contact in Ghana and sympathizers in the Ghanaian government. When asked why Koroma did not solicit Taylor's help "in Liberia just next door" to obtain the needed arms and ammunition, the Witness indicated that Koroma "had no business with Mr. Taylor."<sup>46</sup> According to the Witness, Koroma's planned trip did not materialize. Sesay testified that "Rambo"<sup>47</sup> persuaded Bockarie that if Koroma left, he would not return, and therefore Bockarie purportedly placed Koroma and his family under house arrest. Contrary to previous accounts, the Witness told the Court that Koroma's wife was not molested when Bockarie

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<sup>45</sup> *Taylor*, Trial Transcript, July 12, 2010, pg. 52 (lines 8-13).

<sup>46</sup> *Taylor*, Trial Transcript, July 8, 2010, pg. 33 (line 26).

<sup>47</sup> Also known as AFRC Staff Sergeant Kabbia, whom the Witness distinguished from the two RUF members who were known under the Rambo pseudonym, Daniel Wankay and Boston Flomo.

confronted him about his possession of diamonds that he had hidden from the RUF and his alleged plan to flee to Ghana. After the confrontation, Sesay said that Bockarie became the de facto leader of the RUF: “At this time Sam Bockarie was in effective control of the RUF. Because after this incident he appointed me as the field commander, and he sent a message to Superman Colonel that he was the battle group commander now, and at that time he had now become the Chief of Defense Staff.”<sup>48</sup>

The Witness told the Court that Bockarie used the diamonds that he took from Koroma to orchestrate an arms and ammunition purchase from Burkina Faso (the same purchase the Prosecution hopes to link to Taylor through testimony from Naomi Campbell.) Bockarie purportedly selected the Witness to make the trip to Burkina Faso, with a detour in Monrovia where he was to meet Ibrahim Bah. The trip took place in April 1998 but the transaction in Burkina Faso was never completed, because Sesay lost the diamonds before he arrived. This blunder reportedly caused a falling-out between Bockarie and the Witness that led Bockarie to exile Sesay from the high ranks of the RUF. As punishment, Sesay was transferred to a post in Pendembu to monitor the front line. The Witness insisted that the diamonds were never intended for Taylor, pointing out, “if Bockarie had sent me with the diamonds to be taken to Mr. Taylor then they wouldn’t have gone missing because I was in Monrovia for five days.”<sup>49</sup>

*viii. Contacts between Sam Bockarie and Taylor*

The Witness testified that in September 1998 Sam Bockarie informed him that he had attempted to contact Taylor by sending an individual called Major Augustine Mulbah to Varmuyan Sherif so that the Sherif could establish contact with Taylor. He added that according to Bockarie, these attempts—one in May 1998, and a second one in June of the same year—failed. Bockarie allegedly wanted to meet Taylor to discuss the Abidjan Accord “because the RUF had been pressured from the Guineans, the ECOMOG and the Kamajors. . . .”<sup>50</sup> When the first attempts failed, Bockarie purportedly decided to send Eddie Kanneh, an individual with connections in Guinea, to meet the Liberian ambassador in Conakry and deliver a letter addressed to Taylor. Sesay said the letter eventually reached Taylor, who later asked to meet with Bockarie and invited him to Monrovia. Sesay testified that Bockarie visited Taylor in Monrovia in mid-September 1998, and was escorted there by General Dopoe Menkarzon. The Witness told the Court that Bockarie’s first visit—lasting four days—was followed by a second, week-long visit in October 1998, after which Bockarie returned to Sierra Leone with a satellite phone. Another visit allegedly followed in late November 1998 during a multi-country trip to Liberia, Burkina Faso and Libya. Sesay testified that in Burkina Faso, Bockarie intended to revisit the Abidjan Accord. In Libya, meanwhile, Bockarie wanted to solicit Gaddafi’s assistance for the RUF. Sesay claimed that Gaddafi was amenable to Bockarie’s request and provided him with \$50,000, part of which Bockarie used to buy ammunition and medicine. The Witness specified that the ammunition was purchased in Lofa County, some from a battalion commander for the Armed Forces of Liberia (AFL), and some from Benjamin Yeaten. When asked whether the

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<sup>48</sup> *Taylor*, Trial Transcript, July 8, 2010, pg. 43 (lines 25-29).

<sup>49</sup> *Taylor*, Trial Transcript, July 8, 2010, pg. 109 (lines 4-6).

<sup>50</sup> *Taylor*, Trial Transcript, July 9, 2010, pg. 4 (lines 16-18).

purchases were made with Taylor's permission, the Witness told the Court that Bockarie had not told him that Taylor knew about the purchase.

*ix. Meeting at Waterworks*

The Witness offered a detailed account of a status meeting that RUF top commanders had at Waterworks in December 1998. He told the Court that the meeting was presided over by Sam Bockarie and was attended by himself, SYB Rogers, Mike Lamin, Eddie Kanneh, Rashid Sandy, and Lawrence Womandia. Sesay disputed claims by a Prosecution witness that it was Taylor who ordered the attack on the diamond-rich town of Kono. Sesay explained that Bockarie ordered the attack during the Waterworks meeting, after Bockarie received information that numerous ECOMOG troops were stationed in Kono, and that Sandline mercenaries hired by the Sierra Leonean government were mining for diamonds in the area. Sesay insisted that Taylor did not send Liberian fighters under the command of an individual known as "the Senegalese" to assist the RUF in its attack on Kono.

*x. Attack on Freetown*

Sesay denied that RUF troops participated in the attack on Freetown in January 1999, and that the RUF sent ammunition to support the attack. Sesay did, however, admit that Sam Bockarie intended for the RUF to be part of the attack:

. . . Bockarie told Gullit<sup>51</sup> that if it was true that SAJ Musa<sup>52</sup> was actually dead, he said they should wait at Waterloo. So Bockarie said he will begin to send reinforcements to them at Waterloo so that they will carry out their attack on Freetown. But Gullit did not wait, and it was within one to two days they attacked the Orugu Bridge and they attacked Allen Town and entered Freetown.<sup>53</sup>

This account contradicted a BBC recording the Witness was confronted with, with the reporter narrating: "It's been an extraordinary day in Freetown, the capital of Sierra Leone after days of skirmishing outside the city between ECOMOG forces and RUF rebels."<sup>54</sup> Throughout this portion of the testimony, Defense counsel sought to firmly establish that the RUF and the AFRC were not acting in concert during the attack on Freetown. Consistent with previous testimony in his own trial, the Witness consistently re-affirmed that the attack was carried out by the AFRC, without the RUF. Sesay further told the Court that the attack on Kono—which he was personally in charge of—was not coordinated with the attack on Freetown, maintaining that it was solely the AFRC that conducted the attack on Freetown. The Witness previously testified that, after the attack on Freetown, he spoke to the RUF operators who had been with the AFRC force that conducted the attack. When Griffiths inquired whether any of those operators told him that Taylor was giving instructions to either SAJ Musa or Gullit in the course of the attack, the Witness denied having heard of any such communication.

The Witness further added that the main friction between the AFRC and the RUF in the

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<sup>51</sup> SAJ Musa's deputy, Tamba Alex Brima.

<sup>52</sup> Leader of an AFRC group leading the attack on Freetown.

<sup>53</sup> *Taylor*, Trial Transcript, July 9, 2010, pg. 45 (lines 28-29); pg. 46 (lines 1-5).

<sup>54</sup> *Taylor*, Trial Transcript, July 9, 2010, pg. 47 (lines 7-9).

aftermath of the Freetown invasion was due to the RUF's failure to provide military back-up for the initial attack: "[T]hey said that if we had reinforced them in Freetown, they wouldn't have left Freetown. So that was the main problem between them, the RUF and the AFRC."<sup>55</sup>

*xi. Ceasefire and the Lomé Peace Agreement*

According to the Witness, in 1999 Bockarie refused to disarm to ECOMOG, feeling that his men would not be safe if they disarmed. Bockarie allegedly even resisted direct orders from Sankoh to comply with the disarmament agreement. Instead, Bockarie challenged the leader's authority in a radio communication that was heard at all RUF stations. Sesay told the Court that Bockarie also urged him not to agree to the disarmament because ECOMOG forces would arrest him as soon as the disarmament was complete. The Witness testified, however, that he decided to obey Sankoh's instructions, as he still regarded Sankoh as the group's leader. Sesay further indicated that he made an attempt to personally persuade Bockarie to conform to the disarmament agreement, but that Bockarie was adamant about his decision, and set up an ambush to kill the Witness. The conflicts purportedly climaxed with Bockarie making a public announcement that he was no longer a member of the RUF and was leaving for Liberia in December 1999. When asked whether Bockarie had gone to Liberia "on the invitation of Charles Taylor," Sesay responded in the negative. "[H]e was not invited by Charles Taylor. He went to Liberia because, one, he had been challenging Mr. Sankoh, and . . . he knew at that time if we arrested him, we [would] discipline him on Mr. Sankoh's instructions," Sesay said.<sup>56</sup> According to the Witness, as soon as Bockarie's entourage crossed the Liberian border, the border was closed. In support of this assertion, he told the Court that he attempted to send an individual named Momo Rogers after them to inform some of the individuals who left with Bockarie that they could safely return to Sierra Leone if they desired to. Sesay testified that Liberian border security arrested Rogers and physically abused him.

The Witness further told the Court that the decision for Bockarie to remain in Liberia was made by the Economic Community of West African States (ECOWAS) leaders—including Nigeria's former president, Olusegun Obasanjo—who were concerned that he had become an impediment to the peace process in Sierra Leone. Sesay testified that Sankoh had told the RUF that he had met with the ECOWAS leaders in Monrovia, and that they made a joint decision for Bockarie to stay in Monrovia.

Sesay also discussed Bockarie's disappointment with the manner in which Sankoh had treated him:

Bockarie said he had never come across somebody who was [as] ungrateful as Mr. Sankoh . . . He said he had maintained the RUF in Mr. Sankoh's absence, when Mr. Sankoh was arrested in Nigeria, he was the one who ran the RUF, he had fought and defeated ECOMOG, he had secured the release of Mr. Sankoh and now Mr. Sankoh did not want to

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<sup>55</sup> Taylor, Trial Transcript, July 12, 2010, pg. 20 (lines 2-4).

<sup>56</sup> Taylor, Trial Transcript, July 14, 2010, pg. 79 (lines 7-16).

listen to him. He said Mr. Sankoh was the most ungrateful man on earth.<sup>57</sup>

*xii. Abduction of U.N. peacekeepers*

Sesay testified that when RUF leader Foday Sankoh was arrested in May 2000, in the aftermath of RUF's abduction of U.N. peacekeepers in Sierra Leone, Taylor sent his Director of Special Security Services Benjamin Yeaten to invite the Witness to Monrovia for a meeting. The Witness indicated that Taylor was very upset with Sankoh's actions. Sesay told the Court:

[Taylor] appeared angry, and he continued telling me that if Foday Sankoh or I thought that we can fight the U.N., he said, 'This is a very big big disappointment that Mr. Sankoh has created for himself' . . . what other the people are feeling in the war now like America and Britain, British government, they will now be feeling that it is the handiwork of Mr. Taylor . . . He said, 'As long as God in heaven knows that I have no business with Mr. Sankoh towards what has obtained.' ”<sup>58</sup>

Contrary to Prosecution allegations that Taylor's control of RUF troops allowed him to secure the release of U.N. peacekeepers, the Witness maintained that Taylor told him the he had received a mandate from West African leaders to facilitate the release of the peacekeepers.

Q. Now I want to be clear about this, Mr. Sesay. Was Mr. Taylor talking to you because he controlled the RUF, or was he talking to you because he had a mandate from the guarantors?

A. Well, he talked to me because he had got mandate from the guarantors, but he was not controlling the RUF. The RUF was under Mr. Sankoh's control.<sup>59</sup>

Sesay further added that the meeting in Monrovia was his first direct interaction with Taylor.

*xiii. Appointment as interim leader of the RUF*

Consistent with prior testimony in his own trial, Sesay denied assertions that his appointment as interim leader of the RUF came from Taylor—a claim that Taylor himself has also denied—and insisted that the appointment came from West African leaders during a meeting in Liberia. The Witness told the Court that the leaders present at the meeting (Taylor, former Nigerian president Olusegun Obasanjo, former Togolese president Gnassingbe Eyadema, former Malian president Alpha Oumar Konare and Gambian president Yahya Jammeh) informed him that peace discussions with Foday Sankoh were no longer possible, and that they were looking for another voice for the RUF. The guarantors of the Lomé Peace Accord allegedly found working with Sankoh impossible and deemed it necessary to change the leadership of the RUF. Sesay claimed that it was Obasanjo who suggested Sesay as the new leader, since his efforts in freeing the RUF's

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<sup>57</sup> Taylor, Trial Transcript, July 14, 2010, pg. 75 (lines 12-20).

<sup>58</sup> Taylor, Trial Transcript, July 14, 2010, pg. 126 (lines 4-16).

<sup>59</sup> Taylor, Trial Transcript, July 14, 2010, pg. 128 (lines 28-29); pg. 129 (lines 1-4).

U.N. hostages demonstrated that he was someone “who listens to people.”<sup>60</sup>

However, Sesay indicated that he was reticent about accepting the appointment without Sankoh’s blessing, who Sesay claimed had indicated his preference for another RUF commander, Mike Lamin, to represent the RUF in the peace talks. West African leaders, however, were allegedly adamant about their choice of Sesay, insisting that he was the only one they were willing to work with. The Witness then told the Court that a second meeting was convoked at the Roberts International Airport in Monrovia, during which he was informed that the consensus was that he, Sesay, was to become the interim leader of the RUF, a decision which was purportedly endorsed by Sierra Leone’s president Ahmed Tejan Kabbah. Lastly, Sesay disputed allegations that, after his appointment, he returned to Sierra Leone with a consignment of arms and ammunition from Taylor.

To provide support for Sesay’s account of his appointment as RUF leader, Defense counsel cited a 2008 statement of former Special Representative of the U.N. Secretary General to Sierra Leone, Ambassador Oluyemi Adeneji, according to which Sesay received the unconditional support of ECOWAS leaders when he took over the leadership of the RUF. However, the statement made clear that Ambassador Adeneji was not familiar with the specific circumstances surrounding Sesay’s appointment as interim leader of the RUF. “I cannot remember the details of how Sesay was selected to be the interim leader but I know that Sesay was ultimately made the interim leader of the RUF and that the ECOWAS Heads of State welcomed his appointment,”<sup>61</sup> the Ambassador said in the statement. The Ambassador’s statement was very critical of Sankoh’s leadership, noting that “[Sankoh] remained uncommitted to the peace process . . . would make various promises about steps he would have the RUF take, but would then fail to deliver. I raised this issue with him on several occasions. My own view, gained from many discussions with Sankoh, was that he saw the Lomé Peace Accord as a means of furthering his personal ambitions. While there is no doubt that he had the authority to carry the RUF through the peace process, it was not clear to me that he wanted to do so.”<sup>62</sup> The Ambassador pointed out the abduction of U.N. peacekeepers by the RUF in May 2000 as an example of Sankoh’s bad faith in securing peace in Sierra Leone.

#### *xiv. Operation Free the Leader*

Sesay denied assertions made by a protected Prosecution witness—TF1-571—that testified that “Operation Free the Leader” originated in Monrovia following a meeting between Taylor and Bockarie in 1998. He insisted that he had in fact never heard of such an operation, although he also conceded that sometimes soldiers retroactively referred to successful campaigns under various names.<sup>63</sup>

TF1-571 had previously told the Court that “Operation Free the Leader” consisted of a plan to attack the towns of Kono and Makeni before attacking Freetown to pressure the government to release RUF leader, Foday Sankoh. The attack on Kono was to be led by

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<sup>60</sup> *Taylor*, Trial Transcript, July 26, 2010, pg. 19 (line 18).

<sup>61</sup> *Taylor*, Trial Transcript, July 26, 2010, pg. 59 (lines 1-8).

<sup>62</sup> *Taylor*, Trial Transcript, July 27, 2010, pg. 57 (lines 10-18).

<sup>63</sup> *Taylor*, Trial Transcript, July 27, 2010, pg. 47 (lines 1-5).



Sesay, the attack on Makeni by RUF commander Superman, while the final attack on the Sierra Leonean capital, Freetown, was to be headed by Solomon Anthony James Musa (SAJ Musa) from the AFRC.

While acknowledging that he did lead the attack on Kono, the Witness disputed TF1-571's account that the plan received Taylor's input, telling the Judges "[a]s far as I know [Taylor] had nothing to do with the plan the attack on Kono. It was RUF who planned to attack Kono."<sup>64</sup> Sesay further told the Court that the plan to attack Kono originated at the Waterworks status meeting in December 1998 (discussed above), and insisted that the Prosecution witness could not have been present at the meeting because only the highest ranked RUF commanders were present. (Sesay claimed that even Johnny Paul Koroma was only later informed of the decision to attack Kono). When Judge Sebutinde sought clarification regarding how Sesay was able to identify the protected Witness and conclusively state that he did not attend the meeting, Sesay replied "[Defense counsel] asked me about the certain person yesterday, where he was, and from the way I can follow this testimony, I just conclude that it's the person."<sup>65</sup>

Consistent with his earlier testimony, Sesay strongly denied that the RUF had any involvement with the attack on Freetown, qualifying TF1-571's submission that it was Bockarie who gave SAJ Musa the order to carry out the Freetown leg of the attack as a "bloody lie." Sesay told the Court:

[T]he attack on Freetown was an independent attack by the AFRC, planned by SAJ Musa, and Bockarie was not part of it. And before this time, that is, before December, Bockarie and SAJ Musa never communicated. For a long time they never communicated with each other, so this is a lie.<sup>66</sup>

The Prosecution witness had also told the Court that when SAJ Musa refused to take Bockarie's instructions for "Operation Free the Leader," Bockarie made a complaint to Taylor, whose alleged authority over both the RUF and the AFRC allowed him to effectively intervene. Sesay denied this account.

*xv. Contacts between Koroma and Taylor*

Sesay also denied assertions made by Prosecution witness TF1-597 who testified that at the beginning of the military junta regime in 1997, Johnny Paul Koroma contacted Foday Sankoh for support, and the RUF leader responded by sending Gibril Massaquoi with a list of phone numbers of people that might be of assistance. Taylor's number was allegedly one of the numbers on the list. Sesay denied that Massaquoi gave Koroma a list with phone numbers, insisting that he had in fact brought several letters.

Sesay further told the Court that Koroma never told him or the Supreme Council—the highest decision making body during the junta regime—that he was in contact with Taylor. He also contested assertions that Koroma reached out to Taylor for advice in the aftermath

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<sup>64</sup> *Taylor*, Trial Transcript, July 28, 2010, pg. 65 (lines 5-6).

<sup>65</sup> *Taylor*, Trial Transcript, July 28, 2010, pg. 65 (lines 3-6).

<sup>66</sup> *Taylor*, Trial Transcript, July 28, 2010, pg. 52 (lines 13-18).

of the looting of the Iranian Embassy in Freetown (of which Sesay himself was also a suspect.) According to TF1-597, Koroma informed Taylor about the looting incident and Taylor advised Koroma to set up a board of inquiry to discipline those responsible. While acknowledging that a board of inquiry was indeed established, Sesay denied that the initiative came from Taylor. He insisted that he did not loot the Iranian Embassy but corroborated the Prosecution witness's account that an arrest warrant was issued in his name. However, he told the Court that he managed to exculpate himself and was subsequently acquitted. Nevertheless, following the incident, Sesay was suspended from the Supreme Council.

*xvi. Travels to Liberia with diamonds*

Sesay testified that there were only three occasions when he traveled to Liberia in possession of diamonds. He told the Court that the first trip took place in April 1998 and concluded with him losing the diamonds on the streets of Monrovia. The second trip allegedly took place in October 2000, when Sesay sold \$95,000 worth of diamonds to two European nationals, Louis and Michel. He insisted that while he did meet Taylor on that occasion to discuss peace issues, he never gave him any diamonds. The third and last trip, Sesay testified, took place in February-March 2001, following arrangements by Ibrahim Bah, who put the Witness in contact with a Lebanese individual named Sammy. Sesay told the Court that the value of the diamonds sold on this occasion was \$137,000, and that Bah, Gibril Massaquoi and Eddie Kanneh were also present during the transaction.

Sesay's testimony continued into August.



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