

Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

TUESDAY, 17 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Mr Geoff Walker
For the Prosecution:	Ms Lesley Taylor Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearance
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Ibrahim Mansaray
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kan:	Mr Geert-Jan Alexander Knoops Mr Ajibola E Manly-Spain

1 [TB170505A - EKD]
2 Tuesday, 17 May 2005
3 [The accused not present]
4 [Open session]
09:15:58 5 [Upon resuming at 9.20 a.m.]
6 WITNESS: TF1-334 [Continued]
7 [The witness answered through interpretation]
8 PRESIDING JUDGE: Good morning, Ms Pack, good morning
9 counsel. I note the continued absence of the accused persons. I
09:22:53 10 presume they have continued to consciously waive their right to
11 be present in court.
12 One small administrative point. We will have to rise 15
13 minutes early at lunchtime today as the judges are obliged to
14 attend a meeting. So we will adjourn at 12.30 p.m.
09:23:15 15 Ms Pack, please continue.
16 MS PACK: Thank you, Your Honour.
17 EXAMINED BY MS PACK: [Continued]
18 Q. Witness, we left off yesterday you were telling the Chamber
19 about the PLOs. I want to ask you about the Supreme Council.
09:23:40 20 Would you identify the Supreme Council members? And would you
21 take it slowly one by one because I'm going to be spelling each
22 of the names as you go through them. I am asking you for the
23 Supreme Council members that you recall.
24 A. As far as I can recall, Johnny Paul Koroma was the head of
09:24:11 25 the Supreme Council. You have the vice-chairman, who was Solomon
26 SAJ Musa; he was a member of the Supreme Council. You have the
27 deputy defence minister, who was Colonel Avivavo; he was a member
28 of the Supreme Council. You get the PLO 1, Abu Sankoh; also he
29 was a member of the Supreme Council. You get the PLO 2, Tamba

1 Alex Brima; he was also a member of the Supreme Council. You
2 have the PLO 3, Ibrahim Bazy Kamara, was also a member of the
3 Supreme Council. You get Honourable Hassan Papah Bangura; he was
4 also a member of the Supreme Council.

09:25:21 5 Q. Pause there. That's H-A-S-S-A-N P-A-P-A-H, Bangura
6 B-A-N-G-U-R-A. What had he been prior to the AFRC period?
7 A. Well, he was a military serving officer in the army.
8 Q. Thank you, witness. Next member?
9 A. You get Honourable Rambo. He was the CSO to Johnny Paul.

09:26:14 10 He was a member of the Supreme Council. You have Honourable
11 Hector Bob Lahai; he was a member of the Supreme Council.
12 Q. Pause there, please, I would like to spell that.
13 Honourable Hector Bob Lahai. Actually I have the spelling as
14 Ector E-C-T-O-R, Bob is obvious, and Lahai L-A-H-A-I. Honourable

09:26:46 15 Ector Bob Lahai, what was he prior to the AFRC period?
16 A. He was a member of the Supreme Council. He was a
17 Honourable.
18 Q. And prior to the AFRC period what had he been? Was he a
19 civilian or in the military or what?

09:27:07 20 A. Well, he was a civilian.
21 Q. Thank you, witness, if you could go on to the next
22 individual?
23 A. You get Honourable Woyoh; he was also a member of the
24 Supreme Council. You have Honourable Foday Kallay.

09:27:31 25 Q. Just pause there, I'm going to spell each of the names
26 after you've mentioned them. So if you just wait for me to do
27 that I'd be grateful. The first one you said was Honourable
28 Woyoh?
29 A. Yes.

1 Q. And the spelling of that, Your Honours, is W-O-Y-O-H.
2 Woyoh, what had he been prior to the AFRC period?
3 A. He was a serving personnel of the Sierra Leone Army.
4 Q. Did he have a rank in the Sierra Leone Army?
09:28:10 5 A. Yes, he was WO 2, WO 2. That was the last -- [translation
6 interrupted]
7 JUDGE SEBUTINDE: What was that you said? Say it properly
8 in English, please.
9 THE INTERPRETER: Could the witness repeat.
09:28:34 10 MS PACK:
11 Q. Witness, if you would repeat what you said was the rank of
12 Woyoh prior to the AFRC period. If you could repeat that slowly.
13 A. Woyoh was a corporal, but later he was promoted to WO 2.
14 Q. What does WO 2 stand for if anything?
09:28:58 15 A. Warrant officer class 2.
16 Q. Thank you, witness. The next name you mentioned was
17 Kallay. Can you give the full name of that individual?
18 A. Honourable Foday Kallay.
19 Q. I'm going to spell that. F-O-D-A-Y, Kallay K-A-L-L-A-Y.
09:29:27 20 What was Kallay, Foday Kallay, prior to the AFRC period?
21 A. He was also a member of the Supreme Council and a member of
22 the Sierra Leone Army.
23 Q. What was his rank in the Sierra Leone Army prior to the
24 AFRC period?
09:29:49 25 A. He was a corporal.
26 Q. Did he have an alias by which he was known?
27 A. Yes, we used to call him Commander One.
28 Q. Could you repeat that name, please?
29 A. Command One.

1 Q. Thank you, witness. If you would go on to the next member
2 of the Supreme Council that you recall.

3 A. You get Honourable Cobra. He was a military personnel. He
4 was a member of the Supreme Council.

09:30:40 5 Q. Now, Cobra, is that the real name of this individual or is
6 it an alias?

7 A. Well, it was a popular name that he was known by everybody.

8 Q. That's C-O-B-R-A. Was Cobra -- you have described him as a
9 military personnel - what does that mean - prior to the AFRC
09:31:11 10 period?

11 A. He was a member of the Sierra Leone Army before the
12 takeover.

13 Q. Did he have a rank in the Sierra Leone Army before the
14 takeover?

09:31:18 15 A. Yes, he was also a corporal in the army.

16 Q. Could you move on to the next individual if any of the
17 Supreme Council?

18 A. You get Honourable Sullay; he was also a member of the
19 Supreme Council.

09:31:43 20 Q. I'm sorry to interrupt you. Sullay is S-U-L-L-A-Y. Now,
21 Honourable Sullay, was he in the military, in the Sierra Leone
22 Army, or was he a civilian prior to the AFRC period?

23 A. He was a civilian.

24 Q. Thank you, witness, if you would move on to the next member
09:32:11 25 of the Supreme Council you recall.

26 A. You have Honourable Ibrahim Bioh Sesay; he was also a
27 member of the Supreme Council and he was a civilian.

28 Q. Pause a moment. Ibrahim I-B-R-A-H-I-M, Bioh B-I-O-H, Sesay
29 S-E-S-A-Y. Thank you, witness, if you would move on to the next

1 member of the Supreme Council that you recall.

2 A. You get Honourable Abdul Sesay; he was also a member of the
3 Supreme Council and he was a civilian.

4 Q. Abdul A-B-D-U-L, Sesay again S-E-S-A-Y. And the next
09:33:13 5 member, witness?

6 A. Except the other RUF that were given appointment as Supreme
7 Council members, that I can recall, you get Honourable Sam
8 Bockarie. He was a member of the Supreme Council and he was the
9 head of the RUF during that time. He was the commander of the
09:33:42 10 RUF that came to Freetown.

11 Q. And Bockarie obviously is B-O-C-K-A-R-I-E. Was there
12 another name that he was known by, Honourable Sam Bockarie?

13 A. He was also called Mosquito.

14 Q. Were there other members of the RUF --
09:34:10 15 JUDGE SEBUTINDE: Excuse me, the spelling, is it Maskita or
16 Mosquito as in the insect?

17 MS PACK: As in the insect.

18 THE WITNESS: Well, the Krio people call him Maskita. That
19 is the popular name, that's Maskita.

09:34:30 20 MS PACK:

21 Q. Witness, would you spell Maskita for the learned Judge?

22 A. Well, I can only spell it in English: Mosquito. The Krio
23 call him Maskita. That's the way the other people call him.

24 MS PACK: Your Honour, I'll leave it as -- as in the
09:34:58 25 insect.

26 Q. Witness, the next member of the Supreme Council you recall,
27 you said there were RUF members. Do you recall any other RUF
28 members of the Supreme Council apart from Bockarie?

29 A. Yes, you get Honourable Issa Sesay; he was an RUF and he

1 was a member of the Supreme Council.

2 Q. Pause a moment, I'm sorry to interrupt you. Issa Sesay,
3 did he hold a position in the RUF? Apart from being a member of
4 the Supreme Council, did he hold a position in the RUF?

09:35:37 5 A. Well, yes, he was the second in command when they came.

6 Q. Did either Bockarie or Issa Sesay, did they have a rank by
7 which they were known?

8 A. He was a colonel, Colonel Issa Sesay.

9 Q. What about Bockarie?

09:36:00 10 A. Sam Bockarie, also, he was a colonel when they came.

11 Q. Do you recall other RUF members of the Supreme Council?

12 A. You get Colonel Morris Kallon; he was also a member of the
13 RUF. You get --

14 Q. Pause a moment. Did he have an alias that he was known by?

09:36:33 15 A. Well, they used to call him Bilai Wai Karim. Bilai Wai
16 Karim.

17 Q. Witness, I'm going to have to ask you to spell that if you
18 would, as best you can.

19 A. This is an Arabic interpretation, but as far as I can spell
09:37:06 20 it, I spell it this way: B-E-L-A W-A-I K-A-R-I-M, Bilai Wai
21 Karim.

22 Q. Thank you, witness. Were there other RUF members of the
23 Supreme Council that you recall apart from Issa Sesay, Sam
24 Bockarie and Morris Kallon?

09:37:38 25 A. You get Lieutenant Eldred Collins; he was an RUF and a
26 member of the Supreme Council.

27 Q. Eldred Collins, E-L-D-R-E-D, Collins C-O-L-L-I-N-S. Were
28 there other RUF members of the Supreme Council that you recall
29 apart from Collins, Kallon, Sesay, and Bockarie?

1 A. You get Colonel Mike Lamin; he was also an RUF and a member
2 of the Supreme Council.

3 Q. Lamin is spelt L-A-M-I-N. And from the RUF was there
4 anyone else who was a member of the Supreme Council that you
09:38:39 5 recall?

6 A. Well, as far as I can recall, these are the names that I
7 can remember.

8 Q. Now, witness, you've recited a number of names and I'm
9 going to repeat those back to you to give you an opportunity to
09:38:57 10 reflect if there were any more members of the Supreme Council
11 that you recall. So the names that you have given to the Chamber
12 are Johnny Paul Koroma, who was the head you said; SAJ Musa was
13 the vice-chairman; Colonel Avivavo; Zagalo; Tamba Alex Brima;
14 Ibrahim Bazzy Kamara; Hassan Papah Bangura; Honourable Rambo;
09:39:33 15 Honourable Ector Bob Lahai; Honourable Woyoh; Honourable Foday
16 Kallay; Honourable Cobra; Honourable Sullay; Ibrahim Bioh Sesay;
17 Abdul Sesay --

18 A. And, sorry, Honourable Adams I have remembered. He was an
19 SLA and a member of the Supreme Council.

09:40:18 20 Q. Did he have a rank in the SLA?

21 A. He was a corporal.

22 JUDGE SEBUTINDE: Is that Adams with an S at the end?

23 MS PACK: A-D-A-M-S, yes, Your Honour.

24 Q. Any others that you can recall for the moment other than
09:40:45 25 those that you have mentioned this morning?

26 A. Well, except later. For now, these are the names that I
27 can recall.

28 Q. Witness, yesterday you told us that there were 17 men who
29 carried out the coup. I'm going to ask you to go through those

1 names now for the Chamber again, taking it slowly and as best as
2 you can recall.

3 A. You get Zagalo --

4 JUDGE SEBUTINDE: Sorry. Is the question the 17 men who
09:41:48 5 carried out the coup? Is that the question?

6 MS PACK: Yes, Your Honour.

7 JUDGE SEBUTINDE: As distinct from who plotted the coup?

8 MS PACK: Yes, Your Honour. I wasn't aiming to draw a
9 distinction.

09:41:59 10 JUDGE SEBUTINDE: Because the evidence on record yesterday
11 was 17 men plotted the coup.

12 MS PACK: My apologies to Your Honour. I will use that
13 language in that case.

14 Q. Seventeen men who plotted the coup, would you name them?
09:42:13 15 You started with Zagalo.

16 A. Staff Sergeant Zagalo. That's Abu Sankoh; he was the PLO
17 1.

18 Q. Pause there. Next?

19 A. You get Sergeant Tamba Alex Brima; you get Sergeant Ibrahim
09:42:45 20 Bazzy Kamara; you get Honourable Corporal Hassan Papah Bangura;
21 you get Corporal Foday Kallay; Corporal Adams; you get Hector Bob
22 Lahai; you get Sullay; you get Abdul Sesay; you get Ibrahim Bioh
23 Sesay; you get Rambo; you get Adams --

24 Q. Pause there, witness. You have already mentioned Adams.

09:43:50 25 A. Okay, sir. Sorry, you get Cobra.

26 Q. Pause a moment. Thank you, continue.

27 A. You get -- I think these are the ones I can recall among
28 the 17 members.

29 Q. That's 12 names, witness. If you can think of the others

1 as you're going --

2 A. Woyoh, you get Woyoh; you get Honourable Sammy.

3 Q. That's a new name, I'm going to spell that.

4 A. Yes, Sammy.

09:44:43 5 Q. Sammy is S-A-M-M-Y. What had he been prior to the AFRC
6 period?

7 A. He was a member of the Sierra Leone Army and he was also a
8 member of the Supreme Council.

9 Q. And what rank did he have in the Sierra Leone Army?

09:45:13 10 A. Sammy was a corporal.

11 Q. Did he have an alias by which he was known?

12 A. We used to call him Jungler.

13 Q. That's spelt J-U-N-G-L-E-R. That's 14 names, witness. If
14 you're able to recall any others would you identify them.

09:45:54 15 A. Well, as of now except I have to think. These 14 are the
16 only ones I can recall as of now.

17 Q. Thank you, witness. Now, witness, the Supreme Council and
18 the members that you have identified, who were they subordinate
19 to?

09:46:40 20 A. Well, these Supreme Council members, they were under the
21 command of Johnny Paul Koroma, and they were also subordinate to
22 the vice-president, answerable to the vice-president --
23 vice-chairman, sorry.

24 MR KNOOPS: Your Honour, excuse me. It may be a mistake of
09:47:14 25 myself, but the witness is using in some answers the word "may".
26 If the witness is indicating that he isn't sure, but guessing, it
27 would be an objection from my side. Perhaps he means with the
28 word "may" something different, but I repeatedly have heard the
29 witness using the word "may". I'm not sure what he means with

1 that. Perhaps that can be a clarification. But if it is a guess
2 of the witness, I would object.

3 PRESIDING JUDGE: Ms Pack, I heard it a little differently
4 to Mr Knoops; it may be a matter of interpretation. But since
09:48:10 5 his observation is a valid one it should be clarified with the
6 witness.

7 MS PACK:

8 Q. Witness, the question was who did members of the Supreme
9 Council report to?

09:48:32 10 A. Well, since Johnny Paul Koroma was the head of the Supreme
11 Council, they reported to Johnny Paul. They were also supervised
12 by the vice-chairman, because in the army you have a chain of
13 command, just like the military police. You have the OC, you
14 have the 2IC, you have the RSM, you get the staff sergeants, and
09:49:01 15 you come down to the sergeant and the other ranks. So that was
16 the way it happened in the Supreme Council.

17 Q. Thank you for drawing -- would you perhaps clarify for
18 those of us who don't know the terminology you're using just what
19 the initials you've identified stand for.

09:49:30 20 A. Well, I was just trying to explain about the chain of
21 command in any structure like in the army, the police. You get
22 chain of command. You get, like, the inspector general at the
23 head, deputy inspector general, then you come right down. So at
24 any time the inspector general superseded all the other ranks.
09:49:58 25 So that was the way it happened in the Supreme Council. Johnny
26 Paul was the head of the Supreme Council and he was seconded by
27 the vic- chairman, who was SAJ Musa.

28 Q. Witness, how do you know that Johnny Paul was chairman of
29 the Supreme Council seconded by SAJ Musa, and as you have just

1 described to their Honours, that the Supreme Council was
2 supervised by the vice-chairman and reported to the President?
3 How do you know those matters?

4 A. Well, it was an open thing that the whole country knew,
09:50:46 5 that Johnny Paul was the chairman of the AFRC. I wouldn't like
6 to identify myself too much, because there was an incident which
7 made me to understand the chain of command, but that I would not
8 be able to explain now.

9 Q. Witness, I'm going to ask later on, perhaps towards the
09:51:12 10 luncheon adjournment, if there could be a period in closed
11 session to clarify what you have just embarked on explaining if
12 you're concerned that that matter might reveal your identity to
13 the public. If I may, Your Honour, reserve that to perhaps a
14 more convenient time.

09:51:28 15 PRESIDING JUDGE: We will deal with that when the
16 application is made, Ms Pack, and we'll hear --

17 MS PACK: I'm grateful.

18 Q. Now, witness, you've identified some of the 17 coup
19 plotters. How do you know that those individuals that you've
09:51:57 20 identified were the coup plotters?

21 A. Well, I was a member of the Sierra Leone Army up to that
22 time and I was in all of the administrative divisions in the
23 army. So I was eager to know when this takeover happened. So I
24 was one of the military people that were responsible. So when
09:52:23 25 the revolution was on, those that were appointed as honourables,
26 as PLOs, these were the people that were immediately responsible
27 for the coup. Because by then Johnny Paul was in prison, so they
28 were the ones that took him out of prison.

29 Q. Pause a moment. Were the coup plotters and those who

1 carried out the coup different -- were they different people?

2 A. Well, it was a football team when they carried out this
3 coup plot. It was a football team for the Sierra Leone Army,
4 which they belonged to the 1st Battalion. They were the ones

09:53:09 5 that plotted this coup before they made this attack and broke the
6 prison and took over the reigns of government.

7 Q. So the men who plotted the coup broke the prison. Do you
8 know what they did having broken the prison?

9 A. It was later on that they discussed it with us. They came
09:53:35 10 from Wilberforce. Because one of their aims was to open the
11 prisons so that they would be able to get reinforcement, so that
12 they would be able to capture State House and the other important
13 areas.

14 Q. Pause a moment. Who else apart from reinforcements was in
09:53:53 15 prison at that time?

16 A. Well, Johnny Paul had been captured before for an attempted
17 coup. He was there with some other soldiers. So he had some
18 other fighters who had been put in prison before. So the only
19 way, the only side that they thought they would be able to get
09:54:21 20 reinforcement was Pademba prison. That is why it was made the
21 first target.

22 Q. And witness, the football team of the 1st Battalion who
23 plotted the coup, have you identified those individuals earlier
24 on today in your evidence?

09:54:38 25 A. Yes, I had named them, and these were the 17 out of which I
26 left three. These were the ones that plotted the coup.

27 Q. Apart from the members of the Supreme Council that you have
28 named today, were there other members of the Supreme Council that
29 you haven't named?

1 A. Well, unless the ones that were later appointed, like
2 Leather Boot, who was later appointed in the Supreme Council.
3 Q. One moment, witness, I would like to spell that, Leather
4 Boot. It's the obvious spelling. Is Leather Boot an alias or
09:55:45 5 the real name of that individual?
6 A. He was called Idrissa Kamara, but that was his popular
7 name, alias Leather Boot.
8 Q. Idrissa Kamara is spelt I-D-R-I-S-S-A, Kamara K-A-M-A-R-A.
9 Idrissa Kamara, you said he was later appointed to the Supreme
09:56:11 10 Council. What was he prior to the AFRC period?
11 A. He was a member of the Sierra Leone Army.
12 Q. Did he have a rank in the Sierra Leone Army?
13 A. Yes, he was WO 2, sergeant major. Or we used to call him
14 warrant officer class 2, WO 2, WO 2. We also had Coachy Borno.
09:56:59 15 He was also an honourable that was appointed.
16 Q. One moment, let me spell that. Coachy is C-O-A-C-H-Y,
17 Borno is B-O-R-N-O. Is that an alias or a real name?
18 A. Well, that was the popular name by which he was called.
19 Q. Do you know his real name?
09:57:30 20 A. No, I cannot recall his name, but we used to call him
21 Coachy.
22 Q. What was he prior to the AFRC period?
23 A. Well, he was a member of the Sierra Leone Army, so he
24 retired. He was a civilian when the AFRC took over, because he
09:57:52 25 had retired from Sierra Leone Army. We had also one Honourable
26 Kai. He was a woman who was also appointed as a Supreme Council
27 member.
28 Q. Let me spell that. Kai is K-A-I. What was she prior to
29 the AFRC period?

1 A. She was a civilian.

2 Q. Sorry, I interrupted you, witness. Were you about to name
3 another member of the Supreme Council that you could recall?

4 A. Well, I was just trying to explain who Honourable Kai was.

09:58:46 5 Because these were the other people that I can remember that were
6 appointed as members of the Supreme Council. Sorry, I can now
7 recollect the other one was Corporal Gborie, a member of the
8 Supreme Council. I had left him out. He was one of the 17 coup
9 plotters.

09:59:16 10 Q. Thank you, let me spell that.

11 PRESIDING JUDGE: Can I have the name again --

12 MS PACK: Apologies, Your Honour. Gborie is G-B-O-R-I-E.

13 THE WITNESS: G-B-O-R-I-E.

14 MS PACK:

09:59:30 15 Q. You said also that he was one of the 17 coup plotters?

16 A. Yes.

17 Q. What did he do prior to the AFRC period?

18 A. He was a member of the Sierra Leone Army and he was a
19 corporal.

09:59:47 20 JUDGE SEBUTINDE: Excuse me, I just seek clarification. Is
21 Corporal Gborie -- the questions you have been asking were could
22 he name more members of the Supreme Council.

23 MS PACK: Yes.

24 JUDGE SEBUTINDE: And then he said Corporal Gborie was one
10:00:00 25 of the 17 coup plotters.

26 MS PACK: Let me clarify the answer, Your Honour.

27 Q. You have described Corporal Gborie as one of the 17 coup
28 plotters. Was he a member of any other body?

29 A. Well, he was a member of the Supreme Council.

1 Q. Thank you, witness, that's 15 of the 17 coup plotters. I'm
2 going to ask you to think on the other ones and if they come into
3 your mind over the course of the next hours you can tell the
4 Chamber, their Honours. Witness, I am going to ask you about
10:00:50 5 other positions in the AFRC ruling council. I would like to ask
6 you about ministerial positions. You told the Chamber yesterday
7 that there were three ministers. Just identify whom they were
8 and take it slowly again so that I can spell names.

9 A. Well, as far as I was concerned, because I was much more
10:01:25 10 concerned with the military administration, in the north we had
11 Major Kamara, who was resident minister -- [translation
12 interrupted]

13 Q. Pause a moment I think. I think I interrupted you in the
14 middle of saying something else. Kamara is K-A-M-A-R-A. Did he
10:01:47 15 have an alias by which he was known?

16 A. Well, yes, they used to call him Bush Fall.

17 Q. Bush Fall is B-U-S-H, new word Fall F-A-L-L. You described
18 him as the resident minister in the north?

19 A. Yes.

10:02:12 20 Q. What did he do prior to the AFRC period?

21 A. He was a member of the Sierra Leone Army.

22 Q. Did he have a rank in the Sierra Leone Army?

23 A. Yes, he was a major.

24 Q. Did he remain a major?

10:02:35 25 A. Yes, but later he was promoted to lieutenant colonel.

26 Q. Who were the other ministers that you know of?

27 A. We had the resident minister of the south, Major AF Kamara.
28 He was a member of the Sierra Leone Army.

29 Q. Kamara is as before, K-A-M-A-R-A. What was his rank in the

1 Sierra Leone Army before?

2 A. He was a major but he was later promoted to lieutenant
3 colonel.

4 PRESIDING JUDGE: I missed the initials -- [Microphone not
10:03:24 5 activated].

6 MS PACK: It's AF.

7 PRESIDING JUDGE: Thank you.

8 MS PACK:

9 Q. Was there an alias by which he was known?

10:03:30 10 A. Yes.

11 Q. What was the alias?

12 A. They used to call him Ambush Commander.

13 Q. As in ambush, A-M-B-U-S-H, commander. And the other
14 minister you recall?

10:04:00 15 A. We had the resident minister in the east, who was Captain
16 Eddie Kanneh. But he had been dismissed in the army, but he
17 still had his rank when they appointed him as resident minister.

18 Q. I will just spell that. Eddie E-D-D-I-E, Kanneh
19 K-A-N-N-E-H. Witness, these three ministers, who were they
10:04:37 20 subordinate to?

21 A. Well, these ministers used to report directly to the
22 chairman.

23 Q. They reported directly to the chairman?

24 A. Yes.

10:05:00 25 Q. Were they subordinate to anybody else?

26 A. Yes, they were supervised by the deputy-chairman.

27 Q. Just to remind us again, who was that?

28 A. SAJ Musa.

29 Q. Now, witness, how do you know that these three ministers

1 were the individuals you've described and how do you know that
2 they reported directly to the chairman and were supervised by the
3 deputy-chairman, SAJ Musa? How do you know those things?

4 A. Well, see one thing about the AFRC administration at that
10:05:50 5 time, most of them that were there that came in, they were not to
6 that ruling education. So during meetings, these things were
7 open; they would discuss them. They would discuss these things
8 with us and they would tell us who and who because I was always
9 eager to know. Because they were afraid of us that were -- the
10:06:14 10 military police that were close to them, because they said that
11 we would always prosecute them. So they would explain to us and
12 I was eager to know the chain of command.

13 Q. Witness, I'm going to ask you about military commanders
14 during the AFRC period. Was there a director of defence in the
10:06:54 15 AFRC period?

16 A. Yes, they appointed the director of defence who was
17 Brigadier Mani. He was a member of the Sierra Leone Army.

18 Q. Pause a moment. Mani M-A-N-I.

19 JUDGE SEBUTINDE: Sorry, could you repeat what he was
10:07:21 20 again? Could the witness repeat what he said Brigadier Mani was,
21 deputy something?

22 THE WITNESS: Director of defence.

23 MS PACK:

24 Q. Was there anyone subordinate to him?

10:07:42 25 A. Yes, he directly monitored the chief of defence staff, who
26 was Brigadier SFY Koroma.

27 Q. Pause a moment. SFY and then Koroma K-O-R-O-M-A.

28 Brigadier SFY Koroma, what had he been prior to the AFRC period?

29 A. He was a member of the Sierra Leone Army and when the AFRC

1 took over he was appointed as the chief of defence staff.

2 Q. Was there anyone subordinate to SFY Koroma, chief of
3 defence staff?

4 A. Yes, we had the army chief of staff, who was Brigadier
10:08:45 5 SO Williams. He was a member of the Sierra Leone Army.

6 Q. SO Williams, standards spelling, W-I-L-L-I-A-M-S. I'm
7 going to ask you about other positions, military positions. Was
8 there an air wing commander in the AFRC period?

9 A. Yes, we had the squadron commander, who was Lieutenant
10:09:23 10 King. He was in charge of air wing. Flight Lieutenant King; he
11 was in charge of air wing.

12 Q. And King is K-I-N-G. What had Flight Lieutenant King done
13 before the AFRC period?

14 A. He was a member of the Sierra Leone Army and he was the one
10:09:48 15 that was flying the helicopter gunship.

16 Q. Was there a chief of navy staff?

17 A. Yes, we had a chief of navy staff.

18 Q. Who was that?

19 A. Who was Commander Gilbert.

10:10:12 20 Q. Gilbert, G-I-L-B-E-R-T. What had he been before the AFRC
21 period?

22 A. He was a member of the Sierra Leone Navy.

23 Q. Was there a military spokesman?

24 A. Yes, we had the military spokesman who was Major Paul
10:10:46 25 Thomas, and he was a member of the Sierra Leone Army.

26 Q. I won't ask you to spell that because, of course, you
27 mentioned him yesterday when you spoke about an announcement
28 after the coup. Was there a commanding officer of the military
29 police in the AFRC period?

1 A. Yes, Major Hanses -- Harston, sorry, Harston. He was the
2 one commanding the military police.

3 Q. Harston is spelt H-A-R-S-T-O-N. What had he been before
4 the AFRC period?

10:11:33 5 A. He was a member of the Sierra Leone Army.

6 Q. Were there brigades in the AFRC period?

7 A. Yes, they appointed various brigade commanders. Brigade
8 commander for the east, the north and the south.

9 Q. Just to clarify, what do you mean by a brigade?

10:12:09 10 A. Well, these are troops that were under direct supervision
11 of the Sierra Leone Army, and they were assigned to these
12 brigades so as to defend the districts.

13 Q. And the districts you identified as the south, north and
14 east?

10:12:37 15 A. Yes.

16 Q. Did they have brigade commanders?

17 A. Yes, they appointed brigade commanders to head those
18 brigades.

19 Q. So who was the brigade commander in the east?

10:12:54 20 A. We had Colonel Fallah Sewa; he was a member of the Sierra
21 Leone Army and he was brigade commander east.

22 Q. I will just spell that. It is Fallah F-A-L-L-A-H, Sewa
23 S-E-W-A. What did he do prior to the AFRC period?

24 A. I had already said it. He was a member of the Sierra Leone
10:13:27 25 Army.

26 Q. Thank you, witness. Who is the brigade commander in the
27 south?

28 A. We had Colonel Boissy Palmer; he was a member of the Sierra
29 Leone Army and he was brigade commander south.

1 Q. I can spell that. Boissy B-O-I-S-S-Y, Palmer P-A-L-M-E-R.

2 Witness, who was the brigade commander in the north?

3 A. We had Colonel Momodou; he was a member of the Sierra Leone
4 Army and he was brigade commander north.

10:14:13 5 Q. Momodou is M-O-M-O-D-O-U. All these military commanders
6 who you have identified in the last minutes or so, who were they
7 ultimately subordinate to?

8 A. All of them were under the direct command of the chief of
9 defence staff and they were subordinate to the chief of staff.

10:14:54 10 Q. By chief of staff do you mean chief of army staff?

11 A. Yes, the chief of army staff.

12 Q. Just to clarify, you have identified the air wing
13 commander, the chief of navy staff, the military spokesman, the
14 commanding officer of the military police, the brigade commanders

10:15:17 15 east, south, north. They were subordinate to whom?

16 A. They were subordinate to the chief of defence staff, or
17 they were answerable to the chief of defence staff.

18 Q. They were subordinate to the chief of defence staff and I
19 didn't get the second part of your answer. Who were they

10:15:46 20 answerable to?

21 A. They were answerable to the chief of army staff.

22 Q. Witness, the brigade commanders - specifically them - who
23 did they report to -- the brigade commanders east, south and
24 north?

10:16:12 25 A. Well, actually, they used to report to their ministers who
26 were -- but they were under the direct supervision of the chief
27 of defence staff.

28 Q. Witness, the men serving under the brigade commanders
29 north, south, east, where were they from, which group?

1 A. Well, in fact, all the brigade were commanded by the Sierra
2 Leone Army, and it was the members of the Sierra Leone Army that
3 were under that brigade. But later, when the RUF joined arms
4 with us, they were also sent to some of these brigades.

10:17:32 5 Q. You've described some of the RUF members going to the
6 brigades. What was the relationship like between the RUF and
7 former members of the Sierra Leone Army in the AFRC period?

8 A. Well, the relationship was cordial, because Johnny Paul had
9 told every member of the army that we are to join hands with them
10:18:09 10 and that we should work to defend our motherland. So actually
11 the relationship was cordial.

12 MS PACK: Witness, I'm going to ask you to look at another
13 document and if I may, Your Honours, I will read out the title of
14 that document. The whole document is called the Sierra Leone
10:18:43 15 Gazette and it says underneath "Published by authority". It is
16 numbered 52 and it's got a date at the top, Thursday, 4th
17 September 1997. Your Honours, I have an original of that
18 document. I can identify its genesis. Again, it is like the
19 other decrees that I tendered yesterday in the manner of
10:19:32 20 legislation a public document. This document itself was obtained
21 by the Chief of Prosecutions from the Law Offices Department in
22 Sierra Leone on the 16th of April 2003. I would like to show
23 that to the witness, if I may.

24 PRESIDING JUDGE: Proceed.

10:20:11 25 MS PACK: And for my learned friends for the Defence, it is
26 at tab 12 of the binders they have. I have copies for
27 Your Honours if I may pass those up to you.

28 PRESIDING JUDGE: Thank you, Ms Pack.

29 MS PACK:

1 Q. Witness, just take your time to look through the first
2 couple of pages -- or the first and second page of that document
3 that is in front of you. I'm going to ask you specifically to
4 look on the following page at the notice that is headed
10:21:02 5 "Government Notice Number 215", which is at page 308. So if you
6 would familiarise yourself with that. Witness, this document
7 entitled the "Sierra Leone Gazette", is it a document that you
8 have seen before?

9 A. Yes, this is a document that I have seen.

10:18:06 10 [TB170505B 10.20 a.m. - SV.]

11 Q. Now, I'm going to ask you to look at page 308 of this
12 document, the Government Notice 215. Can you see that?

13 A. Yes.

14 Q. Is that a notice that you've seen before?

10:22:31 15 A. Well, yes.

16 Q. And you see at the bottom it's dated the 3rd of September
17 1997?

18 A. [No audible response]

19 MS PACK: Your Honours, before I ask the witness any
10:22:42 20 further questions I would ask to tender this document as an
21 exhibit.

22 PRESIDING JUDGE: I note no response from the Defence and
23 therefore the document will be tendered. I think this will be
24 Prosecution document number 6. Is that correct, Mr Court
10:23:05 25 Attendant?

26 MR WALKER: That is correct, Your Honour, yes.

27 [Exhibit No. P6 was admitted]

28 MS PACK: Thank you, Your Honour.

29 Q. Now I would ask you to read, please -- perhaps I will read

1 for the record the title of the Government Notice 215 and then I
2 will ask you to read the following paragraph. "The
3 Administration of Sierra Leone Armed Forces Revolutionary Council
4 Proclamation, 1997. PN Number 3 of 1997". It's not that clear
10:23:37 5 on the photocopy but perhaps you could read the following
6 paragraph starting, "Pursuant to". If you'd read that out loud
7 for their Honours.

8 A. Yes, I can read it but there is one part here that is not
9 clear. "Pursuant to" that's not clear. I only have in brackets
10:24:02 10 2 of paragraph 1 of the Administration of Sierra Leone Armed
11 Forces Revolutionary Council Proclamation 1997. "The following
12 persons constitute the Armed Forces Revolutionary Council with
13 effect from the 25th day of May 1997. Number 1, Major Johnny
14 Paul Koroma, chairman. Corporal Foday S Sankoh, deputy chairman.
10:24:50 15 Captain SAJ Musa, member. Colonel AK Sesay, member".

16 Q. Pause there. We've heard you talk about the first three
17 individuals earlier today and the fourth individual AK Sesay
18 yesterday, but perhaps remind the Chamber what position did he
19 hold in the AFRC period?

10:25:19 20 A. He was the secretary general of the AFRC.

21 Q. Thank you. Number 5?

22 A. Staff Sergeant Abu Sankoh.

23 PRESIDING JUDGE: Just pause, please. Just pause,
24 Mr Witness. Yes, Mr Knoops.

10:25:43 25 MR KNOOPS: I object because if it's the purpose of the
26 Prosecution to take the witness through this list I think that is
27 actually leading the witness into evidence. As such we have --
28 we didn't object to the admittance of this document as a matter
29 of public record but I think it's not appropriate that this

1 witness, who was repeatedly interviewed about the composition of
2 the alleged Supreme Council, is again taken by the Prosecution
3 into the list, refreshing the memory of this witness. It's
4 actually a form of leading the witness based on a document, not
10:26:24 5 on his own memory. I think that's not appropriate. So before --

6 PRESIDING JUDGE: Tell me, Mr Knoops, when this started why
7 did you not say something then? Why are you waiting until now?

8 MR KNOOPS: Because the Prosecution didn't indicate their
9 purpose with respect to this document. We have no objection that
10:26:48 10 the Prosecution submits this document but I think it's not
11 appropriate to examine the witness on the contents of this
12 document in order to refresh his memory and go through the
13 existence and the composition of the members of the Supreme
14 Council itself because it will eventually be a form of leading
10:27:13 15 the witness into other names he didn't recall during his original
16 examination this morning.

17 So we have, again, no objection to admittance of this
18 document but we have objections that this witness is interviewed
19 about this document as such in order to refresh his memory.
10:27:39 20 That's actually obtaining an answer of the witness which is
21 desired by the Prosecution, therefore leading.

22 JUDGE LUSSICK: Ms Pack, the documents are in evidence now
23 and, as I said yesterday, documents speak for themselves. We're
24 quite capable of reading anything in the document. I don't see
10:28:00 25 the purpose of getting the witness to go through all these unless
26 it is as Mr Knoops is claiming; that you're seeking to refresh
27 his memory.

28 MS PACK: Your Honour, it's a document that's been admitted
29 into evidence and, in my submission, the witness should be

1 allowed to comment on it. It's now been admitted --

2 JUDGE LUSSICK: No, you're quite wrong there, Ms Pack. You
3 can ask him some questions that he may know from personal
4 knowledge but, as I say, the document is before the Court. We
10:28:33 5 can make what we wish of it because it speaks for itself. But if
6 you're going to ask this witness to give evidence based on what
7 he read in the document, then I quite agree with Mr Knoop and
8 your line of questioning is not admissible.

9 MS PACK: Your Honour, what I would ask permission to do is
10:28:54 10 go through with the witness any of the names which he is able to
11 provide further information about. For example, there may be
12 named individuals that have aliases that aren't include in that
13 document which --

14 JUDGE LUSSICK: Well, what's wrong with you reading out
10:29:11 15 that particular name and asking for the information rather than
16 to get him to look at all of the list, and there may be names
17 there that he genuinely does not remember prior to looking at the
18 list.

19 MS PACK: Yes, Your Honour. Would you wish me to take the
10:29:22 20 exhibit away from the witness in order to do that? I'm very
21 happy to read out specific names and ask for specific aliases or
22 further information that the witness may be able to provide.

23 JUDGE LUSSICK: Seeing the document is now in evidence, I
24 think if you withdraw it from the witness, unless there is some
10:29:42 25 specific need for him to have it in front of him -- I'm sure if
26 the document is withdrawn from the witness and then you ask him
27 information about specific names the answers will come from his
28 memory and not from the document.

29 MS PACK: Yes, Your Honour. If I could ask the assistance

1 of the Court Attendant. Thank you, Your Honour. For Your
2 Honours' reference I'll read out the numbers next to the names
3 that I'll be reading out.

4 Q. So, Witness, I'm reading out a name five, Staff Sergeant
10:30:31 5 Abu Sankoh. Do you know who this individual is?

6 A. Yes. He was a member of the -- he was a member of the
7 Sierra Leone Army and he was PLO 1 and we used to call him
8 Zagalo.

9 Q. I'm going to read out another name, number six, Staff
10:30:55 10 Sergeant Alex T Brima. Do you know who this individual is?

11 A. Yes. He was also a member of the Sierra Leone Army, a
12 member of the Supreme Council and we used to call him Gullit.

13 Q. I'm going to ask you about number seven, Staff Sergeant
14 Brima B Kamara. Do you know who that individual is?

10:31:33 15 A. Well, this is Ibrahim. I know of Ibrahim Bazy Kamara. He
16 was a member of the Supreme Council.

17 Q. Why do you say this is Ibrahim Bazy Kamara?

18 A. Because the name by which we knew him was Ibrahim.
19 Sometimes we call him IB. It's only the Temnes that used to call
10:32:10 20 him Brima.

21 Q. Only the Temnes?

22 A. Well, the Krio people also.

23 Q. I'm going to ask you about number 18. Do you know Warrant
24 Officer 2 Franklyn Conteh? Do you know who that is?

10:33:21 25 A. This was Honourable Woyoh and he was also a member of the
26 Sierra Leone Army.

27 JUDGE LUSSICK: So that answer, honourable?

28 MS PACK: Woyoh. W-O-Y-O-H, Your Honour.

29 Q. Apart from being a member of the Sierra Leone Army was he a

1 member of any other body?

2 A. Yes. He was a member of the Supreme Council.

3 Q. I'm going to ask you about another name, Warrant Officer 2
4 Samuel Kargbo. Sorry, that's number 19, Your Honours. Do you
10:33:26 5 know who that is?

6 A. Yes, this was Honourable Sammy, member of the Supreme
7 Council, and we used to call him Jungler.

8 Q. That's the Sammy that you spoke about earlier, S-A-M-M-Y
9 called Jungler, J-U-N-G-L-E-R. I'm going to ask you about number
10:33:56 10 20 which says Sergeant K Bangura. Do you know who that is?

11 THE WITNESS: Yes, it's not clear, it should be H.
12 Sergeant Hassan Bangura.

13 Q. I'm going to ask you about number 21, Sergeant SB Kanu. Do
14 you know who that is?

10:34:31 15 A. Yes, indeed. This is Santigie Borbor Kanu to whom we used
16 to refer to as Five-Five and he was a member of the Sierra Leone
17 Army and a member of the Supreme Council and he was one of the 17
18 members who carried out the coup.

19 Q. Can you spell Santigie and Borbor for the Chamber, please?

10:35:04 20 A. Yes. S-A-N-T-I-G-I-E.

21 Q. And Borbor?

22 A. Borbor is B-O-R-B-O-R and Kanu is K-A-N-U.

23 Q. I'm going to ask you about number 24, Sergeant Sullay
24 Touray. Do you know who he was?

10:36:12 25 A. Yes. Sullay was an Honourable Sullay. In fact, he was a
26 civilian and he was also a member of the Supreme Council.

27 Q. Honourable Sullay you spoke about earlier, it's
28 S-U-L-L-A-Y?

29 MS THOMPSON: Your Honour, I rise because I'm a bit

1 concerned that what my learned friend is now doing -- which is
2 putting names we haven't heard before to the witness for the
3 witness to then comment on who those people are. This is
4 tantamount to what my learned friend had earlier objected to
10:36:57 5 which was putting the list to the witness. I haven't risen
6 before because I've been checking my notes to see whether these
7 are names we heard yesterday and I certainly have no recollection
8 of at least four of the names that have been put to the witness.
9 This is tantamount to leading the witness and I'm sure this is
10:37:19 10 what Your Honours had in mind when you said the list should not
11 be given to the witness.

12 MS PACK: Your Honours, this is a public record which the
13 witness has said he's seen before and what I would ask him to do
14 is just to provide, in my submission of assistance to the
10:38:01 15 Chamber, the aliases for the names that appear in the document.

16 PRESIDING JUDGE: But, Ms Pack, that's not the way you're
17 doing it. He's already given us the aliases. Quite clearly he's
18 given us the aliases. You are not putting the aliases to him,
19 you are putting other names and then he is then saying what an
10:38:19 20 alias may be and in fact you're giving him information that has
21 not been previously before the Court.

22 JUDGE SEBUTINDE: In addition, you're asking him what these
23 people formerly where and what positions they now hold and that
24 is clearly the witness as the Defence have objected.

10:38:47 25 JUDGE LUSSICK: The question is not allowed, Ms Pack. Do
26 you understand the reason for the ruling that it's inadmissible?

27 MS PACK: Yes, Your Honour. In that case I'm afraid I will
28 have to just ask one further question on the names that I've
29 already mentioned to the witness, if I may.

1 Q. The names that I've read out to you today --

2 MS THOMPSON: Your Honour, I object to this. As I said
3 earlier, the reason I hadn't objected is because I wanted to
4 check my notes to be clear that these are names we hadn't heard
10:39:33 5 before. Your Honours have ruled that the questions in the
6 present form are inadmissible. For my learned friend to now go
7 on to ask question on what has been ruled to be inadmissible
8 would be compounding that inadmissibility, in my respectful
9 submission.

10:39:49 10 JUDGE LUSSICK: Yes. Well, that could well be right,
11 Ms Thompson. We'll hear the whole question and if we feel it's
12 not admissible we won't allow it to be answered.

13 MS THOMPSON: I'm grateful, Your Honour.

14 MS PACK:

10:40:06 15 Q. The question would be: Witness, the names that I've read
16 out from the document, do you know persons with the names that
17 I've read out to be a member of any body?

18 JUDGE LUSSICK: Well, are you persisting in the objection
19 to that question?

10:40:22 20 MS THOMPSON: I am, yes, Your Honour.

21 JUDGE LUSSICK: That's on the grounds of leading, you say?

22 MS THOMPSON: Yes, Your Honour.

23 PRESIDING JUDGE: The view of the Bench is that this
24 question is not allowed in its present form as it is leading.

10:42:49 25 MS PACK: Your Honours, I'm going to move on.

26 PRESIDING JUDGE: When you say move on, you're onto another
27 aspect of the witness's evidence. I note it's 20 to 11.00 so it
28 is normally around this time we have a break. So if you are
29 entering a new aspect it is possibly appropriate to break at this

1 point.

2 MS PACK: Yes, I was going to seek to tender a further
3 exhibit so perhaps that is the best time to adjourn.

4 PRESIDING JUDGE: We'll adjourn for 15 minutes.

10:43:34 5 [Break taken at 10.40 a.m.]

6 [Upon resuming at 11.00 a.m.]

7 MS PACK: Your Honour, I wanted to show the witness another
8 document. I'll again read out the title of that document before
9 I do so. It's again the Sierra Leone Gazette published by
11:02:52 10 authority. It's dated Thursday the 18th of September 1997 and
11 it's numbered 54. This document was received by the Office of
12 the Prosecutor from the Attorney General's Office of Sierra
13 Leone. Again it's in the manner of a public document,
14 legislation, and I will ask to show the document to the witness,
11:03:28 15 if I may.

16 MR KNOOPS: Your Honour, I think this time we should object
17 also to the admittance of this document. The Defence was quite
18 lenient this morning with respect to the admission of the first
19 document from the Public Gazette, but now the line of questioning
11:03:50 20 of the Prosecution is clear with respect to confronting the
21 witness repeatedly with names which were not mentioned before by
22 him in his original evidence-in-chief. I think this document
23 should not be allowed because it pertains to several other names
24 not mentioned before by this witness and I think it's again, like
11:04:14 25 this morning, a form of leading the witness and also calls for
26 opinions, speculations, by this witness. I think it's an
27 indirect form of leading the witness and based on your earlier
28 ruling I think the same can qualify for this document. So we
29 object against also the admittance of this document at this

1 stage.

2 JUDGE LUSSICK: Mr Knoops, do I take it your objection is
3 not to the nature of the document because it's a public document.

4 MR KNOOPS: Correct.

11:04:48 5 JUDGE LUSSICK: But you are objecting to the perceived use
6 of that document by the Prosecution.

7 MR KNOOPS: Yes, Your Honour.

8 JUDGE LUSSICK: Ms Pack, in view of our earlier ruling
9 we're not quite sure why you want to show the document to the
11:05:06 10 witness but any questions that can be seen as seeking to refresh
11 the witness's memory from a document that is not his obviously
12 would not be admissible.

13 MS PACK: Your Honour, I would propose to limit my
14 questions to just asking the witness to look at the document and
11:05:26 15 indicate to the Court if he's seen it before and leave it at
16 that. Then I would seek to tender it and not ask any further
17 questions on it. So far as the document itself a concerned, I
18 note that my learned friend doesn't object to its admission per
19 se but simply as to any expected line of questioning which I
11:05:45 20 won't pursue.

21 Perhaps if I may ask the assistance of the Court Attendant
22 to pass the document to the witness, in that case. I should
23 note, Your Honours, that this is in fact a copy document, it's
24 not an original. That's the only document that the Prosecution
11:06:11 25 has available, a copy document. Again I do have copies for Your
26 Honours which I will ask the Court Attendant to pass up.

27 Q. Now, Witness, I'm not going to ask you to read any names on
28 this document. I just want you to look, please -- familiarise
29 yourself with the first page and look to the bottom right-hand

1 corner on the first page where the heading reads "Government
2 Notice Number 215". Just take a quick look and then I'll just
3 ask you some broad questions.

4 JUDGE LUSSICK: Well, are you asking him to memorise those
11:07:07 5 names in Government Notice 215 so that you can ask him questions
6 about them, because that's not allowed.

7 MS PACK: No, I don't propose to ask questions about the
8 names, no.

9 Q. Just simply look at the first page. Witness, have you seen
11:07:22 10 this document before?

11 A. Yes, indeed.

12 Q. Witness, have you seen the government notice beginning at
13 the bottom right-hand of the first page before?

14 A. Yes.

11:07:43 15 MS PACK: Your Honours, I'm going to leave it at that. I'm
16 highlighting the "Government Notice Number 251" at the bottom
17 right-hand corner for the Court but I'm not going to ask the
18 witness to read it. If I may have that document tendered as an
19 exhibit.

11:08:05 20 PRESIDING JUDGE: I note there's been no objection and the
21 document is now P7. Mr Court Attendant would you please take it
22 off the witness's desk.

23 [Exhibit No. P7 was admitted].

24 MS PACK: I note there appears to be another copy exhibit
11:08:27 25 left on the witness's desk. If that could be removed as well.
26 I'm not sure whether it was one that he was shown yesterday. I
27 would be grateful for that. Witness, I'm going to ask you about
28 another document.

29 I'm going to go through another three, Your Honours. If I

1 may start with the first with providing the title of it. Your
2 Honours, it's entitled "AFRC Decree Number 7, 1997". Its further
3 heading is "The Constitution of Sierra Leone 1991 (Amendment)
4 Decree, 1997". This document is a copy only. It was obtained by
11:10:02 5 an Office of the Prosecutor staff member from the Attorney
6 General's Office of Sierra Leone. In manner again it's a public
7 document, it's in the manner of legislation, and for that reason
8 I would ask that it be tendered. Well, at least so that I can
9 first show it to the witness. Your Honours, I have copies for
11:10:50 10 Your Honours as well. I will pass them up.

11 Q. Witness, just take a moment to familiarise yourself with
12 the first -- this three page document?

13 MR KNOOPS: Your Honour, if the witness just could withhold
14 with reading the document, please.

11:11:35 15 JUDGE LUSSICK: Yes. Just don't read that document for the
16 moment, please, Witness.

17 PRESIDING JUDGE: In fact, Mr Witness, turn it over so it's
18 blank.

19 MR KNOOPS: I think the admittance as such for the Defence
11:11:49 20 is not the principal objection but if Your Honours would be so
21 kind to observe that first of all it relates to a section from
22 apparently the constitution of Sierra Leone of 1991 and we first
23 questioned the competence of this witness, as a lay witness, to
24 comment on this legal document. But, secondly, the witness
11:12:17 25 testified this morning and yesterday about the composition of
26 certain organs from his recollection, his alleged recollection.
27 As we see it as Defence this document mentions at least one body
28 which was not mentioned before by the witness from his own
29 recollection. So in effect this also will amount to leading the

1 witness into evidence which does not originate from his own
2 memory or testimony but could then stem from leading the witness
3 on the basis of this document.

4 So also here we object not as much against the admittance
11:13:00 5 of this document which is apparently from the gazette, but more
6 against questioning again this witness on the substance of the
7 document particularly because it pertains to new elements which
8 were not mentioned before in his testimony. So I think the same
9 reasoning from our perspective could be qualified here.

11:13:29 10 Therefore we again would like the Court's opinion on the way the
11 Prosecutor intends to question the witness on this document.

12 PRESIDING JUDGE: There appears to be two elements to the
13 document, as you have suggested. One, if I recall correctly, may
14 have been mentioned; one certainly wasn't. But you're looking at
11:13:53 15 the document as a whole, Mr Knoops.

16 MR KNOOPS: That's correct, Your Honour. Particularly
17 because, as my learned colleagues on this bench also remarked,
18 there are two bodies mentioned in this document which do not stem
19 from the testimony of the witness himself.

11:14:17 20 MS PACK: Your Honours, there are no names in this document
21 and I note my learned friend doesn't have objections to the
22 admission of it per se. I will not be asking the witness about
23 matters requiring any legal expertise but simply as to matters of
24 fact. Your Honour, you may recall that yesterday there was
11:14:42 25 admitted a document relating to the formation of a council of
26 secretaries and the appointment of a secretary general. I asked
27 the question: Was there a secretary general appointed? Those
28 are questions that are legitimate questions, they weren't
29 objected to yesterday and there is no reason today to now object

1 to my asking questions about whether or not acts were done.

2 MS THOMPSON: Your Honour, the question --

3 MS PACK: Sorry, I'm in the middle of --

4 MS THOMPSON: Sorry, I didn't mean to interrupt. Carry on.

11:15:15 5 MS PACK: In my submission there is absolutely no objection
6 to be made to my asking whether certain acts were done, certain
7 things said, on the basis of this document. I can ask the
8 question --

9 PRESIDING JUDGE: If you're only asking about acts done why
11:15:32 10 do you need the document? How do acts done either by the witness
11 or seen by him -- how does that relate to a public document?

12 MS PACK: I can frame the question now and Your Honours can
13 decide if you consider the questions to be objectionable now.
14 There are mentions of two councils on this document. I would ask
11:15:58 15 the witness whether, to his knowledge, a council was created.

16 JUDGE SEBUTINDE: Ms Pack, before you ask the question
17 could you agree or disagree with the statement that there are
18 bodies on this document that have not yet been led in evidence.
19 Would you agree?

11:16:15 20 MS PACK: Yes, Your Honour.

21 JUDGE SEBUTINDE: And that is the gist of the objection.
22 That if you show this witness this document you are effectively
23 soliciting or leading the witness to notice those bodies that are
24 not yet on record. That is the objection. So however honourably
11:16:37 25 your other questions may be perceived, that is the problem. It's
26 those other bodies that have not been led and you passing this
27 document on in its entirety to the witness to read. What is your
28 response to that?

29 MS PACK: Your Honour, I fail to understand why the Defence

1 didn't raise exactly the same objection yesterday when I did
2 exactly the same thing with another decree which identified a
3 council of secretaries that was formed and I asked the witness
4 was a council of secretaries formed to your knowledge, was a
11:17:06 5 secretary general appointed to the council of secretaries? It's
6 the same thing. There's a piece of legislation here which
7 identifies - one might argue at a later date - that these bodies
8 were created. That is what is stated in the various terms of
9 this piece of legislation. I'm not asking for the witness to
11:17:27 10 interpret this document but simply, with reference to a document
11 that is admissible as an exhibit, to say -- to ask him a question
12 about two bodies identified in it. It's not what I think my
13 learned friend suggested of an earlier document was a memory
14 refreshing document. It's not that; it's an exhibit. A document
11:17:49 15 that has been admitted which a witness is justified in commenting
16 on.

17 JUDGE LUSSICK: I don't think it has been admitted as yet,
18 Ms Pack, but documents of this nature, public documents, you can
19 tender them from the bar table. There's no reason why they have
11:18:02 20 to go through the witness at all.

21 MS PACK: Of course, but it may assist Your Honours to have
22 that put into context. To have a document go in and then a
23 witness to explain to Your Honours whether --

24 PRESIDING JUDGE: Mr Knoops, could you take your seat
11:18:18 25 please until counsel's finished and Ms Thompson is actually next
26 on the --

27 MS PACK: To have explained to Your Honours the context in
28 which that document is going in. Of course it could go in from
29 the bar table, it would be admissible in any event, but Your

1 Honours can only be assisted by this witness commenting on two
2 aspects of it, limited aspects. That, in my submission, is a
3 common and not a prejudicial way of dealing with exhibits; just
4 putting various words and phrases in the exhibits and asking the
11:18:59 5 witness's comment on them. That's all I'll be doing.

6 JUDGE LUSSICK: We haven't heard the question yet. I'm a
7 little at a loss to know what this witness can tell the Court
8 about a constitutional amendment.

9 MS PACK: I'm not going to be asking him for a legal
11:19:13 10 analysis for the constitution amendment. Perhaps it may be that
11 when my learned friend has heard my questions he may not have any
12 objection to them. In my submission, his objection is a little
13 premature because, as I understand it, he's not objecting to the
14 admission of the exhibit per se but simply to what he expects
11:19:35 15 might be a line of questioning. Perhaps if he would wait until
16 I've asked the question and then formulate an objection to that
17 question then I might be able to assist Your Honours better by
18 identifying why it is that I should be able to ask the question.

19 JUDGE SEBUTINDE: Ms Pack, the objection is to refreshing
11:19:52 20 the memory of the witness, by showing him this document, as to
21 anything that he so far has not alluded to in his testimony. And
22 even if he took one glance at it and passed it on and then you
23 continued asking him it does amount to refreshing him memory and
24 that is the crux of the matter. Because, you see, this document
11:20:19 25 contains not only information that he has given us so far in his
26 oral evidence, it contains a whole lot more than he has given so
27 far and that more than is what the Defence is objecting to
28 showing him before he has attested to it. That is the bottom
29 line. That's the meaning of leading. That extra part that he

1 has not already given in his oral evidence is what they're
2 objecting to showing him and there's no way of dissecting what he
3 has already alluded to and what he hasn't.

4 MS PACK: Your Honour, the exhibits are tendered as a means
11:20:59 5 of facilitating the understanding and leading of this witness's
6 testimony. I could ask the witness about every single council
7 that might or might not have been formed during the AFRC period,
8 about every sort of legislative change that might have been made
9 during the AFRC period that he remembers, and ask him to try and
11:21:21 10 reel off the various things that he recalls during the AFRC

11 period. But of course there were lots of things that were done
12 in the AFRC period from a legislative point of view and asking
13 the witness to just reel that all off from memory clearly won't
14 assist the Chamber and will take some time. So the reason why I
11:21:36 15 seek to admit an exhibit first is to say this is the area we're
16 going into, I'm going to ask you a couple of questions about this
17 specific issue. And it's not leading. There are no names in the
18 document, I'm not asking the witness about any names in the
19 document. I'm asking him --

11:21:53 20 JUDGE SEBUTINDE: To refresh his memory.

21 MS PACK: Well, my aim was not to refresh the witness's
22 memory, no. I hadn't asked him about these two bodies so I
23 haven't needed to refresh his memory about anything.

24 PRESIDING JUDGE: [Microphone not activated] but
11:22:12 25 Ms Thompson also had something to say.

26 MS THOMPSON: Her Honour Sebutinde has actually said what I
27 was going to say and the only thing I'll add is whether this
28 witness is the proper person through which to tender this
29 document about things which he hasn't said before, hasn't

1 recollected from his own memory. The answer to my learned
2 friend's question or her dilemma, I should say, is not by
3 tendering this document through this witness. Certainly not at
4 this stage.

11:22:41 5 PRESIDING JUDGE: Mr Knoops, you also had something to say.

6 MR KNOOPS: Yes, Your Honour, thank you very much.
7 Apologies for rising earlier.

8 PRESIDING JUDGE: That's all right.

9 MR KNOOPS: Four short remarks, Your Honour. First of all,
11:22:54 10 I think the difference with the decrees 2, 3 and 4 of yesterday
11 was that prior to the admittance of these decrees the witness
12 himself elaborated on certain organs, institutions. He clearly
13 spoke about the secretary general, the PLOs, the chairman of the
14 Supreme Council. So the introduction of these decrees were, I
11:23:23 15 think, less objectionable because prior to their introduction the
16 witness was already speaking about certain of these issues. So
17 that is a clear deviation from the situation of yesterday.

18 JUDGE LUSSICK: Yes. I'm sorry to interrupt, Mr Knoops,
19 but just to make this clear, you don't have to convince us on
11:23:48 20 that particular point. If counsel objects on one piece of
21 evidence counsel cannot be held forever to that objection on
22 other pieces of evidence.

23 MR KNOOPS: Thank you for that, your Honour. But I thought
24 it was perhaps proper that we -- it's not an attack on our
11:24:02 25 professional attitude here, the way we see it, but I think it's
26 wise to express the reason why we didn't oppose it yesterday as
27 such.

28 Secondly, we agree that names as such are not mentioned in
29 this document. That's particularly the point. The Prosecutor

1 intends to refresh the memory of the witness with other bodies,
2 institutions, which may or may not have played a role within the
3 Supreme Council or within the AFRC. Therefore, and it's perhaps
4 also a little bit presumptuous but I think it's the right moment
11:24:49 5 to express that, that proper questions in this regard should not
6 be naming the council and asking the witness whether he has a
7 recollection. The proper question would be do you have a
8 recollection to other councils, other bodies? Otherwise it's of
9 no use to have this document not before this witness and asking
11:25:13 10 him to say from the contents of this document, that's also
11 leading. So in that regard I think the Prosecutors should be
12 refrained from asking questions in terms like do you recall body
13 A or body B?

14 Thirdly, the problem with this witness which we now
11:25:38 15 experience during the last one day and a half is that the
16 Prosecutor actually indirectly is examining the witness
17 indirectly as on a substance which may be to the competence of an
18 expert. So that's, I think, also one of our main objections
19 throughout the whole examination-in-chief; that also this witness
11:26:08 20 is asked questions on substance which is actually not his
21 competence as he already testified that he was not as such at
22 meetings but just deduced information from other members. He is
23 a lay witness. He is not an expert witness. He can therefore
24 not give opinions or make conclusions based on documents.

11:26:31 25 So all in all I think that we should also make an objection
26 to any other document in this regard that the Prosecutor intends
27 to admit because I think it would be more efficient just to say
28 let us first examine -- the Prosecutor examine the witness on his
29 own knowledge and then see what we can do with the exhibits.

1 So I think our basic objection for this moment is that
2 indeed, contrary to yesterday, this is clearly leading the
3 witness into evidence, particularly not as far as names are
4 concerned but more as the composition, the alleged composition,
11:27:10 5 of the AFRC which does not stem from the evidence of the witness
6 himself. Therefore we also again ask the Court's ruling that the
7 Prosecutor is refrained from asking questions as the one I just
8 gave as an example because then factually we end up with the same
9 result; namely, leading the witness.

11:27:35 10 PRESIDING JUDGE: Thank you, Mr Knoops. Mr Fofanah, have
11 you something new to add to what has already been said?

12 MR FOFANAH: Sort of, Your Honours.

13 PRESIDING JUDGE: Well, unless it is new --

14 MR FOFANAH: I will raise objections for the Brima defence
11:27:56 15 team and then I will start by saying that I wholly support what
16 my colleagues -- -

17 PRESIDING JUDGE: Brima? I thought you were --

18 MR FOFANAH: Kamara, I'm sorry. He is actually Ibrahim
19 Kamara I guess. I'm sorry about that. My objections are for the
11:28:08 20 Ibrahim Kamara defence team. I will start by saying that Your
21 Honours, in line with what my colleagues have said, have clearly
22 stated and have ruled on the point that the documents that are
23 tendered and which we have no objections to speak for themselves,
24 the documents speak for themselves. We are objecting on the
11:28:31 25 basis that proper foundation has not been laid for that witness
26 to allude to any document that has been tendered or that will be
27 tendered in the future before this honourable Court.

28 If the witness is allowed to allude to any such document we
29 are saying that his testimony will either go towards enriching or

1 tainting his independent testimony and what this Court is
2 interested in is the untainted testimony of the witness. So
3 until proper foundation is laid to which the witness can
4 testify -- I mean, everything that is within the purview of the
11:29:09 5 witness can actually be brought out without putting any document
6 of whatever nature to him. If he has done so, like he did with
7 the other documents, in fact my learned colleague on the other
8 side kept referring to -- well, she mentioned council of
9 secretaries. I beg to understand that because, to my knowledge,
11:29:29 10 we did not go through any such thing as council of secretaries.
11 She said that the witness clearly mentioned names that related to
12 council of secretaries and we did not object. I did not recall
13 any mention of that particular phraseology council of
14 secretaries.

11:29:50 15 But, be that as it may, our objection is that until proper
16 foundation is laid as to the independent testimony of this
17 witness no document should be put to him. If any such documents
18 are put they will merely go towards tainting or, as the
19 Prosecutor would wish, enriching the independent testimony of the
11:30:13 20 witness. That is my objection, thank you.

21 [Trial chamber confers]

22 JUDGE LUSSICK: Ms Pack, as we indicated earlier, we are
23 still at a bit of a loss to know why this document must be
24 tendered through this witness but, seeing that there is no
11:31:41 25 specific question before us to rule on, we will allow you to ask
26 the question but the Defence has put you on notice of their
27 proposed objections if the question goes to the contents of the
28 document in a way that would refresh the witness's memory. So
29 you can put a question and we'll see where we go from there.

1 MS PACK: I'm grateful, Your Honour.

2 PRESIDING JUDGE: Mr Court Attendant, please remove the
3 document from the witness's table and retain it yourself until
4 further instruction.

11:32:32 5 MS PACK:

6 Q. Witness, you had a chance to look at the first page and the
7 title page of that document. Is it a document that you've seen
8 before?

9 A. Yes.

11:32:46 10 MS PACK: Your Honour, I'd ask that the document be
11 tendered as an exhibit. Those are my only questions.

12 PRESIDING JUDGE: There has been no objection and therefore
13 the document is tendered and I think it's exhibit P8.

14 MS THOMPSON: Your Honour, I do object. Sorry, Your
11:33:15 15 Honour, I was busy writing.

16 PRESIDING JUDGE: Ms Thompson, I looked round to --

17 MS THOMPSON: Sorry, Your Honour. My head was down and I
18 was busy writing. I do object on the basis that this witness is
19 not the proper witness through which this document should be
11:33:26 20 tendered. My learned friend could do it in a very simple way
21 which your learned brother has told her, has indicated to her
22 that she can do, and we would have no objection if she does it
23 that way. But this witness is not the proper witness to tender
24 that document because that document has within it contents which
11:33:44 25 this has not -- which we in fact do not know whether it is within
26 competent, independent recollection of this witness.

27 PRESIDING JUDGE: We note counsel's point but before us now
28 is the tender of the document and, as already has been noted, the
29 document is admissible per se. That's already annotated and ruled

1 in the Court. Matters of competence et cetera will be tested in
2 cross-examination in the normal way. The document is admitted as
3 exhibit number P8. It should not be returned to the witness's
4 table.

11:35:13 5 [Exhibit No. P8 was admitted.]

6 MS PACK: Your Honour, I had been given it back by the
7 Court Attendant. Perhaps I can pass that up.

8 JUDGE SEBUTINDE: Perhaps I could register my dissenting
9 view in this. I was not consulted prior. Namely that I do agree
11:35:33 10 with the Defence objection. I do not think that this witness is
11 competent to channel these official gazettes, in particular the
12 document that we've just admitted. I wholly would uphold the
13 Defence objection. I think the proper way would have been either
14 for the Prosecution counsel to tender them from the bar or to
11:36:01 15 bring someone more qualified that goes towards the authorship of
16 this document.

17 MS PACK: Your Honour, I have another document but you will
18 be relieved to hear that I will be seeking to tender that from
19 the bar table. Perhaps I could read out the title of that
11:36:34 20 document. It's headed "Public Notices, Supplement to the Sierra
21 Leone Gazette Volume" --

22 JUDGE LUSSICK: It's a matter for you of course Ms Pack,
23 but is it better to tender these while the witness is in the
24 course of giving evidence or should they be tendered at the end
11:36:59 25 of his evidence?

26 MS PACK: I've started asking the witness questions on
27 various decrees and so forth so just for the matter of
28 completeness's sake I would suggest putting them in now. It was
29 only one that I was going to invite Your Honours to admit from

1 the bar table. There is another one that I will be asking him
2 about, with Your Honour's permission, and then that's it for the
3 decrees. I would be content, if Your Honours prefer, to tender
4 this at the very end of the evidence.

11:37:38 5 JUDGE LUSSICK: No, I'm not telling you how to run your
6 case. I was just foreseeing similar objections all along the
7 line. But it's entirely a matter for you, Ms Pack.

8 MS PACK: Can I just read out the title of this document
9 just for Honour's record. The Change of Titles Act 1984, number
11:37:59 10 6 of 1984, and then it says "The Change of Titles Order, 1997".
11 And I should have read above that it says "Public Notice Number
12 11 of 1997". This document has handwriting scribbled at the top
13 of it which I would not seek to have that handwriting admitted as
14 part of the document.

11:38:26 15 This document, Your Honours, is an original that I would
16 ask to be tendered. It a document that was received by the Chief
17 of Prosecutions from the Law Officer's Department of the 16th of
18 April 2003. It's a public notice, Your Honour, and I would seek
19 to tender that from the bar table. I have copies for Your Honour
11:38:51 20 and of course the original here. The original, I should say, is
21 contained in a booklet which also has other pieces of legislation
22 in it. I was drawing Your Honour's attention to the first one.
23 The document is stapled together and is as one document so I
24 would ask to tender the whole.

11:39:28 25 MR KNOOPS: Your Honour, is it possible that the Defence
26 bench can look at the bundle before we give our view?

27 PRESIDING JUDGE: Has it not been shared with Defence
28 counsel? It should have been.

29 MS PACK: Yes, it has been.

1 MR KNOOPS: Yes, but you're referring to more documents
2 because you're referring to bundle. We have these public notes,
3 but --

4 MS PACK: That's true. The document which appears on the
11:39:56 5 exhibit list is the first order which is on the first two pages.
6 The only reason I want to admit the whole is just because I would
7 rather not tear the front page from the rest of the exhibit. But
8 I would -- the Prosecution only seeks to rely upon the first
9 order that appears in this bundle. But I'm afraid the whole lot
11:40:18 10 would have to be admitted. And the Defence has been served
11 obviously with the document that the Prosecution proposes to rely
12 upon last year, 26th of April 2004, when everything else was
13 served on them.

14 PRESIDING JUDGE: Mr Knoops, I'm not sure if your request
11:40:46 15 to see this document has been satisfied by the information.

16 MR KNOOPS: Not yet, your Honour.

17 MS PACK: Perhaps I could pass it over.

18 PRESIDING JUDGE: That must be done first.

19 MR KNOOPS: Perhaps some clarification. Is it the
11:41:00 20 Prosecution's position that this is the original document?

21 MS PACK: This is the original document and it's stapled
22 together. The Act to which I wish to refer, or order to which I
23 wish to refer, and the Prosecution wishes to have admitted is
24 unfortunately stapled along with other pieces of legislation
11:41:20 25 which also appear in the original stapled document.

26 JUDGE SEBUTINDE: Ms Pack, if I may comment, this is a very
27 tatty way of exhibiting things. You see, when we admit a
28 document in this bundle form we are having a problem unless we
29 cancel and deliberately delete the part that you don't want to

1 tender. If we admit the bundle, we have admitted the bundle
2 along with irrelevant material and inadvertently or unwillingly.
3 It's a very tatty way of doing things.

4 MS PACK: Your Honour, I'd seek to tender this. I'm not
11:43:26 5 sure whether my learned friend has any objections to that.

6 MS THOMPSON: Your Honour, I just seek some clarification
7 really before my learned friend Mr Knoops rises. On what basis
8 is this document being tendered? It has a title which seems to
9 me, on the basis of the evidence that has gone before this Court
11:43:49 10 in this day and a half, it's like just plucking something and
11 putting it and it doesn't actually fit in anywhere and I'm not
12 sure on what basis this document is being tendered, to what end.

13 MR KNOOPS: My objection would be that I think it's
14 principally not correct that original documents are tendered into
11:44:22 15 evidence which actually consist of more -- are more extensive
16 compared to documents which are documents provided to the
17 Defence. It means that the judge would ultimately have more
18 original documents which amount to more material even if the
19 Prosecutor asked you not to pay attention to it. I think it's
11:44:49 20 not a correct way of tendering evidence, or documents. In that
21 event in effect the Chamber would have more information, more
22 original documents, than the Defence has been offered. That
23 could indeed be a matter of procedural disintegrity. So it would
24 be my objection against the tendering in the way it is being
11:45:18 25 offered to the honourable Trial Chamber right now. Thank you.

26 MS PACK: Your Honour, I don't know what the Defence would
27 have the Prosecution do. I could tear the front page from an
28 original document but I would prefer not to do that. What I
29 could do is just tender a copy of the first two pages but, Your

1 Honours, it is perfectly acceptable, in my submission, for my to
2 ask Your Honours to admit the first two pages of this document.
3 That is all I seek to be admitted. The Prosecution doesn't want
4 to have to tear up an original document that has been provided so
11:45:56 5 as to be in a position to rely on part of it.

6 JUDGE LUSSICK: What have you served the Defence with? I'm
7 not quite sure. Have you served them just with the first two
8 pages or the whole document?

9 MS PACK: They've just been served with the first two
11:46:12 10 pages, a copy of the first two pages, which is the only bit upon
11 which the Prosecution wants to rely or has ever intended to rely.

12 JUDGE LUSSICK: If I understand Mr Knoops's objection
13 correctly, he's saying that if you put that whole document in
14 you're going to put the Court in possession of more evidence than
11:46:33 15 has been served on the Defence.

16 MS PACK: But I'm not asking Your Honours to admit in
17 evidence the remainder of the document, only to admit in evidence
18 the first two pages. I do not -- the Prosecution doesn't seek to
19 have admitted the rest of the document and the Prosecution
11:46:48 20 doesn't seek to have Your Honours read or take notice of the rest
21 of the document but just the first two pages. If that is going
22 to not be attainable if the whole of the document is passed up to
23 Your Honours, then of course I do have a copy of the first two
24 pages. But the original is here for Your Honours to see in court
11:47:07 25 so that Your Honours know that the original is here and held by
26 the Prosecution for admission, at least part of it.

27 PRESIDING JUDGE: There is also Ms Thompson's objection,
28 Ms Pack, which I have noted as follows: This does not fit
29 anywhere. There is no basis or to know what end it is being

1 tendered for. Is that a correct paraphrase, Ms Thompson?

2 MS THOMPSON: Yes, Your Honour. It's basically relevance.

3 MS PACK: Well, this document is quite obviously relevant.

4 It's a document that is a piece of legislation by the Armed

11:47:49 5 Forces Revolutionary Council which, it is contended by the

6 Prosecution, the accused were members of. It is a document that

7 is an order, so the Prosecution says, passed by that council as a

8 functioning body during the period when this order was passed

9 which is December 1997. I could go on, Your Honour. I don't

11:48:11 10 want to in front of the witness. But it's a clearly relevant

11 document. Clearly relevant to the Prosecution's case.

12 JUDGE LUSSICK: Just before we deliberate. Mr Knoops, do I

13 take it you would have no objection to the two pages going into

14 evidence that you have been served with but not the whole

11:48:39 15 document?

16 MR KNOOPS: Correct, your Honour. Or may I suggest that I

17 think the problem with all the copies is the question is why the

18 Prosecutor doesn't serve them with statement from the authorities

19 from whom they obtained it as to the authenticity. Then the

11:48:56 20 problem of serving bundles of original documents which can only

21 be provided to Your Honours and not to the Defence could be

22 circumvented by just serving a copy with a statement of

23 authenticity from the authorities from whom they got it. I think

24 the whole problem can be solved. And the Prosecutor repeatedly

11:49:16 25 said we got it from the Attorney General's Office. Even the

26 scribbles are from one of the members of, as I recall, from the

27 Prosecutor's office from the local authorities. Why doesn't the

28 Prosecutor doesn't serve these documents with these statements of

29 authenticity. I think there's no problem with serving copies but

1 if we can face this problem every time with copies I'm afraid
2 that we as Defence, we have no option then but to ask Your
3 Honours for this way of serving documents which are copies. And
4 if the Prosecutor's intention is to file originals which they
11:49:55 5 cannot serve to the Defence, I think that could be a solution for
6 future tendering of documents from the bar of the Prosecution.

7 MS THOMPSON: Your Honour, if I might just add to my
8 learned friend very shortly. The fact is that we've had decrees,
9 we've had other gazettes from the AFRC. We are aware that the
11:50:21 10 AFRC was a functioning body. My submission is this is clearly
11 irrelevant. It adds nothing to what's gone before. It sits with
12 none of the evidence that has gone before.

13

[TB170505 11.50 a.m. - SGH]

11:51:16 15 [Trial Chamber deliberates]

PRESIDING JUDGE: It is the view of the Bench that the first two
17 pages only of the document are admissible. So they will become Exhibit
18 P9, only the first two pages. And the question of relevance, that
19 objection is overruled as we are now dealing with admissibility at this
11:55:12 20 stage and the admissibility has been ruled upon. Relevance will arise
21 in the course of other questions.

22 MS PACK: Your Honours, may I have the document passed up
23 in that case?

24 JUDGE SEBUTINDE: Do we have copies for the Bench?

11:56:01 25 MS PACK: My apologies, Your Honour, I will have them
26 handed up as well.

27 MR FOFANAH: Excuse me, Your Honours, may we seek your view
28 as to the number of exhibits, we are at a bit of a loss?

29 PRESIDING JUDGE: I have a note of it as P9. Mr Court

1 Attendant, does that accord with the record?

2 MR WALKER: It does, Your Honour.

3 PRESIDING JUDGE: It is only the first two pages that have
4 been copied. If there is anything else in that bundle and we are
11:58:13 5 not looking at it, it will have to be subject of quite a separate
6 application when or if it arises.

7 MR FOFANAH: Most respectfully Your Honours, our Exhibit P8
8 seems to be our difficulty --

9 PRESIDING JUDGE: We have the document which is headed "The
11:58:28 10 constitution of Sierra Leone 1991 [Amendment] Decree 1997" as
11 Exhibit 8.

12 MR FOFANAH: As Your Honour pleases.

13 MS PACK:

14 Q. Witness, during the AFRC period, was there mining going
11:58:51 15 on?

16 A. Yes, mining was going on in the various provinces,
17 especially Kono and Tongo.

18 Q. Who was in charge of the mining?

19 JUDGE SEBUTINDE: Spellings?

11:59:19 20 MS PACK: I do apologise, Your Honour. The two proper
21 nouns that were mentioned by the witness were Kono, K-O-N-O, and
22 Tongo, T-O-N-G-O.

23 Q. Witness, who was in charge of the mining?

24 PRESIDING JUDGE: [Overlapping speakers] who was the foreman,
11:59:48 25 overseer or what do you mean in charge?

26 MS PACK:

27 Q. Was in overall charge of the mining?

28 A. It was that -- SAJ Musa was heading the mining unit, but he
29 assigned Gullit in Kono, who was one of the senior members of the

1 council. He was overseeing the mining there.

2 Q. And Gullit you have referred to before, G-U-L-L-I-T, his
3 full name is what?

4 A. Tamba Alex Brima.

12:00:29 5 Q. Where was he based?

6 A. He was in Koidu at that time.

7 Q. Koidu is spelt K-O-I-D-U, Your Honour. Under which
8 ministry did Kono fall?

9 A. Well, the mining -- it was under the mine ministries. But
12:01:14 10 Kono was under the eastern province and under the supervision of
11 the Secretary of State East.

12 Q. Just remind the Chamber, please, who that was?

13 A. The resident minister was Captain Eddie Kanneh.

14 Q. Your Honour, I have spelt that before. The surname
12:01:36 15 K-A-N-N-E-H. Now, you have said that Gullit was assigned to Kono
16 and he was based in Koidu Town. Who was carrying out the mining
17 in Kono?

18 A. Well, the mining was supervised by soldiers, but civilians
19 were the miners while the soldiers were overseeing the mining
12:02:03 20 itself.

21 Q. Now, by soldiers which groups are you referring to? Which
22 groups did the soldiers come from?

23 A. Well, we had the SLA group and the RUF group. They were in
24 Kono. These two groups were there doing the mining. And they
12:02:33 25 were supervised by the various commanders that were their
26 leaders.

27 Q. Do you know the locations at which mining was going on in
28 Kono?

29 A. Yes, indeed. Five-Five spoke to us one of the mining

1 areas, Tombodu with other -- including other specific areas in
2 Koidu on the outskirts of Koidu.

3 Q. If I can take those names, Your Honours, it is Five-Five as
4 in the number spot and then Tombodu is T-O-M-B-O-D-U. Witness,
12:03:26 5 you have also said that there was mining going on in Tongo.

6 Under whose responsibility was the mining in Tongo going on?

7 A. Well, this also -- it was because the soldiers that were
8 supervising it in Tongo. At that time they made an appointment
9 under the AFRC Secretariat.

12:04:04 10 THE INTERPRETER: The interpreter is sorry, the witness is moving
11 so fast that we -- the last bit of his testimony cannot be interpreted.

12 MS PACK:

13 Q. Witness, pause there. We are going to take your evidence
14 more slowly and if you could keep -- if you could talk a little
12:04:15 15 slower so that the interpreters are able to translate for their
16 Honours and others of us. I am going to ask you the question
17 again. Who was responsible for the mining in Tongo?

18 A. Well, there were two groups in Tongo that we had there; the
19 SLA and the RUF. The SLAs were supervising their own mining
12:04:41 20 sites and the RUF were also supervising their own area sites.

21 But this was also controlled by the AFRC secretariat and it was
22 under the command of the Secretary of State East, Captain Eddie
23 Kanneh.

24 Q. Pause there. Kanneh, Your Honours have heard before, it is
12:05:00 25 K-A-N-N-E-H. Now in these locations that you have identified in
26 Kono and in Tongo, what was being mined?

27 A. Well, it was diamonds. Diamonds was mined in Kono.

28 Q. What about in Tongo?

29 A. Also in Tongo diamond mining was in progress.

1 Q. Just so we can understand the geography, is Tongo in the
2 north, south, east or west of Sierra Leone?

3 A. Tongo is in the eastern province of Sierra Leone.

4 Q. You have talked about an AFRC secretariat that was
12:06:05 5 controlling the mining in Tongo. Do you know who is in charge of
6 the AFRC secretariat?

7 A. Yes. It was Staff Sergeant Junior Sheriff who was in
8 charge of the AFRC Secretariat in Tongo.

9 Q. And I am going to spell that, Your Honours. Junior
12:06:28 10 obviously. Sheriff, S-H-E-R-I-F-F. Where had he been before the
11 AFRC period?

12 A. He was a member of the Sierra Leone army.

13 Q. Witness, were there operations that went on during the AFRC
14 period? By that I mean military operations.

12:07:10 15 A. Yes. Indeed. There were military operations.

16 Q. Did you go on any operations?

17 A. Yes. Because any operation that -- all the Honourables
18 went there and they went there with their men. So I participated
19 in some of the operations wherein my Honourable was present.

12:07:37 20 Q. Which operations did you participate in?

21 A. Well, like the June 2nd operations, when the Nigerians came
22 towards the Mammy Yoko, the operation that they entered through
23 to it, Jui. That day they tried to pass through Mammy Yoko by
24 Aberdeen area and they also tried to enter through Jui. That was
12:08:02 25 the operation I participated.

26 Q. I am going to spell Jui, Your Honours. It is J-U-I. Mammy
27 Yoko, Your Honours will be familiar with the spelling, but for
28 the record is M-A-M-M-Y. Yoko, Y-O-K-O. And the witness has
29 also said the name Aberdeen, which is A-B-E-R-D-E-E-N. Witness,

1 which groups went on this operation that you have spoken about on
2 2nd June?

3 A. Well, it was a joint operation; the SLA and the RUF.

4 Q. Did you go on any further operations?

12:09:01 5 A. Well, except when the Nigerians were trying to intervene so
6 we had an operation.

7 Q. Whereabouts was that?

8 A. Well, Hill Station towards Regent. We went there. And
9 while they were trying to push through -- while they were trying
12:09:25 10 to enter through [indiscernible] to Wellington, we went -- I went
11 to that operation.

12 Q. We must pause there. I am just going to provide some
13 spellings and then ask you about something else. Hill Station I
14 think Your Honours know and Regent, R-E-G-E-N-T. Calaba Town,
12:09:45 15 which is K-A-L-A-B-A Town. Those are all the names. I am sorry,
16 it is a C-A-L-A-B-A. Did you go on any operations outside
17 Freetown and the Western Area?

18 A. No, I did not participate in any operation outside
19 Freetown. It was the only operation, it was that operation in
12:10:20 20 the Lungi area, but I did not go, but the Honourable with whom I
21 lived went there.

22 Q. Where was that operation?

23 A. Well, it was to capture Lungi during that period.

24 Q. Lungi, L-U-N-G-I. You recall the Honourable with whom you
12:10:54 25 worked, A, if that is easier for you from now on. Witness, did
26 Sam Bockarie, the individual you have identified as Sam Bockarie,
27 remain in Freetown throughout the AFRC period?

28 A. No, no. Sam Bockarie was in town. But after he had been
29 involved in a road accident around Wilberforce Barracks, later he

1 looked to the east which is part of Sierra Leone.

2 Q. Where in the east did he move to?

3 A. He went to Kenema. And he was working closely with the
4 resident Minister of the East.

12:11:48 5 Q. About how long before the intervention did Bockarie move --
6 Sam Bockarie move to Kenema?

7 A. Well, it was just about a month before the before the
8 intervention that Sam Bockarie moved.

9 Q. You say that when he went to Kenema he was working closely
12:12:12 10 with the resident Minister East, what was his position then in
11 the RUF?

12 A. He was most immediate commander commanding the RUF during
13 that period and since he was commander he came with the RUF and
14 he was the man commanding the RUF within that eastern territory.

12:12:40 15 Q. About a month before the intervention, did an incident
16 occur which you recall?

17 A. Well, yes, indeed. Because the Iranian Embassy was
18 completely looted. So there were honourables that were held
19 responsible for that and they were dismissed with some other RUF
12:13:07 20 members that participated in that looting in the Iranian Embassy.

21 Q. Can you identify the honourables who were involved in that
22 looting?

23 A. Well, yes, we heard Honourable Gborie.

24 Q. Your Honours, I have that spelling, it is G-B-O-R-I-E?

12:13:35 25 A. Honourable Papah Bangura.

26 Q. Your Honours have had that. Bangura, B-A-N-G-U-R-A.

27 A. We get Honourable Cobra.

28 Q. Go on.

29 A. And we had Kallon. He was also a supervisor in one of the

1 ministries. Kallon, he was called Kallon.

2 Q. Pause a moment.

3 A. And we also had a --

4 Q. Kallon, did he have a first name?

12:14:19 5 A. His first name has just escaped me, but he had a first
6 name.

7 Q. What group was Kallon part of?

8 A. Well he was also an SLA. Kallon was an SLA. He was a
9 supervisor in one of the ministries.

12:14:41 10 Q. You have referred to a Morris Kallon earlier, RUF. Is it
11 him or not?

12 A. No, no, no, no. He is not Morris Kallon. Not Morris
13 Kallon.

14 Q. You have said there were members of the RUF involved in
12:14:55 15 this looting; who were they?

16 A. Well, we had Colonel Issa Sesay. He was one of the RUF
17 members involved in that looting.

18 Q. Now, you said that after the looting these individuals were
19 dismissed. Who dismissed them and from what?

12:15:30 20 A. Well, since the anti-looting decree has already been passed
21 and these senior members of the supreme council have involved,
22 the chairman himself or the deputy defence minister to give the
23 announcement based on the dismissal of these individuals.

24 Q. How do you know there was an anti-looting decree?

12:16:06 25 A. Well, actually, when the AFRC came to power, within the two
26 months looting was rampant in the country. So the Supreme
27 Council decided to make this anti-looting decree so that looting
28 rate will be reduced in the country. So this decree was passed
29 and it was given out to all the honourables to be read clearly to

1 their members.

2 Q. Witness, I am going to ask you to look at a document. Your
3 Honours, that document is entitled "AFRC Decree 1997 No. 6. The
4 Armed Forces Revolutionary Council Anti-looting Decree 1997".

12:17:35 5 Your Honour, this decree was also received by the Chief of
6 Prosecutions from the law officers department on 16th April 2003
7 and, as I indicated before, I do have a complete list of all the
8 documents received from that source signed by the Chief
9 Prosecutions and a representative of the Law Officers'

12:17:55 10 department. I would ask that that document be shown just as to
11 the front page to the witness.

12 JUDGE SEBUTINDE: Are you saying that he will understand the title
13 when you just read it? Does he have to be shown the document at all?

14 MS PACK: Your Honour, in fact I am perfectly happy, if I
12:18:15 15 may, simply just admit the document from --

16 JUDGE SEBUTINDE: The other thing is are you submitting it
17 from the Bar table or through the witness?

18 MS PACK: I was intending to submit it through the witness
19 for him to identify that was the decree to which he has referred
12:18:29 20 to in evidence.

21 JUDGE SEBUTINDE: It would suffice if you just put the name
22 of the document, the decree, to the witness and ask him if he is
23 aware of such a decree because I don't know why you are showing
24 him even a page of it.

12:18:45 25 MS PACK: He has given evidence that an anti-looting decree
26 was passed. I can simply read out the title, if that is the
27 course that Your Honour would prefer.

28 PRESIDING JUDGE: Yes, Mr Knoops.

29 MR KNOOPS: Your Honour, I think it is rather difficult for

1 the witness to identify the decree just merely on one page and
2 the title. So if it is the purpose of the Prosecution to tender
3 a document through the witness just based on the title, asking
4 whether the witness recognises or recalls these documents merely
12:19:36 5 on the title of a front page, I think it is not a way to tender
6 documents. And secondly, if the Prosecution purpose to question
7 the witness afterwards on the decree, then I think it is probably
8 proper to first question the witness on his own knowledge on this
9 decree before tendering it into evidence through the witness.

12:20:03 10 So, therefore, I think our objection is based on identification
11 of these documents by means of tendering it through the witness
12 just merely on the title of the front page.

13 PRESIDING JUDGE: Mr Knoops, possibly counsel has borne in
14 mind your previous objections about refreshing memory. I have
12:20:19 15 noted that the witness said in evidence, "there was an
16 anti-looting decree caused the chairman to give an announcement
17 of the individuals and then later on looting was rampant so a
18 decree was given". And he has mentioned it. There is a
19 foundation there. What is the rest of your objection?

12:20:47 20 MR KNOOPS: I agree with Your Honours, but it is merely
21 that the identification, the tendering of the document through
22 the witness just based on the title, should not be in proper form
23 of tendering the document. Because the witness is not able to
24 just identify the authenticity of the decree merely on the title
12:21:07 25 or the front page.

26 PRESIDING JUDGE: I understand. I will ask counsel for the
27 Prosecution for a reply.

28 MS PACK: Well, as I understand it, my learned friend is
29 possibly challenging the authenticity of this document, which is

1 a public document, which is a public notice in the manner of
2 legislation. I do not see how he can be challenging the
3 authenticity of this document. The witness has referred to an
4 anti-looting decree. I am simply going to ask him whether the
12:21:36 5 document that I am going to pass up to him is recognised by him
6 as a decree which he has spoken about and laid a foundation for
7 being shown.

8 JUDGE LUSSICK: Well, I understood Mr Knoops to be
9 objecting more to the witness's ability to identify with the
12:22:01 10 decree rather than what you said, Miss Pack. But it may well be
11 that the witness has never seen the decree before. You certainly
12 have not asked him if he has ever seen it before. So if this is
13 his first time to see it, how can he identify it as the decree
14 that he was referring to?

12:22:27 15 MS PACK: Well, Your Honour, the witness has given evidence
16 yesterday about what he did in his position, which he spoke
17 about, the fact that he did see decrees and orders that were
18 passed by the AFRC and that was something that was part
19 effectively of his job. And so that is the broad basis for him
12:22:46 20 being shown the physical copy of any decree to which he has
21 referred now in oral evidence quite specifically to identify, is
22 this the decree you are talking about or not.

23 JUDGE SEBUTINDE: Ms Pack, I will personally ask two
24 matters. One, do you intend to tender this document from the Bar
12:23:05 25 table? That is the first question. And the second question is:
26 Does this document that you want to tender in contain more
27 material than the witness has already testified before Court? If
28 you could answer those two questions.

29 MS PACK: Number one, I intend to tender the exhibit

1 through the witness. But I only seek, number two, yes, it
2 contains more information than just simply what the witness has
3 said, which is there was an anti-looting decree. But I don't
4 propose to show the witness anything other than the front page
12:23:43 5 which is the title page. And then I propose asking -- tendering
6 the exhibit and not asking any further questions on it, apart
7 from have you seen this decree before? Is it the decree you are
8 talking about? But I don't propose to go into any matters again,
9 as my learned friend has identified, of legal analysis or of the
12:24:06 10 substance of this decree.

11 MR KNOOPS: Your Honour, if I may just specify my
12 objection. Your Honours, one of the learned judges indeed I
13 think summarised the objection more accurately. Our objection is
14 more that we have problems with identifying the witness, letting
12:24:38 15 the witness identify the document by means of stating its
16 originality, because I think that would violate the best evidence
17 rule. That is merely the point. Again we don't challenge yet
18 the authenticity we merely state that it is not a proper way to
19 tender a document as to its originality through this witness,
12:24:57 20 merely on the title on the front page without the witness having
21 said anything about substance or contents. As Your Honours
22 clearly see, this document contains several definitions of
23 certain terms and it is the reason why we think it is
24 objectionable in this form. Thank you.

12:25:20 25 MS PACK: There is one further question that I can ask the
26 witness, which is whether there was more than one anti-looting
27 decree which may meet any concern my learned friend has as to
28 whether or not this witness needs to go through in minutiae the
29 length and breadth of the decree to identify it, if it is indeed

1 the one he is talking about. If he answers the question if there
2 was more than one and then is able to then look at the title page
3 to identify this is indeed a anti-looting decree that may satisfy
4 my learned friend's concern and that is as far as I would hope to
12:25:53 5 go, Your Honour. I would seek to --

6 JUDGE LUSSICK: It would go a bit further back and ask
7 would he know if there was more than one anti-looting.

8 MS PACK: Yes. Yes.

9 Q. Witness, you have spoken about an anti-looting decree.
12:26:11 10 As far as you are aware, were there more than one anti-looting
11 decree, or is there just one anti-looting decree?

12 A. Well, what I'm saying, this decree was passed because there
13 was a lot of lootings. So as this decree was passed it was
14 ensured that all honourable read this decree to all the soldiers
12:26:39 15 that were under their control. So if anybody violated this
16 decree, so the law will take its course. So it was made possible
17 that it was read to all the soldiers that were under their
18 command. This was the only decree that I knew it was passed in
19 order to cut down the degree of looting during the period under
12:26:59 20 consideration.

21 Q. And I think perhaps you have partly answered this, but how
22 come you know that there was only one decree and that the decree
23 was passed and read to all the soldiers? How do you know these
24 matters?

12:27:29 25 A. Well, this was given to the various honourable. It was
26 spelt out clearly to them that they should read it out. It was
27 even read over the national radio to show the responsibility of
28 the AFRC government against looting. During this time a council
29 was appointed that was headed by the Chief Secretary of State,

1 who was SAJ Musa, who headed that council during the period.

2 MS PACK: Your Honour, may I be permitted to show the witness the
3 document, the title of which I have read? Your Honour, I notice the
4 witness has his hand raised. I am concerned he might be in some
12:28:50 5 discomfort.

6 PRESIDING JUDGE: Yes, Mr Witness, what is the problem?

7 THE WITNESS: Right now I want to use the gents. I want to
8 use the gents.

9 PRESIDING JUDGE: Yes, we said we would adjourn a little
12:29:18 10 early. We will adjourn now and we will deal with this matter as
11 soon as we come back. Mr Court Attendant, please adjourn until
12 2.15 p.m., please.

13 [Luncheon recess taken at 12.30 p.m.]

[On commencing at 2.18 p.m.]

14:19:47 PRESIDING JUDGE: Just pause, Ms Pack, a moment, please.

16 [Trial Chamber deliberates]

17 PRESIDING JUDGE: I notice we did not give a ruling on the
18 question of admitting that edict. I think it is called an edict,
19 it is an Act of Parliament.

14:25:28 20 MS PACK: Decree.

21 PRESIDING JUDGE: Decree, yes. Decree number 60
22 Anti-looting Decree of 1997. We consider it can be tendered as a
23 public document, but not tendered through the witness.

24 MS PACK: May it be assigned an exhibit number, Your
14:25:52 25 Honour?

26 PRESIDING JUDGE: I make it Exhibit P10. Mr Court
27 Attendant, do you agree with that?

28 MR WALKER: Yes, Your Honour.

29 MS PACK: And I have the original here with me and copies

1 for Your Honours.

2 Q. Witness, moving on, I want to ask you about a different
3 area. When did the intervention occur?

4 A. It was in February 1998.

14:26:59 5 Q. What happened?

6 A. Well, the Nigerian troops intervened at that time.

7 Q. What force did the Nigerian troops form part of?

8 JUDGE SEBUTINDE: Mr Interpreter, we cannot hear you. We cannot
9 pick you. Absolutely cannot.

14:27:45 10 MS PACK: Shall I ask again, Your Honour?

11 PRESIDING JUDGE: Yes, yes, please.

12 MS PACK:

13 Q. What force did the Nigerian troops form part of?

14 A. Well it was the ECOMOG troops.

14:28:06 15 Q. What did Johnny Paul Koroma do?

16 A. Well, when the Nigerians intervened, he ordered to fire
17 against them. Then later they withdrew and he retreated from
18 Freetown.

19 Q. When Johnny Paul Koroma retreated from Freetown, what did
14:28:26 20 you do?

21 A. We too retreated from Freetown.

22 Q. Who did you pull out with - and please do not name any
23 names if they will identify you?

24 A. The Honourable with whom I was. We pulled out together.

14:28:55 25 Q. What route did you follow out of Freetown?

26 A. We used the peninsula route.

27 Q. Where did go through?

28 A. We passed through Goderich, York, and we arrived at Tumbo.

29 Q. And let me just spell those one moment. Goderich is

1 G-O-D-E-R-I-C-H. York, Y-O-R-K. Tumbo, T-U-M-B-O. From Tumbo
2 where did go?

3 A. Well, from Tumbo we crossed and went to Fogbo.

4 Q. You crossed what?

14:29:43 5 A. We crossed by a boat. It was a boat that we used because
6 there were boats at Tumbo that crossed fighters to go to Tumbo at
7 that time.

8 Q. Fogbo is F-O-G-B-O. From Fogbo where did you go?

9 A. Well from Fogbo we spent the night at Newton. Newton
14:30:08 10 village, very close to the highway.

11 Q. Newton. N-E-W-T-O-N. Witness, I am going to ask you to
12 look at a map.

13 MS PACK: Your Honours, the Defence have been served with copies
14 of the map. It is a map of the Western Area prepared by UNAMSIL
14:30:33 15 Geographic Information Section and there have also been copies that have
16 been filed with the Chamber. If I could just pass -- I do hope Your
17 Honours have them, there have been multiple copies filed with the
18 Chamber. Perhaps I could pass the witness his copy. Perhaps, Your
19 Honours, Ms Dimitrova, the Case Manager for the Prosecution, could
14:31:23 20 approach the witness bench just to put the map up on the board for the
21 witness just to facilitate Your Honours seeing what he is pointing to
22 when I am asking him to point to. She can stick it up with some tape.

23 JUDGE SEBUTINDE: The problem is we cannot see, it is such
24 a long way off. I don't know if it will be of any use.

14:31:45 25 MS PACK: If it is not going to assist then I will not.

26 JUDGE SEBUTINDE: If you want to use like a highlighter, I
27 don't know what you want to do. A highlighter to either mark
28 places or route or whatever.

29 MS PACK: I will ask him to mark a couple of locations with

1 a highlighter. I hope Your Honour has a copy.

2 PRESIDING JUDGE: Not yet, but no doubt they will come.

3 JUDGE SEBUTINDE: Ms Pack, we will try and share the one
4 copy, but may I request that when you name places you still spell
14:33:17 5 them because we don't all have easy access.

6 MS PACK: Of course, Your Honour. Perhaps - I hesitate to
7 ask the Court Attendant for his assistance again - I am going to
8 ask the witness to mark with a highlighter pen when he has a
9 moment.

14:33:54 10 Q. Witness, all I am going to ask you to do, please, is to
11 circle with that highlighter pen the locations that you have
12 mentioned that you passed on your way out of Freetown to
13 Newton when the intervention occurred in February 1998. So
14 the first place you mentioned was Goderich; just circle that.

14:34:24 15 The second place you mentioned was York. The third was Tumbo.
16 And finally you mentioned Fogbo. Witness, where is Newton
17 near? Do you know which town it is near?

18 A. Well, it is very close to -- it is just about four miles
19 from Waterloo.

14:35:09 20 Q. Thank you, Witness.

21 MS PACK: Your Honour, I would ask that I will tender this map of
22 the Western area as an exhibit as it is marked by the witness.

23 MR FOFANAH: May it please Your Honours, may we see what
24 the witness has circled?

14:35:34 25 PRESIDING JUDGE: Yes, that is a fair and proper thing to
26 do. Mr Court Attendant, please show each of the defence counsel.

27 MR FOFANAH: May it please Your Honours, I am afraid to say
28 that Newton is not on the map.

29 MS PACK: No, it is not, Your Honour.

1 PRESIDING JUDGE: Are you asking the witness to mark it or
2 is it just an observation?

3 MR FOFANAH: It is just an observation. I don't think we
4 have any objection about that.

14:38:27 5 PRESIDING JUDGE: Very well. In the light of that it will
6 become Exhibit 11.

7 MS PACK: Thank you, Your Honour.

8 Q. Witness, when you withdrew from Freetown with your
9 Honourable, who else withdrew from Freetown?

14:38:58 10 A. Well, at that time all the AFRC forces withdrew, including
11 Johnny Paul Koroma and other senior military commanders. All
12 withdrew from Freetown.

13 Q. Was the withdrawal an organised withdrawal from Freetown?

14 A. No, it was not an organised withdrawal. We ran out of
14:39:21 15 ammunition and everybody was trying to pull out from Freetown.

16 Q. You said you reached Newton; whom did you see there?

17 A. Well, when we arrived at Newton, Colonel Issa, who was one
18 of the RUF commander, was at Newton and he came to receive some
19 of his men [indiscernible] and he went back to Masiaka.

14:39:53 20 Q. By Colonel Issa, can you give the full name of the Colonel
21 Issa you are talking about?

22 A. Colonel Issa Sesay.

23 JUDGE LUSSICK: Mr Interpreter, I can just barely hear you. Your
24 voice is coming through as a faint whisper and I am really struggling to
14:40:15 25 hear you. I wonder if you could speak a bit more closely into your
26 microphone, please.

27 MS PACK: The witness also mentioned a name Masiaka, which
28 I shall spell, M-A-S-I-A-K-A.

29 Q. Witness, why wasn't Colonel Issa not with the retreating

1 troops from Freetown?

2 A. Well, after that -- that Iranian incident and they ordered
3 his arrest, but he refused later he decided to withdraw from
4 Freetown before the intervention, so he was between Waterloo and
14:41:00 5 Newton and Masiaka axis.

6 Q. From Newton where did you go?

7 A. Well, from Newton since we were withdrawing on foot we went
8 to RDF, which was a strategic military area.

9 Q. What does RDF stand for?

14:41:33 10 A. Well, normally it was the Rapid Deployment Force that was
11 owned by the Sierra Leone army. That was a base for the Sierra
12 Leone army.

13 Q. From RDF where did you go?

14 A. Well, from RDF we moved to Masiaka.

14:41:54 15 Q. How long did you stay in Masiaka?

16 A. Well, at Masiaka we spent about three days there because we
17 were waiting for the other troops that was withdrawing.

18 Q. Who else was in Masiaka when you were there?

19 A. Well, at Masiaka all the senior commanders, including
14:42:23 20 Johnny Paul Koroma, the army chief, Chief of Defence Staff, the
21 army chief of staff and other senior commanders, including some
22 other senior RUF commanders, were all at my Masiaka.

23 Q. Witness, I am going to ask you to break that down. You
24 said Chief of Defence staff, remind us, please, who that was.

14:42:51 25 A. Brigadier SFY Koroma.

26 Q. And you mentioned chief of army staff. Who was that?
27 Remind us who that was, please.

28 A. Brigadier SO Williams and other senior military commanders.

29 Q. Please name other senior military commanders whom you saw

1 in Masiaka.

2 A. Well, Colonel Foday was there and there were different ones
3 that were around. Colonel Issa, all of them were there, Superman
4 of the RUF was there. There were honourable, they were all

14:43:30 5 there. The PLO and Zagalo was also there. Honourable Five-Five
6 was there. Honourable Papah.

7 Q. I am going to break that down, please.

8 PRESIDING JUDGE: Ms Pack, before you do, there was one I missed.
9 It was the army chief of staff. Could you please repeat the name that

14:43:45 10 the witness gave?

11 MS PACK: He gave the name SO Williams.

12 PRESIDING JUDGE: Then I got the one before that then,
13 sorry.

14 MS PACK: That was SFY Koroma. K-O-R-O-M-A.

14:44:05 15 PRESIDING JUDGE: Thank you, that is most helpful.

16 MS PACK:

17 Q. Now you have mentioned some other commanders. You
18 mentioned Colonel Foday, what was the full name of Colonel
19 Foday.

14:44:16 20 A. I was not able to get his full name. That was his popular
21 name; Colonel Foday. He was a member of the Sierra Leonean army.

22 Q. You mentioned Colonel Issa; what was his full name?

23 A. Issa Sesay of the RUF.

24 Q. And you mentioned Superman; who was that?

14:44:41 25 A. Superman was called Denis Mingo. He was a member of the
26 RUF.

27 Q. Now just pause there, I am going to spell that. Denis,
28 D-E-N-N-I-S. Mingo, M-I-N-G-O. Now was this the first time you
29 had come across Denis Mingo?

1 A. No, no, Denis Mingo was in Freetown and he was also a
2 member of the council when he was appointed. He was one of the
3 members that was appointed by the RUF. He represented the RUF at
4 the Supreme Council.

14:45:24 5 Q. Thank you. You said all the honourable were there and you
6 said the PLOs. You mentioned Honourable Five-Five. Who do you
7 mean by that?

8 A. Well, I'm talking of Santigie Borbor Kanu who is Honourable
9 Five-Five. That was his popular name.

14:45:51 10 Q. When was the first time you came across him? Was it here
11 in Masiaka?

12 A. No, Five-Five were all in Freetown.

13 Q. What was he doing in Freetown?

14 A. Well, he was also having a ministry that he was monitoring.

14:46:17 15 Hence he was an Honourable and he was a member of the Supreme
16 Council. He was serving a ministry that he was advising.

17 Q. Now, you said the PLOs were there; can you just name them?

18 A. Well, Abu Sankoh PLO 1, whose alias was Zagalo. He was on
19 the PLOs that were present at Masiaka then the PLO 3. Ibrahim

14:46:46 20 Bazzy Kamara was also present at Masiaka. But Gullit was in Kono
21 while we were pulling out from Freetown.

22 Q. And finally you mentioned Honourable Papah, just give his
23 full name as well, please.

24 A. He was Hassan Papah Bangura, one of the dismissed
14:47:20 25 honourable with whom we all pulled out from Freetown.

26 Q. Who was in command of the men in Masiaka?

27 A. Well, the supreme head was in charge.

28 Q. Who is that?

29 A. Lieutenant Colonel Johnny Paul Koroma.

1 Q. At Masiaka were there any announcements on the radio?
2 MS THOMPSON: Your Honour, that is leading.
3 PRESIDING JUDGE: It is leading. Sorry, Ms Pack, did you
4 hear what I said?
14:47:54 5 MS PACK: Yes, I did, Your Honour.
6 Q. In Masiaka did you listen to the radio?
7 PRESIDING JUDGE: I think that is equally leading.
8 MS PACK:
9 Q. Witness, did you hear anything in Masiaka?
14:48:40 10 MS PACK: I did not hear an answer from the interpreter.
11 PRESIDING JUDGE: No. [Overlapping speakers]
12 MS PACK: The witness certainly spoke, yes.
13 PRESIDING JUDGE: Mr Interpreter, none of us heard the
14 answer. We understand the witness did say something.
14:48:51 15 THE INTERPRETER: Well, nothing came from the witness.
16 PRESIDING JUDGE: The witness has now got his microphone
17 on. Mr Witness, please repeat your answer.
18 THE WITNESS: I want you to ask me the question again.
19 MS PACK:
14:49:09 20 Q. Did you hear anything in Masiaka?
21 A. Yes, indeed. Whilst we were -- all the troops arrived at
22 Masiaka that day with -- Johnny Paul Koroma called on the BBC and
23 he was interviewed. It was Robin White that carried that
24 interview over the international media.
14:49:40 25 Q. And what was said in the course of that interview?
26 A. Well, in this interview Robin White interviewed Johnny Paul
27 Koroma about his whereabouts and Johnny Paul Koroma declared
28 overall that he was based at the peninsular along Freetown. And
29 so while the discussion was going on he said he had anything to

1 give the soldiers so he had declared an operation called
2 Operation Pay Yourself because he had not anything to give the
3 soldiers, that was why he declared that operation. Operation Pay
4 Yourself.

14:50:28 5 Q. Witness, after that interview on the international media,
6 what happened?

7 A. Well, after that interview, Johnny Paul Koroma left from
8 Masiaka and headed towards -- because Honourable Bioh came to
9 Masiaka, Sammy and Bioh came to Masiaka and all of them went
14:50:57 10 towards -- to Makeni to a village near Makeni.

11 [TB170505D 2.50 p.m. - EKD.]

12 Q. Pause a moment there. There are a few names that were
13 mentioned. You mentioned Sammy, S-A-M-M-Y. Can you identify if
14 he had an alias?

14:51:50 15 A. Yes, sir, he was referred to as Jungler.

16 Q. Jungler, J-U-N-G-L-E-R, Your Honours. You have heard the
17 name earlier. The other person you mentioned was Bioh. Can you
18 provide a full name, please?

19 A. Ibrahim Bioh Sesay.

14:52:08 20 Q. That's another one, Your Honours, I've spelt earlier. It's
21 B-I-O-H, Bioh. And also Makeni, M-A-K-E-N-I. So where did
22 Johnny Paul Koroma go around Makeni?

23 A. Yes, he went to Makeni. He said he was moving to his
24 village, Magbonkineh, a village closer to Binkolo. It's a
14:52:53 25 village around Binkolo.

26 Q. I'll just spell that. Magbonkineh is
27 M-A-G-B-O-N-K-I-N-E-H, and it was close to Binkolo, which is
28 B-I-N-K-O-L-O. After the announcement that you heard on the
29 radio, Operation Pay Yourself, what did the men start to do?

1 MR FOFANAH: Objection. Foundation, Your Honours.

2 PRESIDING JUDGE: That is definitely leading.

3 MS PACK:

4 Q. After the announcement on the international radio for
14:53:36 5 Operation Pay Yourself, did the men start to do anything?

6 MR FOFANAH: Objection.

7 PRESIDING JUDGE: I think there is a much easier way to do
8 it, Ms Pack.

9 MS PACK:

14:53:49 10 Q. Did anything happen after the announcement that you heard
11 for Operation Pay Yourself?

12 A. Yes, indeed. After the announcement the chairman at that
13 time declared that he had nothing to pay the soldiers. From that
14 day he made that announcement, then, indeed, the operation
14:54:08 15 started.

16 Q. What operation was that?

17 A. From that day the looting started and, indeed, so many
18 other things happened.

19 Q. Who was looting?

14:54:27 20 A. It was both the SLA and the RUF.

21 Q. While you were at Masiaka, did anything happen at Bo?

22 A. Yes, indeed. While we were at Masiaka, an information came
23 from Boissy Palmer who was the brigade commander before we went
24 to Makeni. He said that he had heard information that his family
14:55:04 25 members in Bo, who they are called collaborator, had trapped,
26 because they had lost the ground and most of the members of the
27 AFRC were trapped in Bo.

28 Q. Pause moment. I'm just going to spell it. It is name
29 you've heard before, Your Honours. Boissy Palmer is B-O-I-S-S-Y,

1 Palmer P-A-L-M-E-R. So having heard this information that there
2 were people trapped in Bo, did anything then happen?

3 A. Yes, a military troops organised and wherein AF Kamara who
4 was the resident minister of the south -- he too was there. He
14:55:53 5 was there with the brigade commander Boissy Palmer. Also Issa
6 joined with the [inaudible] officer and they went there to rescue
7 the members of the AFRC that were trapped in Bo.

8 Q. You mentioned AF Kamara. Again that's a name I have spelt
9 earlier, Your Honours, K-A-M-A-R-A; the initials AF. You
14:56:15 10 mentioned a name Issa; can you just give the full name for Issa?

11 A. Issa Sesay.

12 Q. You've identified the individuals AF Kamara and Issa Sesay
13 and Boissy Palmer as being involved in this operation. Who were
14 the men who went out on the operation apart from these three?

14:56:43 15 A. Well, it's because Issa was with the RUF and other men from
16 the AFRC also participated in the operation.

17 Q. Were you involved in this operation?

18 A. Yes, I went with AF Kamara.

19 MR FOFANAH: Your Honours, I rise hesitantly to object to
14:57:09 20 that question because the witness had earlier informed this
21 Honourable Court - probably, if I may just read out what I have -
22 "I did not participate in any operation outside Freetown." So
23 that question cannot be put to the witness. I stand guided by
24 your records. That is what he said.

14:57:27 25 PRESIDING JUDGE: Which point was that, Mr Fofanah?

26 MR FOFANAH: Just before Exhibit P10 was tendered. It was
27 somewhere around -- he was talking about the joint operation at
28 Hill Station towards Regent, Kabala and Freetown.

29 MS PACK: Your Honour, can I explain perhaps what point of

1 evidence my learned friend is talking about, which was during the
2 AFRC period I asked the witness a series of questions about what
3 happened during that period, which obviously ended with the
4 intervention in February 1998. I asked the witness whether in
14:58:05 5 the AFRC period he went on any operations. We have now moved on
6 from that period. February 1998 has passed. Well, we're in
7 February 1998, so it is a totally different time frame that I'm
8 asking the witness about. He's not in Freetown anymore.

9 MR FOFANAH: I'm afraid to say that that was not the
14:58:25 10 question. I stand guided by the records. But the question was
11 whether he took part in any operation after the two operations he
12 mentioned whilst in Freetown. And he said, "I did not
13 participate in any operation outside Freetown". "Outside
14 Freetown". I stand guided by the records. So that question
14:58:43 15 cannot be put to him. Except if the witness wants to move from
16 that position, but that is what he clearly said to this Court.

17 PRESIDING JUDGE: I have a record of him talking about not
18 outside Freetown and the Western Area and then talking about
19 Lungi and some other matters, but that is -- he took part in an
14:59:14 20 operation on June the 2nd and then did not go outside Freetown
21 and went as far as Lungi. I think we have moved on from there,
22 Mr Fofanah.

23 MR FOFANAH: If need be the transcript might help, because,
24 I mean, this is a very pertinent piece of information.

14:59:33 25 PRESIDING JUDGE: [Microphone not activated] leave it at the
26 moment. But I'm not sure what the basis -- what exactly you're
27 objecting to. Are you saying that --

28 MR FOFANAH: Except if he wants to --

29 PRESIDING JUDGE: -- counsel is cross-examining their own

1 witness or that he never left or are you challenging his veracity
2 in which case it should be challenged in cross-examination? What
3 exactly is the basis of this objection?

4 [Trial Chamber confers]

15:00:10 5 PRESIDING JUDGE: We can go back and look at the transcript
6 then. It's earlier this morning.

7 MR FOFANAH: I may be of some help. Just at about when he
8 said when Nigerians were trying to come back in 1998.

9 MS PACK: He didn't say that, Your Honour, I'm afraid.

15:00:30 10 MR FOFANAH: Just after Hill Station.

11 MS PACK: I hesitate to interrupt my learned friend, but he
12 didn't say that. He didn't talk about 1998 when I was asking him
13 questions earlier about operations from Freetown. It was when he
14 was based in Freetown during the AFRC period which was a limited
15:00:44 15 timeframe, May '97 to February '98. There is a lot of evidence
16 that this witness will be giving and it is not all based in
17 Freetown.

18 JUDGE SEBUTINDE: Could we know what the official
19 transcript says?

15:01:28 20 PRESIDING JUDGE: Mr Fofanah, I understand we are unable to
21 access that part of the record because it was earlier and what
22 they have now got on the machine is the last short period, not
23 this morning's. I certainly have some notes here concerning Hill
24 Station, Regent, Kabala Town, not outside Freetown and the
15:01:52 25 Western Area, "I was in the operation to Lungi", et cetera, which
26 I have already quoted. Counsel for the Prosecution, you have
27 heard counsel's reply. What do you say about her reply? You
28 have heard counsel for the Prosecution's reply, the evidence has
29 moved on from that particular --

1 MR FOFANAH: In fact, I was just going to use all of what
2 Your Honour stated or said when you were trying to inquire if the
3 basis of my objection was firstly to indicate to the Court
4 that -- whether it was to indicate to the Court that the
15:02:29 5 Prosecutor was in fact cross-examining the witness. That is one.

6 I will submit that if that is the case, because that is
7 what my notes say, subject to clarification by the Court -- if
8 that is the case, I'm submitting that the Prosecutor is in fact
9 cross-examining the witness on a point which has already been
15:02:48 10 established. Because to my mind the words "I did not participate
11 in any operation outside Freetown", I mean, it's clear enough to
12 that extent. Outside Freetown is clear enough.

13 And, secondly, the question posed to the witness was never
14 indicative of a time frame. There was nothing like a time frame
15:03:15 15 in that question. And when he answered his answer was succinct
16 and clear enough, that he meant that he did not participate in
17 any operation outside Freetown.

18 As a result of that, Your Honours, we are most respectfully
19 applying that whilst Your Honours may solicit that the
15:03:39 20 examination-in-chief goes on, but then we are requesting that if
21 need be in the future we may want to come back to this point so
22 that the transcript clearly indicates as to what the witness said
23 in answer to questions posed to him about operations during that
24 period.

15:05:46 25 [Trial Chamber confers]

26 PRESIDING JUDGE: Ms Pack, we don't have a transcript
27 available immediately. Obviously our own notes are our own notes
28 but there is no official transcript available. We will have to
29 stand down this objection until the transcript becomes available.

1 So I would request that you - if at all feasible - move on to
2 some other line and we will come back to this and rule upon this
3 it later. In the meantime I would ask Mr Court Attendant to
4 alert those who retain the transcripts to have them made
15:06:49 5 available as soon as is practicable.

6 MR WALKER: Yes, Your Honour.

7 MS THOMPSON: Your Honour, before my learned friend goes
8 on, this is just by way of information or clarification or
9 whatever. But I note that a particular person is being referred
15:07:03 10 to as Honourable or A. We have just looked through our notes and
11 that person's full name was actually given in open court by the
12 witness being led by my learned friend. I just bring it to the
13 Court's attention. Perhaps we ought to be careful as we move on
14 [overlapping speakers] the alias.

15 PRESIDING JUDGE: It was agreed that that alias would be
16 used for the protection, et cetera, and identity. And
17 Mr Witness, for your own sake, you must try and avoid using names
18 where you have been told to use letters or pseudonyms.

19 THE WITNESS: Okay.

15:07:47 20 MS PACK: I'm grateful for that indication from my learned
21 friend. I think the witness is avoiding using the name in
22 relationship to him but using it when he is talking very broadly
23 about a subject without it being linked to him. So long as he
24 continues to do that I think that should meet any concerns. I'm
15:08:03 25 grateful.

26 MS THOMPSON: I think perhaps we ought to do it one way and
27 one way alone. If we are going to have the full name in public
28 then let's have it. If we're going to have a pseudonym, then
29 let's do it that way. I don't want to be confusing myself later.

1 PRESIDING JUDGE: We will have to be consistent. If it is
2 to be A we will continue to use A throughout.

3 JUDGE LUSSICK: The problem, Ms Pack, is that if you chop
4 and change - some passages of the in-chief evidence you use the
15:08:42 5 pseudonym A and other passages you use the full name where it is
6 not traceable to the witness - it makes it difficult in
7 cross-examination for cross-examining counsel to work out what
8 passages he is entitled to use the full name and when should he
9 use the pseudonym. So it probably is a good idea to stick to the
15:09:05 10 pseudonym.

11 MS PACK: Yes, Your Honour, I will ask the witness to do
12 that and hopefully that's how things will continue.

13 JUDGE LUSSICK: Yes.

14 MS PACK:

15:09:19 15 Q. Witness, where did you go from Masiaka?

16 A. Well, after the operation at Bo, we returned safely. We
17 moved to Makeni.

18 Q. Who did you go to Makeni with?

19 A. Because if I explain this then I will be identified openly.

15:09:50 20 Q. Can you use a pseudonym as in the letter A to describe the
21 person that you went with?

22 A. I move together with A and Bazzy, and we left for Makeni.

23 Q. Who do you mean by Bazzy?

24 A. Ibrahim Bazzy Kamara was the PLO 3.

15:10:28 25 Q. Did anything take place between Masiaka and Makeni?

26 A. Yes, on the way from Masiaka to Makeni, in fact, there was
27 looting at various areas. Lunsar was completely looted. And we
28 moved further to Makeni.

29 Q. Lunsar is spelt L-U-N-S-A-R. L-U-N-S-A-R, Lunsar. How

1 long did you remain in Makeni?

2 A. Well, we were not long in Makeni because at that time we
3 arrived in Makeni there was a lot of looting and we moved towards
4 that area, and everybody was trying to acquire something so that
15:11:22 5 we could move further.

6 Q. Who was trying to acquire somebody? Who do you mean by
7 "everybody"?

8 A. Well, since the chairman had declared the Operation Pay
9 Yourself and everybody -- I mean, Makeni, shops had been broken
15:11:37 10 into. We had -- the banks were broken into, and we move with
11 Bazzy to one bank and we broke into it. And we removed the safe
12 and, in fact, that safe was open and some certain things were
13 taken from it to about the roundabout of Makeni.

14 Q. After Makeni where did you go?

15:12:06 15 A. Well, from Makeni we went -- I left together with Bazzy and
16 on our way we had a breakdown and they went ahead. So later we
17 moved to Kabala.

18 Q. Kabala is spelt K-A-B-A-L-A. Which district in
19 Sierra Leone is Kabala?

15:12:27 20 A. The Koinadugu District.

21 Q. Which Your Honours know is spelt K-O-I-N-A-D-U-G-U. Were
22 you going to see anyone in Kabala?

23 A. Well, while we were moving towards that day, we were told
24 that Johnny Paul had moved ahead. So we decided to move and see
15:13:01 25 Johnny Paul in Kabala, because we had already moved to Kabala.

26 Q. How long did you stay in Kabala?

27 A. In Kabala we spent about three days.

28 Q. Who else was in Kabala?

29 A. The RUF commander -- one RUF commander and Superman also

1 was in command in Kabala with some other senior military
2 officers. They were there together with some other AFRC
3 honourable. They too were in Kabala.

4 Q. Which AFRC honourable do you remember were in Kabala?

15:13:55 5 A. Well, in fact, the vice-chairman was there with Solomon SAJ
6 Musa and Ibrahim Bazy Kamara. He involved in the road accident
7 as he was heading for Kabala. There was Honourable Papah
8 Bangura; he too was in Kabala.

9 Q. Who was in command in Kabala?

15:14:24 10 A. Well, at that time [inaudible] point SAJ Musa was
11 commanding the troops in Kabala, because he was the senior-most
12 officer -- government official who was there.

13 Q. What happened when you arrived in Kabala?

14 A. When we got to Kabala a meeting was called.

15:14:56 15 Q. Who was the meeting with?

16 A. SAJ Musa called all the commanders to report so that they
17 could discuss how to plan to retake Kono. Because while we were
18 in Kabala we saw soldiers who were moving, coming Kabala and they
19 said that Gullit has left Kabala and has gone to Kono --

15:15:22 20 THE INTERPRETER: Your Honours, please let the witness go
21 back to the last piece of that information.

22 MS PACK: I would rather ask the question again.

23 Q. You were talking about what was said at that meeting, I
24 think. Just go through that slowly. What was said at that
15:15:37 25 meeting?

26 A. SAJ Musa summoned all the commanders. He said that now
27 that we had information from soldiers that Gullit had left the
28 ground and that they did not attack him and yet he had just left
29 and gone to Kailahun. And Kono is a strategic position, so it

1 was better to go and retake Kono and make there -- and defend
2 there properly. By taking Kono they will get international
3 recognition from the community and then we'll have recognition
4 from the present government that they were fighting.

15:16:15 5 Q. You mentioned another name, Kailahun, which is spelt
6 K-A-I-L-A-H-U-N. You also said that Gullit had left the ground.
7 Where had he left?

8 A. Gullit was the immediately senior commander who was in
9 Kono, while he was controlling mining. So as he heard about our
15:16:43 10 drive from Freetown according to the soldiers who had come from
11 Kono, so he too decided to leave Kono and travel to Kailahun.

12 Q. You said that there were commanders called to that meeting.
13 Can you name the commanders who you remember attended that
14 meeting?

15:17:00 15 A. SAJ Musa chaired the meeting. We had Colonel SO Williams
16 who was there, there was also Honourable Ibrahim Bazzy Kamara,
17 there was Honourable Papah Bangura, there was Denis Mingo and
18 other senior and junior commanders of both the RUF -- of both the
19 SLA and RUF. They were all present at this meeting.

15:17:32 20 Q. Your Honours, those are all names you've heard before. I
21 don't think I need to spell them. SO Williams you've heard
22 before, Ibrahim Bazzy Kamara, Papah Bangura and Denis Mingo all
23 ones that were spelt earlier. Was there any decision made at
24 this meeting?

15:17:51 25 A. Yes, indeed, because later after SAJ Musa had discussed and
26 that it was necessary to recapture Kono. So, indeed, they said
27 that all commanders should go together with their men and to move
28 towards Binkolo and collect Johnny Paul Koroma and then move
29 towards Kono.

1 Q. So where was Johnny Paul Koroma at this time?

2 A. Well, Johnny Paul Koroma was with his entire family and
3 securities at Magbonkineh, the village near -- Magbonkineh, a
4 village very close to Binkolo.

15:18:38 5 Q. I spelt that earlier; it's M-A-G-B-O-N-K-I-N-E-H, near
6 Binkolo, B-I-N-K-O-L-O. How do you know that what you've said
7 was said at the meeting was actually said? How do you know this?

8 A. Well, this was an open meeting because SAJ Musa tried to
9 address everybody since we've lost the ground, because there was
15:19:16 10 no control. After the Operation Pay Yourself there was no
11 control. So SAJ Musa decided to call all the soldiers to be
12 present at that meeting. But just because we are closer to them,
13 so we are right in front and listening to what was going on at
14 the meeting.

15:19:33 15 Q. Whilst you were in Kabala did you hear anything about what
16 was going on in Masiaka?

17 A. They were informed that the Guinean troops, they captured
18 some of our men who were -- they surrendered to them. That was
19 one of the information we got that that happened in Masiaka.

15:20:07 20 Q. And the Guinean troops, do you know which force they formed
21 part of?

22 A. These Guinean troops, they were based in Freetown. They
23 were on the other side of Freetown. So they were not part of
24 ECOMOG, but they were just troops that Lansana Conte send to
15:20:34 25 boost up the security in Sierra Leone.

26 Q. The witness has mentioned another name Lansana Conte. You
27 are probably familiar with that name, but it is L-A-N-S-A-N-A,
28 Conte, C-O-N-T-E-H [sic]. Did anything else happen in Kabala,
29 apart from the meeting, while you were there?

1 A. The only thing, we mobilise and formed a long convoy and we
2 decided to move for Binkolo where we could collect -- then
3 Superman communicated with Mosquito and informed him that he had
4 prepared, as we were ready to take the chairman from Binkolo and
15:21:36 5 to head for Kono.

6 Q. Just break that down because you said two separate things.
7 You said you went to Binkolo and you said there was a
8 communication. The communication, what was the media used for --
9 medium used for the communication?

15:21:52 10 A. Well, we had radio sets which we used, and we used them in
11 the jungle as means of communication.

12 Q. Who was this communication between?

13 A. As we lost Freetown Mosquito was eager about the life of
14 the chairman. So he said he should withdraw him and take him to
15:22:23 15 Kailahun. So, indeed, he continued to monitor Superman to give
16 him details about the welfare of the chairman from one point to
17 the other.

18 Q. And this very communication that you're talking about, who
19 was that between?

15:22:43 20 A. At that time when we withdrew from Freetown, we didn't have
21 much idea about jungle. The RUF had much control of the radio
22 sets. So Superman communicated directly to Mosquito.

23 Q. How do you know that this communication was made?

24 A. Well, since the one to whom I was assigned in the ferry
15:23:12 25 house where Superman was, so at any time there was any
26 communication he was always there to make sure that he knew what
27 was happening, because he was working closely with Superman.

28 Q. You have talked about a communication and you also talked
29 about movement to Binkolo. Who went to Binkolo?

1 A. Well, the whole troops that were -- that formed the convoy
2 from Kabala moved to Binkolo. We moved to Binkolo, and we moved
3 and we took -- we went for the chairman to a village very close
4 to Binkolo, Magbonkineh?

15:24:06 5 Q. And after Magbonkineh where did you go?

6 A. Well, after we met the chairman Superman called Mosquito
7 and told him that we are moving with the chairman and he will
8 move to Makeni where the other troops are waiting for Johnny
9 Paul.

15:24:26 10 Q. What time of day did you arrive in Makeni?

11 A. Well, it was in the evening, very close to around --
12 towards the night.

13 Q. When you got to Makeni who was there apart from the people
14 you'd come with?

15:24:46 15 A. We had Issa Sesay was there, Morris Kallon was there,
16 Five-Five, Abdul Sesay. All of them were there waiting for the
17 arrival of the chairman.

18 Q. Who were the commanders that you had come with to Makeni?

19 A. The commander whom I was assigned to, we moved together,
15:25:22 20 together with Bazzy, we moved towards Makeni with Superman. We
21 went to collect Johnny Paul from his hometown and we moved out
22 with him. Because we met him there. Honourable Sammy,
23 Honourable Bioh and all others were with him. So we moved
24 together from the village and went to Makeni.

15:25:42 25 Q. When you all arrived in Makeni and met those other
26 commanders who you've spoken about there, who was in overall
27 command in Makeni at this time?

28 A. Well, since Johnny Paul Koroma was the most senior, he was
29 the commander, because everybody listened to him and everybody

1 took orders from him.

2 Q. Who was in command of the RUF in Makeni?

3 A. The immediate senior commander was Issa Sesay. He was
4 there with them.

15:26:23 5 Q. In Makeni what happened?

6 A. Well, as we reached Makeni, in fact, we did not waste time.
7 We just made sure that the other people joined the convoy. And,
8 indeed, Johnny Paul addressed members that well, now we are
9 heading for Kono and Kono should be the defensive position. And

15:26:54 10 just that we shall reinforce what SAJ had said before and that we
11 should make Kono a junta stronghold.

12 Q. You said that Johnny Paul spoke to the members. Who did he
13 speak to?

14 A. Since the convoy consisted of both the RUF and the CDF --
15:27:18 15 and the SLAs, so he addressed both the RUF and the SLAs. Just as
16 a way of boosting up the morale of the convoy -- the troops, I'm
17 sorry.

18 Q. When did you move to Kono?

19 A. That particular night the convoy left for Kono, because we
15:27:45 20 had a fighting force which was ahead, while the chairman and the
21 other entourage were at the back. While the fighting force was
22 ahead to clear the highway.

23 Q. Where were you in the convoy? Where were you positioned?

24 A. Well, we were in the fighting force, we were ahead.

15:28:11 25 Q. You said that the fighting force cleared the way. What
26 does that mean?

27 A. Well, as we suspected that there were Kamajors ambushes
28 ahead, so -- and, in fact, in the military when we say clear,
29 it's to make the -- to check the highway for any attempts. And

1 we did not wait for any attempt; we continued to fire as we went
2 along. We use the army --

3 THE INTERPRETER: My Lords, the witness is going too fast.
4 Let him go over the last bit.

15:28:50 5 MS PACK:

6 Q. Perhaps you could just repeat your answer and just take it
7 slowly what you meant by the words "clear the way". If you could
8 just repeat it but just take it slowly so that the interpreters
9 can translate what you are saying.

15:29:08 10 MR KNOOPS: Your Honour, sorry to interrupt. I tried to
11 follow the examination-in-chief of the Prosecution, but I thought
12 give it a while to see how the examination goes. But I think the
13 way the witness is answering questions leaves us puzzled with the
14 question whether he is drawing conclusions, he is giving opinions
15:29:37 15 or he is merely speculating. He repeatedly has answered to all
16 the foregoing questions with "we went", "we were in the fighting
17 force".

18 So, actually, I am objecting because I am not sure and in
19 this regard I have to assume that some of the answers of the
15:30:01 20 witness are merely conclusions, opinions or speculations. In the
21 absence of any further substance and further information on the
22 way the witness is coming to certain conclusions or certain
23 answers, we as Defence are quite puzzled what the witness is
24 meaning with "we". So perhaps either the line of questioning
15:30:36 25 could be put more precise or, indeed, I should put it by way of
26 objection that the witness is merely drawing conclusions and
27 opinions and therefore his answers are highly speculative.

28 I think one of the examples is also the question about a
29 communication. I didn't object at that moment, but now the line

1 of questioning indeed elicits the same answers of this witness I
2 think I should object. Because also with respect to the
3 questioning of the witness on the whereabouts of the
4 communication, it was not clear for us whether the witness is
15:31:36 5 just drawing inferences from certain events, giving hearsay
6 evidence, which is also clearly in his evidence envisioned.
7 Therefore it makes, for us, quite difficult to ascertain whether
8 we have a clear objection or not.

9 And, therefore, I hope that either the line of questioning
15:32:00 10 could be more precise in terms that the witness is more specific
11 in what he means with the word "we", which he repeatedly uses in
12 his answers, or the Court should treat it as an objection on the
13 basis of conclusions, opinions and calling for speculation. So
14 my objection is more generally against the way the questions are
15:32:32 15 put, but also the answers elicited by the Prosecution with
16 respect to all the previous subjects and the future subjects in
17 this regard.

18 Thank you.

19 PRESIDING JUDGE: Yes, Ms Pack, you have heard the
15:32:53 20 objection.

21 MS PACK: I can't do anything about how the witness has
22 answered the question. I think he may be objecting to the last
23 question I put. I put a question where were you in the convoy
24 and the witness answered in a certain way. I am in difficulties
15:33:13 25 in knowing precisely what it is my learned friend is objecting
26 to. If it is the witness's answer, there is nothing I can do
27 about that. I can try and clarify anything that needs to be
28 clarified, but by "we" the witness clearly would mean himself and
29 others as opposed to "they", it would seem to me.

1 PRESIDING JUDGE: There is a tendency to use it fairly
2 interchangeably.

3 JUDGE LUSSICK: Mr Knoops is objecting precisely on that
4 point, Ms Pack. When you use the expression "we", you are
15:33:49 5 actually giving evidence on behalf of somebody else as well as
6 yourself. And "we" can be quite confusing. It might mean we as
7 in me and 10 other people, or it might mean this is what I
8 thought we were doing. It is imprecise. And basically the
9 witness, in any event, is not allowed to give evidence on behalf
15:34:19 10 of other people. He is supposed to be relating to us his own
11 experiences and not speaking for others. So that line of
12 questioning previously had not been objected to, but now it has
13 and I think you ought to get your witness to confine himself to
14 experiences that he can give evidence of by speaking for himself.

15:34:44 15 MS PACK: Yes, Your Honour. And should the witness use the
16 word "we" I shall ask him to explain what he means by that.

17 Q. Witness, I think the question that I last asked you was
18 about what you meant by clearing the way. What do you mean by
19 clearing the way when you say that?

15:35:12 20 A. Because in military strategy, when you have ambushes in the
21 army, then you must form a fighting force. You can form a
22 fighting force to counter in case there is any ambush towards --
23 ahead. So this force comprised of various commanders who moved
24 ahead with this fighting force. So when I was trying to say that
15:35:42 25 we, I was referring to the commander with whom I was with. So he
26 was always leading. So he was the fighting force commander at
27 that time. So he was moving as we left Makeni towards Kono. So
28 that is why I referred to as "we". Because I don't want to call
29 his name repeatedly so that I expose myself. That is why I said

1 "we". Because he had control over our own squad, which was
2 moving at that moment movement towards Kono, which was part of
3 the fighting force. And that is why I referred to it as "we".

4 Q. Thank you very much, witness, for that explanation.

15:36:26 5 Witness, did anything happen to civilians in Makeni?

6 A. Makeni -- the people of Makeni -- looting took place in
7 Makeni. And I'm sure at that time everybody was trying to say to
8 get -- while we were in Makeni they were saying that this time
9 was a jungle time. If you don't get something -- if you don't

15:36:55 10 get something, you should have civilians who can carry things for
11 you. Because it was at that time that abduction started in
12 Makeni for people to carry things for you.

13 MR KNOOPS: Your Honour, I object against this answer. It
14 is highly speculative. The witness says "I'm sure" that. It is
15:37:16 15 not based on his own knowledge; it is an opinion or conclusion,
16 not drawn on his own knowledge. So I respectfully request to
17 strike that answer.

18 PRESIDING JUDGE: Yes, it must be what he knows or what he
19 saw or what he heard.

15:37:29 20 MS PACK: I will ask the witness the basis upon which he
21 gives the answer.

22 PRESIDING JUDGE: Well, he has answered it and you are
23 entitled to ask questions around it, but he has said it now and
24 it is on record and it should not be.

15:37:47 25 MS PACK:

26 Q. Witness, when you say there were abductions from Makeni how
27 do you know that?

28 A. Well, while we were in Makeni I saw girls -- young girls
29 captured who were fit, I saw young men who were fit were

1 captured; and that is why I said abduction, because it was a
2 forceful taking of people.

3 Q. You've said the convoy was going to Kono. What happened at
4 Sewafe village? And perhaps before even the witness answers the
15:38:48 5 question I could spell it: S-E-W-A-F-E.

6 MS THOMPSON: Before my learned friend spells that, it is a
7 leading question, Your Honour. We don't know if anything
8 happened there.

9 PRESIDING JUDGE: Yes, leading. I am just trying to work
15:39:07 10 out where that particular village has come into the previous
11 evidence.

12 MS THOMPSON: It hasn't been mentioned.

13 PRESIDING JUDGE: No, it's not; that is my recollection.
14 You cannot ask it without a foundation, Ms Pack.

15:39:15 15 MS PACK:

16 Q. Did anything happen at Sewafe village?

17 MS THOMPSON: Your Honour -- [Overlapping speakers]

18 PRESIDING JUDGE: We have just disallowed that question.
19 There has been no mention of Sewafe village in the evidence to
15:39:30 20 date.

21 MS PACK:

22 Q. Which villages did you go to before you got -- when you got
23 to Kono?

24 A. Well, on our way to Kono we passed through Matotoka and we
15:39:47 25 went to Masingbi. From there we reached towards Sewafe village.
26 And so in Sewafe village we are asked to take a front, because
27 they told us that there were Kamajors in that area. So we went
28 to the village and, indeed, we were not able to see Kamajors. So
29 the convoy stopped at Sewafe village whilst all the other convoys

1 came and met us at Sewafe village. And while we were ready to
2 move from Sewafe village, Johnny Paul gave orders that -- because
3 it was suspected that it was a Kamajor stronghold, so they burnt
4 down the village - part of it. We set it on fire.

15:40:31 5 Q. I am going to give some spellings of the places you've
6 mentioned. You've mentioned Matotoka, which I am going to hazard
7 a guess at the spelling: M-A-T-A-T-O-K-A. Masingbi is spelt
8 M-A-S-I-N-G-B-I and Sewafe is spelt S-E-W-A-F-E.

9 MS THOMPSON: Your Honour, if my learned friend is going to
15:40:58 10 guess at the spellings then her witness is literate, as far as I
11 can recall, and he can spell the words. If it is spellings that
12 have already been given to her then we have no objections, but
13 she just said she's hazarding a guess. Let her witness spell the
14 names.

15:41:12 15 PRESIDING JUDGE: It is really his evidence, Ms Pack, not
16 yours.

17 MS PACK:

18 Q. Witness, how do you spell Matotoka?

19 A. Well, Matotoka, it is M-A-T-O-T-O-K-A.

15:41:31 20 Q. Thank you. In what district is Sewafe village?

21 A. It is in Kono District.

22 Q. What is the main town in Kono District?

23 A. Koidu.

24 Q. That's spelt K-O-I-D-U, Your Honour. How far is Sewafe
15:42:05 25 from Koidu Town approximately?

26 A. From Sewafe to Koidu Town is about, I believe, 22 miles --
27 22 or 23 miles.

28 Q. You use the word "we" to describe the burning down of
29 Sewafe. What do you mean by "we"?

1 A. Well, since it was a joint force that was moving, it was
2 both the RUF and the SLA that did the burning of that village at
3 Sewafe.

4 Q. How do you know that both the RUF and the SLA did the
15:43:00 5 burning in Sewafe?

6 A. Well, after the fighting force has arrived at Sewafe, we
7 waited for the convoy, including the chairman, that came and we
8 explained to him that we did not see enemies around. He said
9 inform -- we heard information that they have just pulled out
15:43:23 10 from the town. So while we wanted to leave that town he said we
11 should set that town on blaze. So both the RUF and the SLA burnt
12 that town. We saw them putting fire on houses around that
13 village.

14 Q. And when you're talking about "we saw them", who's "we"?

15:43:41 15 A. I am referring to the whole troops. The senior commands
16 were there while the burning was going down, before we left
17 Sewafe and headed for Kono.

18 Q. Where were you as Sewafe was being burned down?

19 A. Well, we were in the defensive position, because, as we the
15:44:05 20 fighting force arrive at the village, we set up defensive
21 positions so that we will not have attack or counterattack from
22 the enemies.

23 MR KNOOPS: Your Honour, I have to object again, because
24 the witness cannot speak for other soldiers than himself. He's
15:44:27 25 alleging that the army saw the burning and I think this is quite
26 strong nature if the witness can see for all the members of the
27 army. So I again repeat my objection that either the line of
28 questions should be more precise or I should object because the
29 answer is amounting to opinion or conclusion, which does not fall

1 within the own personal knowledge of the witness. Thank you.

2 PRESIDING JUDGE: Ms Pack, I note the witness said -- at
3 least, I have noted four occasions said "we". "We were on the
4 defensive", "we set up", et cetera. He is one person. He cannot
15:45:13 5 continue in this way of answering questions of which he should be
6 giving direct information, not on behalf of others.

7 MS PACK: Perhaps, Your Honour, I could reinforce your
8 comments to the witness.

9 Q. When you're answering my question, when I ask you, witness,
15:45:30 10 what it is you did, say, please, whether it is you personally you
11 are talking about, you and others you are talking about, or
12 whether it is other people entirely. If you could just make that
13 clear immediately you answer the questions, then I won't need to
14 ask you again to clarify.

15:45:48 15 PRESIDING JUDGE: Just one moment, Ms Pack. Are you
16 continuing on this line of questioning or are you about to move
17 into a new line. I just notice it is around the time we normally
18 would have an afternoon break.

19 MS PACK: I could quickly find out -- ask about the use of
15:46:05 20 the word we in this context just to finish this -- tie this up.

21 PRESIDING JUDGE: Very well.

22 MS PACK:

23 Q. Witness, you finally just said -- I asked you how it was
24 that you knew who had burned down Sewafe and you said that you --
15:46:19 25 "we were in defensive positions". Who did you mean by "we"?

26 A. Well, since I was one of the fighters among this defensive
27 force - I mean, this advanced force - with the other men, it was
28 not I alone that was moving. We were having other men with whom
29 I was together. So I was referring to that group and I was a

1 member of that group that captured Sewafe. I was among the men
2 that were defending the town.

3 MS PACK: Your Honour, I would then move on to another
4 matter.

15:47:04 5 PRESIDING JUDGE: Well, that might be a convenient point at
6 which we could take a 15 minute break. Mr Court Attendant,
7 please adjourn court for 15 minutes.

8 [Break taken at 3.45 p.m.]

9 [Upon resuming at 4.03 p.m.]

16:04:48 10 PRESIDING JUDGE: Ms Pack, are you about to move on to a
11 new part of your evidence?

12 MS PACK: It is not an entirely new area. It is continuing
13 along the same vein.

14 PRESIDING JUDGE: The reason I ask is we have got the
16:05:00 15 transcript of the period relating to Mr Fofanah's objection, and
16 I want to deal with it at a point that is most logical in your
17 examination-in-chief. So if you need to finish that topic, we
18 will revisit it at the end of the topic.

19 MS PACK: I'm about to leave the village I was asking the
16:05:23 20 witness about. So there is no reason why it couldn't be dealt
21 with now. Everything else will really be a continuum after that.

22 PRESIDING JUDGE: Very well. I have received the official
23 transcript from this morning relating to an objection by
24 Mr Fofanah. I will read out some of the salient points. I will
16:05:45 25 not read out the spellings, et cetera, because they are not
26 entirely relevant.

27 Question, "Mr Witness, were there operations that went on
28 during the AFRC period? By that, I mean military operations?"
29 The question was answered -- the question then was, "Did you go

1 on any operations?" The question was asked -- again, was
2 answered, "Which operation did you participate in?" There was an
3 answer concerning the 2nd of June, "the Nigerians" and there were
4 other matters referred to earlier.

16:06:17 5 Then further down is another question: "When -- did you go
6 on any further operations" which I think is the matter Mr Fofanah
7 was zooming in on. The answer was, "Well, except when the
8 Nigerians were trying to intervene so we had an operation."
9 There was a further answer elucidating that concern. "Places
16:06:41 10 and" -- he then said, "No, I did not participate in any operation
11 outside Freetown. It was the only operation. It was the
12 operation in the Lungi area, but I did not go. But the
13 honourable with whom I lived went there."

14 It appears to me that this series of answers and the series
16:07:01 15 of questions therein relate to the preliminary question which
16 I've read, "Were there operations that went on during the AFRC
17 period?" I consider this line of questioning, and particularly
18 that answer, which has been raised by Mr Fofanah, relate to the
19 AFRC period. We are now dealing with a period after they left
16:07:29 20 Freetown -- and I do not wish to use any words that are loaded,
21 but "they left Freetown."

22 MR FOFANAH: Thank you, Your Honour.

23 PRESIDING JUDGE: Ms Pack, that deals with that objection.

24 MS PACK: Thank you, Your Honour. I'm just going to ask
16:07:54 25 one question in relation to that operation then, if I may, just
26 jumping back. I hate to confuse the witness, but if I can just
27 ask the question that perhaps I was aiming to ask a little
28 earlier.

29 Q. Witness, you will have heard what the learned Judge has

1 said about questions that I asked you earlier about an operation
2 in Bo after the intervention. Now, you gave a series of answers
3 earlier about that operation. What I'd like to know from you is
4 how do you know what happened on the operation in Bo?

16:08:33 5 A. Well, the operation in Bo, I joined the RUF Kamara, because
6 at that time he was close to my boss, so I decided to go with him
7 to Bo, to rescue his AFRC -- family that was trapped. So we went
8 to Bo; from there, we were able to complete the operation, and I
9 was with him while the operation was completed. I was with him
16:09:01 10 when we all returned from there before I moved with Bazzy and the
11 other commander to Makeni.

12 Q. Thank you, Witness. Now, I don't want to muddle you. We
13 are going to jump back to where we were before the break. I had
14 asked you questions about your route to Koidu -- to Kono, and you
16:09:29 15 had described what happened in Sewafe village. Now, after Sewafe
16 village, where did you move to?

17 A. Well, the entire troops, I was with the fighting force as
18 we approached Bumpe. I was with the troops that led. I was
19 among the troops that we -- I was with the troops as we went to
16:10:01 20 Bumpe. Then we later left and went to Koidu Town. We went close
21 to Five-Five, but we were attacked. We met an ambush that the
22 Kamajor made. And during that attack, most of the members of
23 that group, including Johnny Paul Koroma, SAJ Musa, both the
24 senior commanders --

16:10:23 25 Q. Hold it there. I need to ask you just to take it in
26 stages. If you would just try to keep your answers as short as
27 you can, and we will try to move in smaller blocks so that the
28 interpreters don't have trouble translating what you are saying.

29 Now, you said you were with the fighting force to Bumpe --

1 I'm going to spell that.

2 MS PACK: It is B-U-M-P-E on the map, Your Honour. Not
3 this one, but a map that I'll be using later. Just so the
4 spelling is correct, it's B-U-M-P-E. Five-Five is spelt as said,
16:10:54 5 it's just the numbers Five-Five Spot.

6 Q. Now, what happened at Five-Five Spot?

7 A. Well, as the troops arrived at Five-Five Spot, I'm hours
8 with the fighting force. The Kamajors led an ambush against us.

9 Q. Whereabouts is Five-Five Spot?

16:11:26 10 A. It's close to Koidu Town.

11 Q. What happened after the Kamajors laid an ambush?

12 A. They attacked us. All the other senior commanders
13 retreated. It was an immediate retreat that was made. The
14 convoy comprised of over 150 vehicles, so everybody decided to
16:11:58 15 return, including Johnny Paul Koroma.

16 Q. Where did the convoy retreat to?

17 A. Well, whilst I was with the advance troop, we fought
18 tactically to withdraw. The whole troop withdrew to Bumpe
19 Village.

16:12:19 20 Q. Did you withdraw to Bumpe Village?

21 A. Well, as I was with the fighting force, the firing power of
22 the Kamajors overpowered us. So I joined force again with the
23 fighting force, and we all withdrew to Bumpe.

24 Q. When you got to Bumpe, who was there amongst the
16:12:46 25 commanders?

26 A. Well, as I arrived at Bumpe, together with the fighting
27 force, Issa Sesay was there. Even SAJ Musa and Johnny Paul
28 Koroma were all there at that moment.

29 Q. Who was in command of the troops in Bumpe?

1 A. Well, at that time, Johnny Paul was there. When he left,
2 Issa was the village commander I saw around.
3 Q. When did Johnny Paul leave Bumpe?
4 A. Well, as we arrived, as he saw I and the fighting forces
16:13:35 5 when we arrived at Bumpe, then he left the ground. He knew
6 that -- since the fighting force have come closer here, the
7 enemies were around, so he left the area.
8 Q. Do you know where he left to?
9 A. Well, they were -- they were withdrawing to go to a safe
16:14:01 10 zone so that we will go and defend.
11 Q. I didn't actually hear where they were withdrawing to.
12 Could you repeat that? It might have been just my hearing. I
13 think it was a safe something. Perhaps if you could repeat that.
14 A. Around Masingbi, that was the immediate location they
16:14:29 15 found.
16 MS PACK: Masingbi has been spelt earlier, Your Honour; it
17 is M-A-S-I-N-G-B-I.
18 Q. So when Johnny Paul withdrew, Issa Sesay, you say, was in
19 command of the troops in Bumpe?
16:14:46 20 MR KNOOPS: Objection. That's not what the witness said.
21 The witness said, "I saw him around."
22 MS PACK: I will rephrase the question in that case. I
23 thought I'd heard --
24 PRESIDING JUDGE: Actually, I've got written "Johnny Paul
16:15:00 25 Koroma, when he left, Issa was the next commander in charge."
26 What is the transcript? Let's not speculate here.
27 [Answer at page 99 lines 2-3 read back]
28 MS PACK:
29 Q. Issa Sesay is the village commander. Did he give any

1 orders whilst you were in Bumpe?

2 A. Well, as I arrived with the fighting force -- together with
3 the fighting force, as soon as Issa Sesay saw this fighting
4 force, he was angry. At that moment he -- as commander, he fired
16:15:55 5 one of the men, one of the soldiers, with whom we came, on his
6 foot. He said, "Everybody should advance again to capture Koidu
7 Town," while he was at Bumpe waiting for us. So I moved again
8 with the fighting force. We moved back towards Koidu Town.

9 Q. Now who was with you in the fighting force moving back
16:16:15 10 towards Koidu Town?

11 A. There was Commander Kumbagudama who was one of the RUF
12 commanders, and my immediate SLA with whom I was -- I don't want
13 to call their names to -- not to identify myself.

14 Q. Apart from your immediate commander, the man who you were
16:16:47 15 with, was there anyone else you can recall who was on the advance
16 to Koidu Town?

17 A. Well, yes. There was Superman. He was with us also. Even
18 the honourable to whom I was assigned, he was with us.

19 Q. I'm going to spell one of the names you've mentioned, which
16:17:10 20 is Kumbagudama.

21 MS PACK: I'm going to use a spelling that the witness has
22 provided, Your Honour, which is K-U-M-B-A-G-U-D-A-M-A.

23 Q. You said he was in the RUF. Did he have a rank that he was
24 known by?

16:17:31 25 A. Well, he was a colonel, Colonel Kumbagudama.

26 Q. Apart from members of the RUF, were there any other men
27 with you on the advance to Koidu Town that you remember?

28 A. Yes. Just as I've just said, there were SLA who were with
29 us together. I don't want to -- I don't want to name them. We

1 all advanced towards Koidu.

2 MS PACK: Your Honour, I forecast that I may, either
3 tomorrow morning or at the end of today, have to deal with some
4 matters in closed session. There were other matters raised this
16:18:28 5 morning as well. I will be making an application in due course.

6 Q. Witness, what happened when you went to Koidu Town?

7 A. I went together with Kumbagudama with the senior commanders
8 I have named. We went as far as Koidu. I trained forces with
9 them and we captured Koidu. I was with the force who captured
16:19:11 10 Koidu Town.

11 Q. How long did it take you to capture Koidu Town?

12 A. That particular day that we were pushed, as we regrouped,
13 we captured the town. Directly, we entered Koidu Town and we
14 captured Opera and were placed at Opera at that moment. And also
16:19:35 15 Rambo, who was an RUF member, and Rambo who was an RUF member, we
16 both, all of us, captured Koidu Town. In fact, he was one of --
17 he was the one that fired one of the support weapons.

18 Q. You mentioned a place called Opera. You've spelt that
19 before as O-P-E-R-A. You've mentioned a further individual,

16:19:57 20 Rambo. You say he was in the RUF -- just R-A-M-B-O. Did he have
21 a rank by which he was known?

22 A. Yes. Colonel Rambo of the RUF.

23 Q. Is this the same Rambo that you were talking about earlier
24 who was chief security officer for Johnny Paul, or is it someone
16:20:34 25 different?

26 A. No, no, no, this was not the Rambo. This was the Rambo for
27 the RUF who later became the operation commander for the RUF.

28 Q. Who was in command on the attack on Koidu Town?

29 A. Superman was the overall commander at that moment.

1 Q. After you captured Koidu Town, what did Superman do?

2 A. Well, he ordered that we make defensive positions.

3 Immediately, he divided the troops. We and the SLA took out

4 Masingbi Road, and Superman, the RUF took care of the road from

16:21:34 5 Opera to Gandorhun route. They also took care of the Guinea

6 Highway to go to us Jagbwema Fama.

7 Q. You have mentioned some names. I'm going to spell those.

8 You've talked about a position at Masingbi Road, which is again

9 something that has been mentioned earlier as a location --

16:21:56 10 M-A-S-I-N-G-B-I. You mentioned Opera again, the road Opera to

11 Gandorhun. Gandorhun is spelt G-A-N-D-O-R-H-U-N, and Guinea

12 Highway is just Guinea, G-U-I-N-E-A. So who was placed at

13 Masingbi Road?

14 A. Well, immediately, the SLA. I was with the SLA together to

16:22:32 15 stay at Masingbi Road.

16 Q. Who was at the Gandorhun and Guinea highways?

17 A. The RUF occupied those two areas.

18 Q. Now, after you had captured Koidu Town and there were these

19 deployments to these positions, did Superman remain in Koidu Town

16:22:56 20 or did he go somewhere?

21 A. As we have captured Koidu Town, Superman became confused.

22 He said whilst I and Rambo and the other SLA and the other RUFs,

23 while we are defending Koidu Town, he said he was going as far as

24 Bumpe to collect his family, including Johnny Paul Koroma. In

16:23:24 25 order for him to come, he was going to term that we had completed

26 the mission. So he left and went and moved towards Bumpe to

27 bring his family.

28 Q. Did he subsequently return to Koidu Town?

29 A. Well, yes, later, after sometimes, he came to us and told

1 us he had gone as far as Masingbi and he could not see Johnny
2 Paul and the others. Even he said he could not see them. He
3 later on said they had gone to Makeni. Makeni, where they had
4 come from earlier.

16:24:04 5 Q. When you say "later" what time are you talking about? Days
6 or hours or minutes? How long are you talking about when he came
7 back to Koidu Town?

8 A. Well, after some hours, he came back and met us, because he
9 used a vehicle to go to that place.

16:24:25 10 Q. Did he say who Johnny Paul had gone with to Makeni?

11 A. He said Johnny Paul had a gun with his entire family.
12 Since he didn't come with his immediate family --

13 THE INTERPRETER: My Lords, let the witness repeat his
14 answer. He's too fast.

16:24:53 15 PRESIDING JUDGE: Witness, could you repeat what you said
16 slowly, please, so we can hear it?

17 THE WITNESS: Superman informed us that the whole family,
18 including Johnny Paul Koroma, SAJ Musa, Issa Sesay and the
19 others, he could not see them because he had gone as far as

16:25:17 20 Masingbi and could not see them, none of them. This means they
21 had returned to Makeni.

22 MS PACK:

23 Q. Now, Issa Sesay and the others you've mentioned, was there
24 anyone else? Did Superman tell you if there was anyone else?

16:25:40 25 A. Well, this convoy at that time comprised of both the senior
26 commanders of the RUF and the AFRC, including Bazzy, who -- he
27 was with us to capture Kono. He also returned.

28 Q. Returned where?

29 A. Well, he returned to Makeni.

1 Q. Any other AFRC individuals who you can name who returned to
2 Makeni?

3 A. Yes. Honourable Sam was there, Honourable Five-Five was
4 there. Honourable Bioh also was there. Even Morris Kallon was
16:26:21 5 there in that convoy, but they all returned to Makeni. It is
6 only this section that I have explained to you that captured --
7 with whom I was to capture Koidu Town.

8 Q. Do you know if SAJ Musa remained in Makeni?

9 A. Well, at that present moment, Super said all his family has
16:26:50 10 returned to Makeni, but later, after Super had come, we organised
11 an operation to go back for his family. Then when we went to
12 Makeni, SAJ has gone to Kabala.

13 MR FOFANAH: Your Honours, I again raise hesitantly to
14 object on the grounds of what my learned colleague Professor
16:27:18 15 Knoops had earlier indicated to the Court. It seems to me, in
16 particular, that the witness is testifying on events that are
17 clearly outside his knowledge. I don't know how long we will
18 continue along this line. He's clearly speculating when he was
19 informing the Court about the movement of SAJ Musa from Kono to
16:27:46 20 Makeni. Now he's also speculating about this movement from
21 Makeni to Kabala. I am really objecting on that ground that
22 these are incidents that are clearly outside his knowledge. If
23 he dares to say anything to the Court about them, they can, at
24 best, be speculation. Thank you.

16:28:13 25 MS PACK: Your Honour, in fairness to the witness, I asked
26 him whether Superman told him who was in Makeni, who had gone
27 back to Makeni. He answered the question as to who he was told
28 had gone back to Makeni. Then I asked him about the movement of
29 SAJ Musa and he replied that he heard when he went to Makeni to

1 collect Johnny Paul that SAJ Musa had gone to Kabala. I can now
2 ask him from whom he heard that. I don't see how the witness is
3 doing anything other than saying what he heard, which is
4 obviously a legitimate way in which to answer a question.

16:28:51 5 JUDGE SEBUTINDE: Ms Pack, you are right with regard to the
6 first statement you made. You asked the witness what Superman
7 told him and he told the Court what Superman told him. What
8 happened after that is not what the witness heard. He didn't say
9 he heard that from anybody. I think that is the gist of the
16:29:10 10 objection. Because he then went on to attest to, I think SAJ
11 Musa, SAJ somebody returning to Makeni. That, I don't remember
12 him saying, "So and so told me."

13 MS PACK: I heard him saying and perhaps I will be
14 corrected by the transcript, having said that SAJ Musa went from
16:29:33 15 Makeni to Kabala, he said he heard that when he went to Makeni to
16 go and get Johnny Paul, or something to that effect. It was at
17 the very tail end of his evidence. I can ask him now again to
18 say how it is that he knows.

19 PRESIDING JUDGE: We have to deal with the objection first,
16:29:47 20 Ms Pack.

21 MR FOFANAH: Just one further point. I'm sorry, on this
22 point. Even the question of the hearsay evidence as introduced
23 by Superman in itself contained a speculation. He said he went
24 out to search for Johnny Paul Koroma, SAJ Musa and Issa Sesay.
16:30:16 25 But he could not find them, so he concluded that as a result of
26 that they went to Makeni. So, we have, in one bundle,
27 speculative material which has been kind of injected into
28 hearsay. I mean, Superman saying something which we are clearly
29 speculating, and then this witness testifying as to that bit.

1 PRESIDING JUDGE: Are you referring to evidence about four
2 or five questions back? I noted sometime later he told us he
3 went as far as Masingbi. Is this what you are referring to?

4 MR FOFANAH: As Your Honour pleases, from that point on.
16:31:03 5 That is why I started by saying that I am supporting Professor
6 Knoops' earlier objections on the grounds that this witness is
7 clearly testifying on events and incidents that are clearly
8 outside of his purview. He's not seized of those facts. They
9 were not within his knowledge and even the hearsay materials are
16:31:22 10 kind of loaded with speculative information. I'm not sure if
11 this honourable Court may want to move on with that. That is why
12 I'm objecting, thank you.

13 [TB170505F 4.30 p.m. - SV.]

14 PRESIDING JUDGE: Some of the matters that are coming in
16:36:47 15 evidence from this witness are hearsay and are admissible in the
16 rules of international jurisprudence. We consider, however, that
17 some of the evidence is hearsay upon hearsay and that must go to
18 weight rather than to admissibility. The witness is asked a
19 question but frequently does not answer or goes beyond. The
16:37:12 20 witness should confine himself to the question asked. We also
21 note that the witness is back to using "we" despite the earlier
22 rulings and objections of the Court.

23 MS PACK:

24 Q. Witness, can I just caution you then just to make sure when
16:37:32 25 I ask you a question about what you did that again you make very
26 clear whether it was you and others -- you yourself and others
27 and so on. You've heard her Honour. Now, Witness, after you
28 captured Koidu Town who was in command there?

29 A. Superman was the commander of the RUF and he was overall

1 commander at that moment for both the RUF and the SLA as we
2 attacked Koidu.

3 Q. And after Koidu was captured did that -- did the position
4 change?

16:38:27 5 A. Well, Superman continued to remain operation commander for
6 both the RUF and the SLA because the SLA commander was not there
7 because he was commanding his own side. I would not be able to
8 name the SLA commander now.

9 Q. Can you identify the SLA commander by a pseudonym?

16:38:58 10 A. We referred to him as A.

11 Q. And how was he positioned in terms of the hierarchy in
12 relation to Superman?

13 A. Well, he was the SS SLA operation commander.

14 Q. Was he subordinate to or was he superior to Superman?

16:39:30 15 A. Well, he was subordinate to Superman.

16 Q. Now, you've said that --

17 MR KNOOPS: Your Honour, sorry, excuse me. Just by way of
18 clarification, the witness just said, "We referred to him as A"
19 but are we referring to the pseudonym A or a different Mr A?

16:40:01 20 That's not clear.

21 MS PACK: There has only been one person who has been
22 assigned a pseudonym A which the witness has used intermittently
23 but there is only one person who has been assigned the pseudonym
24 A and I don't want to obviously say who that is.

16:40:20 25 JUDGE LUSSICK: I see what Mr Knoops is saying. What Mr
26 Knoops's point is that we referred to somebody in court as A but
27 it's not clear from this evidence when he said "We referred to
28 him as A" he's talking about the troops who captured Koidu. The
29 troops referred to him as A or is it the same A that we referred

1 to as A?

2 MS PACK: Perhaps I could just clarify that with the
3 witness, Your Honour.

4 Q. Witness, when you referred to the individual who was next
16:40:56 5 in command after Superman, in command of the SLAs, as A are you
6 using the pseudonym that we used earlier in this Chamber to
7 identify an individual?

8 A. Well, this A is a name that I have referred to, I have
9 spoken about. That he was a commander that was -- with whom I
16:41:20 10 don't want to name and we have decided that we should refer to
11 him as A, the commander with whom I was working.

12 Q. Now, Witness, you said that you went with the SLAs to
13 Masingbi Road. Was that in Koidu Town?

14 A. Yes, Masingbi Road is in Koidu Town.

16:41:53 15 Q. Now I'm going to ask who was staying with you there and
16 rather than ask you to reveal names that may reveal your identity
17 I am going to ask, with their Honours' permission, for you to
18 write those names down on a piece of paper and then I would seek
19 to have those names admitted under seal.

16:42:08 20 PRESIDING JUDGE: Does Defence have any comment or reply on
21 that application?

22 MS THOMPSON: No objection.

23 MR KNOOPS: No objection.

24 MR FOFANAH: None.

16:42:17 25 PRESIDING JUDGE: Very well, we will proceed in that way.
26 Mr Court Attendant, please assist in giving some paper and pencil
27 to the witness.

28 MS PACK: I'm grateful, Your Honour.

29 Q. I'm providing both a pen and a bit of paper for you,

1 Witness. If you would just write down -- firstly, if there are
2 any names you can identify in public who you were staying with in
3 Masingbi Road -- if you can't identify any in public just write
4 down those who you were staying with. And would you please write
16:43:02 5 any aliases next to the full names of any of the individuals that
6 you write on the sheet of paper?

7 A. [Witness complied]

8 PRESIDING JUDGE: Ms Pack, if you wish to sit down while
9 that's been done.

16:44:44 10 MS PACK: I'm grateful, Your Honour.

11 PRESIDING JUDGE: Mr Court Attendant, would you first
12 please show it to counsel for the Prosecution.

13 THE WITNESS: Excuse me.

14 MS PACK: The witness is beckoning to me. It may be that
16:46:15 15 he has another name to add to the list, I don't know. Perhaps I
16 could just ask him what his -- perhaps Your Honour could, I'm
17 grateful.

18 PRESIDING JUDGE: What's the problem, Mr Witness? We
19 notice you've raised your hand.

16:46:27 20 THE WITNESS: I need to add one name.

21 PRESIDING JUDGE: You're permitted to do that.

22 [Witness complied]

23 MR FOFANAH: Your Honours, we've gone through the names.
24 There is just one point, one observation, that we note. It seems
16:49:08 25 to us that there are two names which have already gone into the
26 public domain and I don't know if Your Honours will want those
27 protected.

28 MS PACK: Your Honour, the point of having the witness
29 writing this down on a piece of paper is to not associate these

1 names with staying with him in a house in this location. Of
2 course later on they'll probably all be mentioned publicly by
3 name but the point now is just to not associate them directly
4 with the witness. With Your Honour's permission, I would ask
16:49:35 5 that the exhibit is admitted under seal so as to protect his
6 identity.

7 PRESIDING JUDGE: This will become Exhibit P12 and it will
8 be kept under seal.

9 [Exhibit No. P12 was admitted]

16:52:17 10 PRESIDING JUDGE: Please proceed, Ms Pack.

11 MS PACK: Thank you, Your Honour.

12 Q. Now, you've said that the RUF were based on the road to
13 Gandorhun. Where was Superman based?

14 A. Well Superman was based at Dabundeh Street closer to Opera.
16:52:46 15 That was -- he was there together with his men. It was a route
16 leading to Guinea Highway and at the same time leading to
17 Gandorhun Highway and anybody who has been to Kono should know
18 that place.

19 MS PACK: Just if I could spell something Street, it's
16:53:05 20 D-A-B-U-N-D-E-H Street.

21 Q. Where does the Guinea Highway lead to apart from obviously
22 to Guinea? Is there any major town on route that you recall?

23 A. Hill Station then Jagbwema village.

24 Q. Sorry, can you repeat that?

16:53:32 25 A. Jagbwema Fiamsa.

26 MS PACK: If I can spell that it's J-A-G-B-W-E-M-A
27 F-I-A-M-A.

28 Q. You've already mentioned in your evidence that you went at
29 some point, you yourself, from Koidu back to Makeni. When did

1 that occur after the -- how soon after the capture of Koidu Town
2 did that occur?

3 A. Well, after the return of Superman he informed us that he
4 could not get a trace of the family members as far as Masingbi
16:54:18 5 where he had been to and now we should mobilise and organise a
6 patrol so that we go back to trace even if -- if even if it
7 happened to go to Kabala, to bring Johnny Paul and the others.

8 Q. So where did you go?

9 A. Well, whilst Superman called me as the operation -- I moved
16:54:41 10 together with the operation commander, I went together with the
11 operation commander to meet Superman and I joined them as we
12 left. I was with them and we went as far as Kabala.

13 Q. Did you go to anywhere before Kabala?

14 A. We passed through Makeni. From Makeni we moved to Kabala.

16:55:06 15 Q. When you got to Makeni did you see anyone there?

16 A. Well, in Makeni we found Issa Sesay. He was there in
17 Makeni. Morris Kallon and other RUF members were in Makeni.

18 Q. Apart from RUF members was there anyone else in Makeni?

19 A. Yes. Five-Five, Abdul Sesay, they too were in Makeni.

16:55:36 20 Q. Anyone else?

21 A. Other senior commanders, they too were there.

22 Q. I'm going to ask you to name as many of them as you can,
23 please, Witness?

24 A. Well, these were the immediate ones and even Colonel
16:56:02 25 Avivavo also was there. But later we moved and because we were
26 trying to get a trace of Johnny Paul Koroma and SAJ Musa.

27 Q. You said you went to Kabala. Who did you go with Kabala,
28 and again be careful not to mention any names that may identify
29 you?

1 A. I went together with Superman and the operation commander
2 of the SLA and we moved to Kabala and met SAJ Musa.

3 Q. What happened when you met SAJ Musa? And that's S-A-J
4 M-U-S-A, Your Honour, the same name that I've spelt a little
16:56:48 5 earlier.

6 A. Well, together with the commander and we met SAJ Musa and
7 discussed with him about the latest developments that we have
8 captured Koidu and that we needed reinforcement to -- so that we
9 could defend Koidu and make it a strong junta base.

16:57:28 10 Q. You were using the word "us" and "we" again. I just want
11 to be certain who you are talking about. Who was told these
12 things by SAJ Musa? Was it you personally or was it others or
13 what? If you could just clarify that.

14 A. I moved together with the operation commander of the SLA
16:57:46 15 and the operation commander of the RUF and I joined them as to
16 meet SAJ Musa where they explained to SAJ Musa about the
17 developments.

18 Q. After Kabala where did you go?

19 A. In Kabala I moved together with the operation commander of
16:58:12 20 the SLA and the RUF Superman, and as they mobilised I moved
21 together with them and we went to Magbonkineh and took Johnny
22 Paul from his village and we moved back to Makeni.

23 MS PACK: Magbonkineh has been spelt earlier, Your Honour.
24 It's M-A-G-B-O-N-K-I-N-E-H.

16:58:38 25 Q. What happened when you got to Makeni?

26 A. As I joined forces with Superman and with my operation
27 commander with whom -- SLA operation commander together with
28 Johnny Paul we moved together to Makeni where we met Issa and
29 others waiting for us.

1 Q. Where did you go from Makeni?

2 A. Well, we moved directly to Kono without wasting time.

3 Q. Were there some who stayed in Makeni?

4 A. Yes. Five-Five remained in Makeni. Ibrahim Bazzy Kamara
16:59:25 5 also remained there while SAJ Musa remained in Kabala, he did not
6 come with us.

7 Q. When you got to Kono where did Johnny Paul Koroma go?

8 A. Well, as we reached Koidu Town we went directly to the
9 Gandorhun Highway, a village Woama and Tankoro. That is the
16:59:58 10 place where Johnny Paul based together with Issa.

11 MS PACK: Now you said Woama and Tankoro. I'm going to
12 spell those. W-O-A-M-A and T-A-N-K-O-R-O.

13 Q. Now was the village actually Woama and Tankoro or was there
14 another village near those locations that you're talking about?

17:00:19 15 A. Well, yes. There is a village there called Koakor. I have
16 forgotten the village but there's a village very close to Woama
17 and that's the village where Johnny Paul was based.

18 Q. How long did Johnny Paul remain in the village that was
19 close to Woama?

17:00:47 20 A. Well, Johnny Paul spent about two days there before we left
21 from Gandorhun.

22 Q. When Johnny Paul was based in Woama where were you and the
23 others with you based?

24 A. I was together with my operation commander at Masingbi Road
17:01:16 25 and we only came and returned to Masingbi Road. So we usually
26 come and go, come and go.

27 Q. And you were based there with those individuals that you
28 have identified on the piece of paper that has been passed up to
29 their Honours?

1 A. Yes.

2 Q. While Johnny Paul Koroma was in Kono who was in command of
3 the district of Kono?

4 A. Immediately Johnny Paul was the supreme head, who was the
17:01:53 5 chairman of the AFRC, and he was the immediate commander in Kono.

6 Q. In the hierarchy in Kono at this time when Johnny Paul was
7 there still who was subordinate to him?

8 A. He had Issa Sesay. He was the other immediate commander
9 under Johnny Paul.

17:02:19 10 Q. And what position did Issa Sesay hold in the RUF? You've
11 described him as an RUF member earlier?

12 A. Well, he was second in command.

13 Q. Did you identify just then under who he was second in
14 command?

17:02:45 15 A. Well, he was under Mosquito, General Mosquito's command and
16 he was second in command to General Mosquito.

17 Q. Now, you've described -- you've talked about the presence
18 of Superman in Kono. Where did he fit in in the hierarchy in
19 relation to Issa Sesay and Johnny Paul Koroma when those two were
17:03:20 20 still in Kono?

21 A. Well, as Issa arrived he immediately -- he was the overall
22 commander of the whole RUF whilst they were in Kono at that
23 moment.

24 Q. So was Superman superior or subordinate to him at this
17:03:39 25 time?

26 MR KNOOPS: Your Honour, I object --

27 THE WITNESS: He was subordinate to. He was subordinate to
28 Issa.

29 PRESIDING JUDGE: Mr Witness, wait, please.

1 MR KNOOPS: The line of questioning I think calls for
2 speculation of this witness and I think this witness either
3 should indicate his direct knowledge or refrain from answering
4 the question. I think the way the question is put is leading and
17:04:14 5 calls for speculation. It's only putting forward two
6 alternatives to the witness.

7 MS PACK: Your Honour, in a command structure there are
8 only two alternatives. It is either going to be higher or lower.
9 I did lay a basis before I asked that question in that I asked
17:04:38 10 questions about the position of Superman in Kono. I will ask the
11 witness now --

12 PRESIDING JUDGE: What's troubling me, Ms Pack, is you're
13 actually using -- you're putting both names in juxtaposition
14 which I feel is leading the witness, whereas you could say who
17:04:57 15 was first in command, who was second. But to put two names in
16 positions like that is my -- the unanimous view of the Bench is,
17 first of all, it's leading and, secondly, there hasn't been a
18 foundation laid to know how this witness would have knowledge.

19 Having ruled on that particular matter, Ms Pack -- I am
17:05:43 20 upholding the objection. Now I notice it is just after 5.00 p.m.
21 Are you close to an end to this particular line of evidence?.

22 MS PACK: Well, perhaps, Your Honours having made the
23 ruling you have made, I will just seek to clarify and rephrase my
24 questions on this particular singular issue and then not move on
17:05:59 25 to anything else after that.

26 PRESIDING JUDGE: Thank you.

27 MS PACK:

28 Q. Now, you've identified Johnny Paul Koroma as in command
29 overall in Kono when he was there. Who was subordinate to him?

1 Immediately subordinate to him?

2 A. Well, in fact Issa was under him, Superman was under Johnny
3 Paul. Even the operation for -- the operation commander for SLA
4 was under Johnny Paul.

17:06:34 5 Q. Who was second in command after Johnny Paul? You've
6 mentioned a few names?

7 A. Well, as Johnny Paul arrived in Kono immediately, because
8 there was no other senior man under him, Issa was the immediate
9 second in command.

17:06:54 10 Q. Who was immediately subordinate to Issa Sesay?

11 A. Superman. Superman was the next under Issa.

12 Q. Witness, I'm going to ask you how you know what you've just
13 told us about Johnny Paul, Issa Sesay and Superman and their
14 various positions in Kono at this time?

17:07:21 15 A. Well, since we pulled out from Freetown when Mosquito was
16 not there immediately Issa was the immediate commander for the
17 RUF and as we -- it was a joint force with the others who
18 captured Kono. Superman was the immediate commander who was in
19 Kono. So on arrival -- upon the arrival of Johnny Paul, Issa,

17:07:48 20 according to the command structure, the military hierarchy --
21 immediately Johnny Paul, as he got to Kono, he was the immediate
22 commander, the immediate head, followed by Issa and also by
23 Superman.

24 MS PACK: On this topic that's all I have to ask.

17:08:09 25 Obviously there will be many more questions in this area but that
26 all for this specific issue.

27 PRESIDING JUDGE: We'll adjourn until tomorrow morning.

28 Mr Witness, we are going to adjourn the Court now until tomorrow
29 morning. As you will recall, I told you yesterday you have taken

1 the oath to tell the truth and you should not discuss your
2 evidence with anyone else until all your evidence is finished.
3 Do you remember this?

4 THE WITNESS: Yes, My Lord.

17:09:09 5 PRESIDING JUDGE: Mr Court Attendant, would you please
6 adjourn court.

7 [Whereupon the hearing adjourned at 5.07 p.m. to be
8 reconvened on Wednesday, the 18th day of May 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P6	23
Exhibit No. P7	33
Exhibit No. P8	45
Exhibit No. P12	111

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334	2
EXAMINED BY MS PACK	2