

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

FRIDAY, 20 MAY 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg Mr James Tamba Kamara
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 APPEARANCES
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanau:	Mr Geert-Jan Alexander Knoops

1 Friday, 20 May 2005
2 [Open session]
3 [The accused not present]
4 [TB200505A - AD]
09:14:01 5 [Upon commencing at 9.20 a.m.]
6 MS THOMPSON: Your Honour, may I just say something before
7 we start? I received a phone call from Mr Fofanah about 10 or 15
8 minutes ago. He had a breakdown and he is stopped somewhere
9 along, but he is making his way to court and he apologises.
09:24:54 10 PRESIDING JUDGE: Yes, the court attendant has advised us
11 of that.
12 MS THOMPSON: In the meantime, Your Honour, we will hold a
13 watching brief for him.
14 PRESIDING JUDGE: Thank you. That is most helpful,
09:25:05 15 Ms Thompson. Is the witness feeling able to proceed this
16 morning?
17 THE WITNESS: Yes, My Lord.
18 PRESIDING JUDGE: Very well, Mr Witness. You recall that
19 you took the oath and promised to tell the truth? That promise
09:25:22 20 is still binding on you and you must answer the questions
21 truthfully. Do you understand?
22 THE WITNESS: Yes, My Lord.
23 MS PACK: Thank you Your Honour. I wondered whether
24 Your Honour would want to make a note for the record that the
09:25:41 25 accused aren't present again today.
26 PRESIDING JUDGE: Yes. I note that for the last four days
27 the accused have not come into the Chamber. I have received no
28 submissions or information from counsel for the Defence, or from
29 the Court Management to indicate that they are unwell or any

1 other way changed the stance that they took in writing some days
2 ago. On the reading of that particular letter, it was noted that
3 they had consciously waived their right to be present in the
4 Court, but might reconsider their attitude. I am taking it that,
09:26:24 5 until I hear to the contrary, they are continuing to waive their
6 right to be present and continuing whether to decide whether to
7 revisit their decision. Mr Knoops, thank you.

8 MR KNOOPS: Thank you, Your Honour, for raising this issue,
9 and my learned counsel opposite as well. We are mindful to the
09:26:46 10 fact that the presence of the accused is of the importance for
11 this trial. Therefore, we have advised the defendants to
12 consider re-attending the trial. We were informed that they
13 consider re-attending the trial as of Monday. But we will keep
14 Your Honours informed about their decision.

09:27:12 15 PRESIDING JUDGE: Thank you for that information,
16 Mr Knoops.

17 MR KNOOPS: Much obliged.

18 PRESIDING JUDGE: Ms Pack, please proceed.

19 WITNESS: TF1-334 [Continued]

09:27:34 20 EXAMINED BY MS PACK: [Continued]

21 MS PACK: Thank you, Your Honour.

22 Q. Witness, I am going to ask you about what happened in Kono
23 while you were there. Just to clarify, can you remember roughly
24 the month it was that you arrived in Kono District?

09:27:56 25 A. Well, it as early in March -- it was early in March.

26 Q. Which year?

27 A. 1998.

28 Q. When you arrived in Koidu Town were there any civilians
29 there?

1 A. Well, the civilians had run away. There were only a few
2 and somewhere in Tombodu and other towns.

3 MS PACK: Tombodu, Your Honours have had spelt
4 T-O-M-B-O-D-U.

09:28:41 5 Q. In the first days that you were in Koidu Town did anything
6 happen to the few civilians that you came across there?

7 A. Well, in the first few days, just after Johnny Paul had
8 arrived in Koidu Town, after he had given the order that Koidu
9 should be a no-go area for civilians, from that day abductions
09:29:12 10 started and we started pushing the civilians from the other
11 towns.

12 Q. Pause. What other towns were you pushing civilians from?

13 A. Tombodu was one of the towns, Yomadu was another of the
14 towns and the surrounding villages in Koidu.

09:29:48 15 Q. In Koidu or in Kono?

16 JUDGE SEBUTINDE: What was that other place with a "Y".

17 MS PACK: I was just about to spell it. It is Yomadu. We
18 have had that before, Your Honour. It is Y-O-M-A-D-U. And Your
19 Honour, on the map that was marked by the witness yesterday, it
09:30:13 20 was numbered nine. Indeed, Koidu which the witness also
21 mentioned, was numbered one.

22 Q. You said "surrounding villages"; where were the surrounding
23 villages?

24 PRESIDING JUDGE: Ms Pack, you had put an earlier question
09:30:40 25 and I have not heard an answer. The earlier question was Koidu
26 or Kono. I did not hear an answer to that.

27 THE WITNESS: Kono District.

28 MS PACK:

29 Q. Abductions -- how do you know abductions occurred?

1 A. Well, from that day that Johnny Paul made the announcement,
2 the operation commander and the other soldiers, together with the
3 RUF, we went to those villages and captured civilians, especially
4 the strong men and the young women.

09:31:40 5 Q. Pause a moment. Apart from strong men and young women, did
6 you capture anyone else?

7 A. Well, those who were running away, we executed them.

8 Q. Apart from strong men -- I am not sure that you understood
9 the question -- strong men and young women, did you capture
09:32:20 10 anyone else?

11 A. Yes, we captured children.

12 Q. By children, what sort of ages are you meaning?

13 A. The age between 8, 10 and 12.

14 Q. Now, going back to the strong men, having captured the
09:32:48 15 strong men, was there anything then that was done?

16 A. Well, those strong men whom I and my operation commander
17 and soldiers captured we used them to carry our food that we
18 carried on patrol to the villages. We trained some -- we trained
19 some for the movement.

09:33:21 20 Q. Did anything happen to the young women?

21 A. Well, the women, especially the beautiful ones, they were
22 under the full control of the commanders and, indeed, they became
23 their wives. They were cooking our food for us and the other
24 soldiers who were in Kono.

09:33:57 25 Q. Do you know what the young women -- the ones who became
26 wives -- did?

27 A. They were responsible for cooking and they served the
28 various commanders as wives.

29 Q. What do you mean by serving the commanders as wives?

1 A. Well, since they were unmarried and they were captives,
2 they used them sexually.

3 Q. Did anything happen to the children who were captured?

4 A. Well, the children who were captured, they started giving
09:35:09 5 them training, and myself up and my companions called them SBUs.

6 MS PACK: SBUs and in the letters "SBU", Your Honour.

7 Q. Witness, would you explain what "SBU" stands for?

8 A. Small boys' unit.

9 Q. After these children were trained, did they do anything?

09:35:54 10 A. Well, these children who stayed with the various
11 commanders, when it came to amputation, these children were used
12 to amputate people in Kono.

13 Q. How do you know that children were used to amputate people
14 in Kono?

09:36:24 15 A. Well, this happened in my presence, in my very presence.
16 As I and the operation commander and the other soldiers went to
17 the other villages, some civilians were there whom I and the
18 operation commander and the other soldiers captured. It was the
19 small boys whom we designated to amputate them. This happened in
09:36:53 20 my very presence.

21 Q. Are you able to say which village --

22 PRESIDING JUDGE: [Microphone not activated]

23 MS PACK: Yes.

24 PRESIDING JUDGE: Please continue.

09:37:12 25 MS PACK:

26 Q. Are you able to say which villages, or in which area were
27 these villages, that you say you saw children being used to
28 amputate civilians in Kono?

29 A. Tombodu is one of the areas.

1 MS PACK: I have spelt that before, but just for the record
2 T-O-M-B-O-D-U.
3 Q. Just going back to the wives -- young women who became
4 wives. How do you know that women became wives and what they
09:38:13 5 were required to do in that position? How do you know that?
6 A. Well, that was open because the young women whom I and the
7 operation commander and the other soldiers captured in Kono, you
8 would really see that they were engaged with us.
9 Q. What do you mean by that -- engaged with you?
09:38:45 10 A. In terms of sexual intercourse.
11 Q. You have referred to the order that Johnny Paul Koroma gave
12 about civilians, about Kono being a no-go area for civilians. Do
13 you recall any other orders being given after Johnny Paul left by
14 any of the commanders?
09:39:22 15 A. Well, the order that he gave -- the other order that he
16 gave was that we should start burning houses in Kono.
17 Q. Just before I get to the burning houses, my question was
18 whether you heard any other commander give any other order when
19 you were in Kono after Johnny Paul left.
09:39:54 20 A. Well, the only order was that we should attack the ECOMOG
21 forces and to continue burning the other houses which were in
22 especially in our own surrounding at Masingbi Road.
23 Q. Who gave this order?
24 A. At one time when Bazzy came to Koidu, he saw that the
09:40:28 25 surrounding area where we are at Masingbi Road, that there were
26 many houses there. So Bazzy said that enemies could use those
27 houses to attack us and that those houses should be completely
28 burned down.
29 Q. How do you know that Bazzy gave this order?

1 A. Well, he called myself, the operation commander and the
2 other soldiers and told me in their presence that, "Look at the
3 surrounding houses and this could be dangerous to our lives and
4 it is a risk to security. So it could better for us to burn down
09:41:16 5 those houses." I myself participated in the burning of those
6 houses.

7 Q. You have talked about the burning of Koidu Town starting,
8 witness, after Johnny Paul Koroma left Kono district. How long
9 did the burning go on for?

09:41:53 10 A. Well, this burning continued until the day when we pulled
11 out -- myself and the other soldiers -- when we pulled out of
12 Koidu Town.

13 Q. Witness, you have said before that this was in mid-May
14 1998.

09:42:22 15 A. Yes, My Lord.

16 Q. What happened to Koidu Town as a result of the burning?

17 A. Koidu Town was completely burned down.

18 Q. Did anything happen in the villages around Koidu Town?

19 A. Yes.

09:42:51 20 Q. What happened to the villages around Koidu Town?

21 A. For instance, Yengema was burned town; Bumpe --

22 MS PACK: Yengema, Your Honour, I have already spelt
23 that -- Y-E-N-G-E-M-A. It was number four on the Kono District
24 map.

09:43:18 25 Q. You also said Bumpe. This is B-U-M-P-E and it was number
26 three on the Kono map. Witness, what happened in Bumpe?

27 A. The houses in Bumpe were completely burned down.

28 Q. Witness, were you about to give other examples of other
29 villages?

1 A. Also Jagbwema Fiama and Tombodu was also completely burned
2 down.
3 MS PACK: Jagbwema Fiama, Your Honours, again:
4 J-A-G-B-W-E-M-A F-I-A-M-A. That was number five. And Tombodu I
09:44:14 5 have already spelt.
6 Q. Anywhere else that you recall?
7 A. Yomadu also was completely burned down.
8 MS PACK: Your Honours, that was number nine on the Kono
9 map: Y-O-M-A-D-U.
09:44:54 10 Q. How do you know that these villages that you have
11 identified were completely burned down?
12 A. Well, since various commanders were occupying those
13 villages, I and the operation commander -- the commander of the
14 SLA -- went on patrol to monitor those orders that were given to
09:45:32 15 them.
16 Q. Witness, when the burning of Koidu Town was going on, do
17 you recall who was in Koidu Town?
18 A. Yes.
19 Q. Who was in Koidu Town when the burning was going on?
09:46:02 20 A. I was there. The SLA commander at that time, who was
21 Ibrahim Bazy Kamara was there, Operation Commander A was
22 there --
23 Q. Anyone else you recall?
24 A. Foday Kallay was there.
09:46:36 25 MS PACK: Pause a moment. I have spelt that before Your
26 Honours: F-O-D-A-Y K-A-L-L-A-Y.
27 Q. Just remind us who he was in Kono; what he was doing there.
28 A. He was the deputy operation commander.
29 Q. Anyone else?

1 A. The supervisors whom I had named before were all present
2 together with the soldiers.

3 Q. Is that the military supervisors you talked about earlier?

4 A. Yes. And also the during the final pullout from Kono,
09:47:30 5 Gullit was present when the last burnings took place.

6 Q. Do you recall any commanders of the RUF being present in
7 Koidu Town when the burning was taking place?

8 A. Superman was there.

9 Q. Anyone else you recall?

09:48:05 10 A. And the other commanders whom I had named before were all
11 there. Even Eldred Collins was there before he pulled out with
12 the money to Kailahun.

13 MS PACK: Your Honours, you have heard the name Eldred
14 Collins: E-L-D-R-E-D C-O-L-L-I-N-S.

09:48:30 15 JUDGE SEBUTINDE: I am sorry, you said Eldred Collins was
16 there before he pulled out with the money and? You said with the
17 money to Kailahun.

18 MS PACK: Yes, with the money to Kailahun, which is
19 K-A-I-L-A-H-U-N.

09:48:53 20 Q. This was an account you gave earlier about money from a
21 bank in Koidu Town; is that correct?

22 A. Yes.

23 Q. And the money was going to whom in Kailahun?

24 A. Well, that was another way by which Mosquito said that all
09:49:18 25 the money they got from the bank should go to Kailahun. It was
26 Collins whom he put in charge of that money. Also Morris Kallon
27 was also present during the last burnings in Kono before we
28 finally pulled out.

29 PRESIDING JUDGE: Morris who?

1 MS PACK: Kallon, which is K-A-L-L-O-N.

2 PRESIDING JUDGE: Thank you.

3 MS PACK:

4 Q. Witness, did any of these commanders in Koidu Town ever
09:49:53 5 instruct any of the men to stop burning Koidu Town?

6 A. It never happened because they themselves participated in
7 the burning. They never stopped anybody; they never shot at
8 anybody; nor did they warn anybody for doing that.

9 Q. Witness, I am going to ask you about some of the locations
09:50:42 10 you have identified to which various commanders were deployed
11 with their men. Let me start with Tombodu. Did you ever go to
12 Tombodu?

13 A. Yes. I and the operation commander and other commanders
14 visited Tombodu.

09:51:11 15 Q. Do you recall a specific occasion when you went to Tombodu?

16 A. Yes.

17 Q. How come you went to Tombodu on this specific occasion?

18 A. Well, at one time Mohammed Savage, who was the commander in
19 Tombodu, sent in Koidu to the commander, who was Bazzy, and the
09:51:50 20 operation commander that some civilians had come to Tombodu
21 singing as they had alleged that ECOMOG had captured the ground.
22 Because at that time Savage had an ECOMOG uniform that was
23 wearing.

24 MS PACK: Savage Your Honours have heard. It is Mohamed
09:52:16 25 Savage -- M-O-H-A-M-E-D S-A-V-A-G-E.

26 JUDGE SEBUTINDE: Sorry, did the witness say that ECOMOG
27 had captured the town?

28 MS PACK: No, he said that civilians thought that because
29 Savage --

1 JUDGE SEBUTINDE: No, I am just saying the text. What was
2 his evidence? He said something like "the civilians came
3 singing". What was it that you said they came singing?
4 THE WITNESS: Savage said the civilians were singing along
09:53:03 5 saying the ECOMOG had captured Tombodu.
6 MS PACK:
7 Q. Why did civilians think that ECOMOG had captured Tombodu?
8 Why did Savage say the civilians thought that?
9 MR KNOOPS: I object. It is not for the witness to go into
09:53:18 10 the mind of the --
11 PRESIDING JUDGE: I was just about to say that.
12 MS PACK: Actually, the witness already explained in his
13 last answer that Savage had said?
14 PRESIDING JUDGE: He did say it and I think that possibly
09:53:27 15 to overcome any difficulties, let us ask the witness to repeat
16 what he said.
17 MS PACK:
18 Q. If you will repeat, please, what Savage said the civilians
19 had done.
09:53:44 20 A. While we were in Koidu Town -- I, the operation commander,
21 the SLA commander and the other soldiers -- Savage sent word that
22 civilians were singing along to Tombodu because at that time he
23 was wearing an ECOMOG uniform together to the other soldiers who
24 were there. So the civilians were jubilating that ECOMOG had
09:54:12 25 captured Tombodu because they were wearing the uniforms.
26 Q. Had ECOMOG in fact captured Tombodu?
27 A. No.
28 Q. Which uniforms were Savage and his men wearing?
29 A. The Nigerian ECOMOG military uniforms.

1 Q. As a result of this communication from Savage, what did you
2 do?

3 A. I, the operation commander and Colonel Momoh Dorty --

4 MS PACK: Momoh Dorty, Your Honours have heard. It is
09:55:06 5 M-O-M-O-H D-O-R-T-Y -- one of the military supervisors identified
6 by the witness.

7 Q. Go on, Witness.

8 A. I moved with them to Tombodu to go and see these civilians
9 whom Savage had said were jubilating in Tombodu.

09:55:32 10 Q. When you arrived in Tombodu what did you see?

11 A. Well, the number of civilians whom I saw numbered about 78.
12 But to my surprise, I met Savage together with his other soldiers
13 beginning to amputate these people.

14 Q. Pause a moment. What did you actually see Savage do in
09:56:12 15 relation to amputation?

16 A. He himself was chopping off the people's hands and he took
17 the other people and put them in one room and set the house
18 ablaze.

19 Q. Pause a moment. I am just going to ask you first about the
09:56:42 20 amputation before I ask you about the burning. How many people
21 did you see Savage amputate?

22 A. About 15 people at that time whose hands he chopped off.
23 He said they should go and tell ECOMOG that he, Savage, was in
24 Tombodu and this was to be a warning to the other civilians.

09:57:10 25 Q. Were the people he amputated, do you recall, men, women?

26 A. Well, most of them who were amputated were men.

27 Q. Did you see what happened to them after they were
28 amputated?

29 A. Well, the people were crying and they went through the

1 route from which they had come. He told them to return through
2 the same route.
3 Q. What was the route?
4 A. That was the road leading to Tombodu.
09:58:21 5 Q. Did the amputations not take place in Tombodu?
6 A. Inside Tombodu Town -- it was the route that they used to
7 enter Tombodu. It was the same route that he asked them to
8 return.
9 Q. You talked about burning. What did you Savage do or say in
09:58:51 10 relation to burning?
11 A. He took some other civilians, numbering about 15, and he
12 put them in one room and set the house ablaze. He closed the
13 room, he locked the room, and set it ablaze.
14 Q. Who set the house ablaze?
09:59:30 15 A. Savage himself set the house ablaze.
16 Q. What happened to the 15 civilians in the house?
17 A. They were completely burned; none escaped.
18 Q. Did you see anything else happen in Tombodu?
19 A. Well, he beheaded the others and he dumped them in one pit
10:00:20 20 in Koidu -- in Tombodu, sorry.
21 Q. Pause please. Who beheaded others?
22 A. Savage, he, together with one of his men, who was called
23 Guitar Boy --
24 Q. Pause. "Guitar Boy", is that as in the musical
10:00:49 25 instrument -- Guitar Boy?
26 A. Well, that was his nickname; his alias, his false name.
27 JUDGE SEBUTINDE: The witness can perhaps spell some of
28 these names.
29 MS PACK: Yes, Your Honour.

1 Q. Guitar Boy, would you spell that please for Their Honours
2 if you are able?
3 A. G-U-I-T-A-R B-O-Y -- Guitar Boy.
4 Q. And this name "Guitar Boy", was it an alias?
10:01:31 5 A. It was an alias; he was an SLA but that was an alias.
6 Q. Do you know the full, real name for this individual?
7 A. Well, that was his popular name for which everybody knew
8 him, and that is what I knew when I was in Koidu.
9 Q. Go on, Witness, to tell us what you saw Savage and Guitar
10:02:03 10 Boy do.
11 A. He and the other soldiers they started to behead the
12 people -- the remaining people.
13 Q. How many people did you see them behead?
14 A. There were about 47 people who were beheaded and thrown
10:02:35 15 into the pit and they buried their bodies in the pit -- dropped
16 them in the pit.
17 Q. This pit -- whereabouts was this pit that you are talking
18 about?
19 A. It was that Tombodu village, Tombodu town itself. That was
10:02:58 20 where the pit was, very close to where he, Savage, occupied.
21 Q. Do you know what sort of pit it was?
22 A. Well, it was a diamond pit.
23 Q. You spoke about the amputations earlier, and you said you
24 saw Savage carrying out 15 amputations. Did you see any other
10:03:36 25 amputations carried out by anyone else on this occasion?
26 A. This is one of amputations which I saw myself in Koidu.
27 This was the amputation that I saw.
28 Q. In Koidu -- you are talking about Tombodu still?
29 A. Yes, in Tombodu.

1 Q. You spoke earlier about the burning of Tombodu; in fact,
2 you said that Tombodu was burned completely. Do you know who
3 burned down Tombodu?

4 A. Tombodu, it was a joint force, both the SLA and the RUF.
10:04:23 5 They moved to do the burning; it was an organised burning.

6 Q. How do you know that a joint operation of SLAs and RUFs
7 burned Tombodu?

8 A. After Johnny Paul had given this order, the operation
9 commander for the RUF called on the operation commander for the
10:04:50 10 SLA. Myself and other soldiers who were with him, we went -- met
11 these operations commanders and told them that that order should
12 be carried out and you should make sure that you start the
13 burning of these villages so that civilians would not occupy this
14 is these villages.

10:05:14 15 Q. Do you know who was amongst the RUF and SLA men who burned
16 Tombodu?

17 A. Well, the commanders themselves moved. Because, since
18 Koidu was a very big district, they themselves moved so that
19 civilians could not occupy the various towns which I have named.

10:05:39 20 Q. Do you know who in particular of these commanders went to
21 Tombodu and was involved in the operation to burn it?

22 MR KNOOPS: I object to counsel's question. The witness
23 didn't answer to the previous question that the commanders were
24 involved in the burning; he merely stated that the commanders
10:06:06 25 went to Tombodu.

26 PRESIDING JUDGE: I understood the witness to say
27 commanders were called and said the order was to be carried out.
28 What I have not actually got a clear record of is what order, if
29 any, was carried out. I think that is a valid objection.

1 JUDGE SEBUTINDE: Ms Pack, you have asked the question to
2 the witness whether he knows. And in my view the answer should
3 be either a yes or a no, and then you can go on to other
4 questions rather than compound his answer, if you see what I
10:06:47 5 mean. I personally would like to know whether he knows or
6 doesn't know.
7 MS PACK: I am grateful, Your Honour.
8 Q. Witness, you heard what Her Honour has just indicated. I
9 am going to ask you if you know which of any commanders were
10:07:08 10 involved in the joint operation to burn Tombodu. And the answer
11 should be a yes or a no.
12 A. Yes.
13 Q. How do you know that commanders were involved in the
14 operation to burn Tombodu?
10:07:26 15 A. Myself, my operations commander, with the other soldiers --
16 and even Bazzy came -- we moved together with the military
17 supervisors to make sure that these orders given was completely
18 carried out. We moved in the various villages and carried out
19 these burnings together with the RUF commanders.
10:07:56 20 Q. Now, back to this day when you saw the amputations and the
21 burnings of civilians and the beheading of civilians in Tombodu.
22 Were you the only visitors at Tombodu on that day?
23 A. Superman came to Tombodu on that day.
24 Q. Were you present in Tombodu when Superman came?
10:08:49 25 A. Yes. And in fact when Superman came he told Mohammed
26 Savage that, "This sort of thing which you have done is one of
27 the things that the human rights are against; it is a crime
28 against humanity." He said it for the first time. He said it
29 openly and that was the first time I heard it from Superman.

1 Q. Do you know if any other persons went to Tombodu on other
2 occasions?

3 A. The only thing -- Bazzy and the other supervisors went to
4 visit Tombodu where they went to drink palm wine.

10:09:53 5 Q. Can you name any other supervisors who went in addition to
6 Bazzy?

7 MR FOFANAH: May it please Your Honours. May I rise at
8 this point? First of all, may I apologise for coming late? I
9 had a breakdown.

10:10:10 10 PRESIDING JUDGE: That was explained on your behalf and Ms
11 Thompson took a watching brief for you, Mr Fofanah. We were
12 aware of the situation.

13 MR FOFANAH: Thank you very much Your Honours. Your
14 Honours, my objection to this question is based on the grounds of
10:10:23 15 foundation. The witness has not clearly told this Court as to
16 whether the commanders, whom he has referred to, were in fact, I
17 mean -- he has not told the Court how he knew that Bazzy and the
18 other soldiers he has mentioned went to Tombodu. He has not told
19 the Court how he knew. He said they went there to drink palm
10:10:57 20 wine and other things, but he has not told the Court how he knew
21 that.

22 MS PACK: I was getting there Your Honour.

23 MR FOFANAH: The following question was something
24 different.

10:11:09 25 PRESIDING JUDGE: Do I understand, Ms Pack, you were --

26 MS PACK: Getting there.

27 PRESIDING JUDGE: I see -- conceding there was no
28 foundation. Is that what you mean? I am just looking at my
29 notes, to be honest, to see whether --

1 MS PACK: I asked him first whether he knew if anyone else
2 went to Tombodu and he said Bazzy and other supervisors. I am
3 clarifying the other supervisors and then I will ask him how he
4 knows this, if I may.

10:11:36 5 PRESIDING JUDGE: In light of the objection, perhaps it
6 would be more appropriate to lay the foundation of how he knew.

7 MS PACK: Of course, Your Honour.

8 Q. Witness, how do you know that Bazzy and the other
9 supervisors went to Tombodu to drink palm wine with Savage?

10:11:57 10 A. This I cannot explain now, because obviously if I do I will
11 expose myself.

12 MS PACK: Perhaps, Your Honour, that is something I will
13 reserve for an application for closed session, but not right now
14 in the middle of the continuum of evidence -- perhaps at the end
10:12:19 15 of the day. I will move on.

16 Q. I will leave that, witness. Witness, you have mentioned
17 other villages to which commanders were deployed with their men.
18 Yomadu you have already spoken about this morning. Kayima --
19 K-A-Y-I-M-A -- do you know if anything happened in Kayima?

10:13:14 20 A. Well, yes.

21 Q. How do you know if anything happened in Kayima?

22 A. Well, when I and the operations commander of the SLA,
23 together the soldiers, went on patrol to those areas we met those
24 villages already burned down.

10:13:39 25 Q. What happened in Kayima? Perhaps you have already answered
26 this, but repeat it for Their Honours.

27 A. The village was completely burned down, both Yomadu and
28 Kayima.

29 Q. Witness, another location you named was Gandorhun --

1 G-A-N-D-O-R-H-U-N, which appeared Your Honour on the map as
2 number six. Do you know if anything happened in Gandorhun?

3 A. Yes.

4 Q. How do you know if anything happened in Gandorhun?

10:14:51 5 A. When we are on patrol, myself and the operation commander
6 together with the other soldiers there also, we found Rambo
7 burned part of the town.

8 JUDGE SEBUTINDE: Ms Pack, I take it every time the witness
9 says "I and the operation commander", he means A.

10:15:21 10 MS PACK: Yes, Your Honour.

11 JUDGE SEBUTINDE: Because there were times when, I suppose,
12 there were other operational commanders. But I take it that the
13 "operation commander" means A.

14 MS PACK: Yes. When he talks about "my operation
10:15:38 15 commander", he is talking about the only one in Kono at the time
16 in the SLA, which was A.

17 JUDGE SEBUTINDE: Sometimes he says "the operational
18 commander"; he doesn't say "my operational commander". I just
19 wanted to be sure.

10:15:55 20 THE WITNESS: Yes. When I say "mine" and "the", it is the
21 same operation commander that I referred to.

22 MS PACK:

23 Q. Witness, did anything else happen in Gandorhun?

24 A. Well, it is only this burning that I thought of.

10:16:14 25 MR FOFANAH: I am sorry, Your Honours, again I will object
26 to that because the witness has not explained how himself and A
27 found out that it was Rambo who burned part of Gandorhun. He
28 said, "We found that Rambo had burned part of the town." But he
29 did not explain how he knew that.

1 PRESIDING JUDGE: I didn't hear Rambo mentioned in the next
2 question. It was certainly in the answer. But the next
3 question --

4 MR FOFANAH: As Your Honour pleases.

10:16:51 5 PRESIDING JUDGE: It was in the answer.

6 MR FOFANAH: Yes, and he did not explain how he knew that.

7 PRESIDING JUDGE: I am aware he did not explain it.

8 MR FOFANAH: That is the objection. Thank you.

9 MS PACK: Your Honour, I thought I had asked the question
10:17:08 10 about how he knew. Perhaps I will just repeat the question and
11 ask the witness to answer the question again.

12 PRESIDING JUDGE: I am sorry, Ms Pack, if you did. I have
13 not recorded it. So it may be an oversight on my part.

14 JUDGE LUSSICK: The question was, "Did anything happened in
10:17:28 15 Gandorhun?" And he said, Yes" and you said, "How do you know?"
16 And he mentioned the ops commander and himself et cetera. He
17 said, "We were on patrol and there we found Rambo had burnt part
18 of the town." Mr Fofanah is objecting because you haven't
19 explained how he would know that Rambo had burnt the town if he
10:17:50 20 wasn't there himself.

21 MS PACK: Your Honour, I will deal with that.

22 Q. Firstly, who do you mean by "Rambo"? Is it the SLA Rambo
23 or the RUF Rambo? You have mentioned two of them.

24 A. RUF Rambo.

10:18:07 25 Q. You spoke earlier about him; in fact, Lieutenant Colonel
26 Rambo and he was deployed --

27 A. In Gandorhun.

28 Q. You said you arrived in Gandorhun and you found it is was
29 burned down. How did you know that Rambo had burned part of the

1 town?

2 A. He himself -- he moved with his men. Rambo moved together
3 with his men organising the burning.

4 Q. How do you know this?

10:18:49 5 A. I saw it myself; I saw it myself.

6 Q. You saw the burning?

7 A. Yes. That is why I said as we were arriving in Gandorhun
8 myself and the operation commander together with other men, we
9 found Rambo together with men going around burning the town.

10:19:20 10 Q. The men operating under Rambo on this occasion, did you see
11 who they were?

12 A. Rambo had RUF dominated, and he had only very few SLAs with
13 him.

14 Q. Were there any civilians in Gandorhun?

10:19:54 15 A. No.

16 Q. Do you know if anything happened around Gandorhun -- not in
17 the village itself, but around or on the roads to Gandorhun?

18 A. The only thing that happened was the time when myself, the
19 operation commander of the RUF and the operations commander for
10:20:34 20 the SLA took that operation for Koidu Geiya, that was the last
21 operation during which we were to receive the arms and
22 ammunitions --

23 Q. [Microphone not activated]

24 A. Superman.

10:21:01 25 Q. And the operation for the SLA, identify who that was,
26 please.

27 A. Operation Commander A.

28 Q. Now you are talking about an operation when you went to
29 Koidu Geiya, which was towards the end of your time in Kono.

1 Please explain what happened on this operation on the way to
2 Koidu Geiya.

3 A. Well, on our way to Koidu Geiya, Rambo, my operation
4 commander and that of the RUF operation commander, as we moved
10:21:47 5 towards way Koidu Geiya, and when we reached Koidu Buma --

6 Q. Can you spell Koidu Buma, please, for the Chamber? It has
7 been spelt before, but can you spell it again?

8 A. K-O-I-D-U B-O-M-A [sic].

[TB200505B 10.20 a.m. - SGH]

10:21:35 10 Q. Thank you. What happened there?

11 A. We met some civilians, about 15 in number.

12 Q. Did anything happen to those civilians?

13 A. Rambo himself brutally killed them.

14 Q. When you mean brutally killed them, did you see what he
10:21:58 15 did?

16 A. He used the cutlass to cut them -- to chop them down.

17 Q. Again, you have been talking about Rambo and the RUF. But
18 just to clarify again which Rambo are you talking about now?

19 A. Rambo of the RUF.

10:22:28 20 Q. Now, you said this occurred on the way to Koidu Geiya.

21 Your Honours, I have spelled that before. K-O-I-D-U G-E-Y-A.

22 [Sic] Witness, you have mentioned an instruction when you were
23 talking about radio communications from Mosquito about Koidu
24 Geiya. It was the first radio communication that you talked

10:22:59 25 about. Would you explain what happened in Koidu Geiya?

26 A. Well, myself, our operations commander of the SLA, that of
27 the operation commander of the RUF, Rambo, and the other soldiers
28 in the RUF captured Koidu Geiya. We captured two Kamajors who
29 were unfortunate. The others ran away.

1 Q. Pause. Now, you have told the Chamber this already, but
2 perhaps repeat it. Do you know who gave the orders for this
3 operation to be carried out?

4 A. At that time I had given that it was Mosquito that
10:24:06 5 called -- called that we should capture Koidu Geiya.

6 Q. There is no need to go into any further detail about that.
7 Who was the commander on the operation to capture Koidu Geiya?
8 Who was the commander in charge of you all?

9 A. Superman.

10:24:25 10 Q. And you have identified the operational commander for the
11 RUF being on that operation. Was that Superman?

12 A. Yes.

13 Q. Who was in command of the -- What groups were in that
14 operation, men from what groups?

10:24:45 15 A. It was the RUF group.

16 Q. Were there men -- also you identified that you were on the
17 operation together with the operational commander for the SLAs.
18 Were there other SLAs also on that operation?

19 A. Yes.

10:25:08 20 Q. Who was in command of the SLAs?

21 A. Operations commander A.

22 Q. Can you name any other SLAs who were involved in this
23 operation?

24 A. Mohamed Savage was there.

10:25:26 25 Q. Anyone else?

26 A. The others -- the other names I told them.

27 Q. Witness, I may come back to that, subject to an
28 application, a little later. Witness, you said there were some
29 unlucky Kamajors on that operation. What do you mean?

1 A. Well, as myself and other soldiers captured the ground, we
2 captured these Kamajors alive.

3 Q. How many did you capture alive?

4 A. The two that I have just talked about.

10:26:26 5 Q. Did anything happen to them?

6 A. Yes, they were brutally killed.

7 Q. What do you mean by brutally killed?

8 A. One of the leading soldiers called Chamaraw.

9 Q. Pause there. Can you spell Chamaraw?

10:26:53 10 A. This is a Krio spelling.

11 Q. Are you able to do your best to spell it?

12 A. C-H-A-M-A-R-A-W, Chamaraw.

13 Q. What did Chamaraw do?

14 A. He rushed on one of the Kamajors whom he captured. And he

10:27:30 15 opened his chest and took out his heart. He started chewing it.

16 Q. How do you know he did this?

17 A. This he did before -- in my presence and Superman came

18 immediately and warned him. In fact, he wanted to shoot him. He

19 said this should never happen in the jungle. He said because if

10:28:01 20 this man has started doing this, tomorrow, when there will be no

21 food, he will make -- he will take an excuse to eat his companion

22 and that is cannibalism and one should not do that. But he

23 forgive him later.

24 Q. You said you forgave him later. Did he punish him on this

10:28:18 25 occasion for doing this?

26 A. He only warned him, he did not give him any other

27 punishment.

28 Q. You said that Chamaraw was a Krio name. Do you know what

29 it means?

1 A. Well, this when you eat something without cooking it. You
2 eat it raw.

3 Q. Did anything else happen in Koidu Geiya?

4 A. Well, we only defended Koidu Geiya and waited for the
10:29:09 5 arrival of Eldred Collins together with Mammy Sankoh, the wife of
6 Foday Sankoh.

7 Q. That is Mammy Sankoh, Your Honour. What happened when they
8 arrived?

9 MS THOMPSON: Your Honour, the witness hasn't said they arrived,
10:29:37 10 he said they were waiting for their arrival.

11 MS PACK:

12 Q. Did they arrive; Mammy Sankoh and Eldred Collins?

13 A. Eldred Collins and Mammy Sankoh, they arrived at Koidu
14 Geiya and when they arrived to our surprise we saw other many
10:30:00 15 soldiers, other soldiers who came to meet us. And family members
16 of them came to meet us.

17 Q. When these other soldiers and family members came, did they
18 say or do anything?

19 A. Well, they told us that the jet was bombarding Koidu Town.
10:30:30 20 So, that is why they have pulled out and they were heading direct
21 for Kailahun.

22 Q. By the jets, do you know which jets from which group they
23 were talking about?

24 A. Well, it was alpha jets which belonged to the ECOMOG, the
10:30:57 25 Nigerian ECOMOG force.

26 Q. In relation to --

27 MS PACK: Your Honour, I was just going to indicate that your
28 microphone is on.

29 PRESIDING JUDGE: Thank you for that. It is as well I did

1 not say anything.

2 MS PACK:

3 Q. Witness, in relation to this operation on Koidu Geiya, do
4 you know when it was that Gullit came to Kono?

10:31:35 5 A. Yes.

6 Q. When did Gullit come to Kono in relation to this operation?

7 A. Well, that was the time when there was confusion between
8 the RUF and the SLA.

9 Q. You have told us about that before, witness. Just in terms
10:32:09 10 of time are you able to say how long after this operation Gullit
11 arrived in Kono?

12 A. They didn't take a month. It was about two weeks after
13 this operation. That was about around mid-May in 1998.

14 Q. Now, witness, I am going to, I am afraid, jump back in
10:32:38 15 terms of time to deal with the other villages that you have
16 mentioned. You have talked about another village, Sewafe. Is
17 that the same as the village marked on the map as Njaiama Sewafe
18 or is it a different village?

19 A. It's the same village.

10:33:07 20 MS PACK: And that is number two, Your Honour, on the map of Kono
21 District.

22 Q. Witness, do you know if anything happened in Sewafe?

23 A. I had said that earlier, as we were entering, I and the
24 operation commander were entering Koidu it was burnt.

10:33:49 25 Q. Did anything else happen in Sewafe before the last
26 operation that you have already spoken about following the radio
27 communication from Mosquito?

28 A. We just fought with the ECOMOG forces.

29 Q. By "we", who are you referring to?

1 A. The RUF and the SLA troops which were based in Kono.
2 Q. Do you know who in particular went on this operation?
3 A. Yes.
4 Q. Who in particular went on this operation?
10:34:44 5 A. Bazzy, the commander for the SLA, was on this operation.
6 The operation commander for the SLA was in this operation. And
7 the other military supervisors for the SLA were also on this
8 operation.
9 Q. How do you know that these individuals were on this
10:34:59 10 operation?
11 A. I myself went with them.
12 Q. Do you know who was in command of this operation overall?
13 A. Yes.
14 Q. Who was in command?
10:35:22 15 A. Superman was in total control. He was the commander.
16 Q. What happened on this operation?
17 A. Well, during this operation, as Gullit had informed us
18 earlier about the latest development about how we should pull out
19 from Kono, there was a plan that as ECOMOG presses on, all SLAs
10:35:59 20 should withdraw to Tombodu where Gullit was waiting for us.
21 Together with my colleagues; soldiers.
22 Q. Pause there. Are you therefore talking about the last
23 operation before you pulled out of Kono District?
24 A. Yes.
10:36:19 25 Q. Perhaps I will just come back to that in terms of time in a
26 little while. Now, witness, you have mentioned another location
27 - which was Jagbwema Fiama which is number five on the map, Your
28 Honour. Did anything happen in Jagbwema Fiama?
29 A. Yes.

1 Q. How do you know that something happened in Jagbwema Fiama?

2 A. I myself, together with Captain Junior and other soldiers
3 and some few RUF, we captured Jagbwema Fiama and part of Jagbwema
4 Fiama was burnt down.

10:37:28 5 Q. Now Captain Junior you have spoken about earlier as the
6 then commander of Jagbwema Fiama. He was an SLA. After you
7 captured Jagbwema Fiama, did anything happen?

8 A. Well, at that time part of the town was burnt down and on
9 my way going one civilian, a young man, was captured together
10:38:09 10 with my colleague soldiers. And as I was returning I met Isaac
11 Mongor.

12 Q. Pause. Pause. You say "we captured" who are you talking
13 about when you say "we"?

14 A. I said I and my colleague soldiers.

10:38:27 15 Q. Did anything happen to this civilian after he was captured?

16 PRESIDING JUDGE: Did the witness say -- I have recorded a young
17 man.

18 MS PACK: I do apologise, Your Honour.

19 Q. Was the young man a civilian or a soldier or what?

10:38:43 20 A. He was a civilian.

21 Q. Did anything happen to him after he was captured?

22 A. Well, while I was returning with this civilian to Koidu,
23 Colonel Isaac Mongor stopped me and questioned me relating to the
24 civilian. And he said if I do not know that there was an order
10:39:11 25 that no civilians should go, other than those we had abducted,
26 and he said for that matter that civilian would not go back to
27 Koidu Town. So he called one of his soldiers.

28 Q. What happened?

29 A. This soldier -- this soldier shot the civilian in the head.

1 And when that happened he called the twin barrel driver to him
2 and he rolled on top of this young man.

3 Q. Now, you have identified an individual Isaac Mongor. Just
4 to spell, you have had it spelt, Your Honours. It is Isaac,
10:40:02 5 I-S-A-A-C, Mongor, M-O-N-G-O-R, you identified as a colonel, RUF
6 artillery commander. Witness, another village --

7 JUDGE SEBUTINDE: Ms Pack, I am sorry to interrupt. I didn't
8 quite hear what the witness said after the boy was shot in the head or
9 the civilian was shot in the head. What happened to him?

10:40:43 10 MS PACK: A vehicle was driven over him. Perhaps I will
11 ask the witness to repeat that just to be clear.

12 JUDGE SEBUTINDE: Please.

13 MS PACK:

14 Q. Witness, you have heard what Her Honour has said, after
10:40:52 15 the young man was shot, what happened to him?

16 A. The vehicle which was carrying the twin barrel rode on top
17 of this young man.

18 Q. Witness, just to clarify before we move away from this
19 incident, you at the time were returning to Koidu Town. Why were
10:41:17 20 you returning to Koidu Town?

21 A. Well, at that time my own duty was to accompany and capture
22 the ground and return to give the report to the operation
23 commander and I wouldn't want to go into detail about that.

24 Q. After this incident, did you go to Koidu Town?

10:41:47 25 A. Yes.

26 Q. When you got there, what did you do?

27 A. Well, I informed the operation commander and the SLA
28 commander about the incident.

29 Q. Now, there is another village that you identified that you

1 have spoken about briefly; Bumpe, B-U-M-P-E. You said before it
2 was completely burnt down. Did anything else happen there?

3 A. Well, only the burning happened there and we maintained a
4 defensive position in Bumpe. That is what I saw.

10:42:53 5 Q. You have already said that is where Lieutenant Kallay of
6 the SLA was based. Now, witness, I am going to ask you to focus
7 back to Koidu Geiya operation, which was the one that occurred
8 and then after which civilians and soldiers came from Koidu Town
9 and reported that there were ECOMOG jets over the town. After
10:43:27 10 the operation on Koidu Geiya, where did you go?

11 A. I and the operation commander and the other soldiers
12 returned to Koidu Town.

13 Q. When you got back to Koidu Town did you see anything there?

14 A. Well, I had explained this before that as we arrived I, the
10:43:55 15 operation commander, together with the other soldiers, saw Bazzy
16 and the other soldiers under his command burning Masingbi Road
17 where he was based.

18 Q. And you have already explained this, but just to get it in
19 the chronology, what did you do after Masingbi Road was burnt?
10:44:16 20 Where did you go?

21 A. I, Bazzy, the operation commander and the other soldiers
22 went to look for a place at Five-Five's spot because that place
23 had some hiding places. That's where we were based.

24 Q. When you were in Koidu Town, remind the Chamber who was the
10:44:46 25 chief security officer for Bazzy?

26 A. It was George Johnson, otherwise known as Junior Lion.

27 Q. Is there anything that you recall him doing whilst you were
28 in Koidu Town?

29 A. In fact, Bazzy had a squad called Wild Dogs --

1 Q. Pause.

2 A. -- which was headed by Junior Lion.

3 Q. It is just obvious, Your Honours, wild dogs, D-O-G-S. Did
4 this squad called Wild Dogs do anything?

10:45:47 5 A. They were raising soldiers. If you had something that was
6 of value they would bring you down. Whatever you had, they would
7 take it away from you.

8 Q. You say they were raising soldiers, that is a word that I
9 may ask you to spell actually, witness. Can you spell "raising"?

10:46:12 10 A. Well, that was a term that we met with the RUF. How I
11 could spell it is when you take something away from somebody.
12 That's what they meant by raise. Taking away everything from
13 him. I can't spell it, but I just explain what it means.

14 JUDGE SEBUTINDE: Mr Witness, is raising an English term or it is
10:46:44 15 a different -- or some other language? Is it an English term?

16 THE WITNESS: This word was a language that we met the RUF
17 using. It means taking away something completely from somebody.
18 If you had somebody they would say raise with him. That is
19 taking away everything from that person.

10:47:11 20 MS PACK:

21 Q. How do you know that there was a group called the Wild
22 Dogs operating under George Johnson which engaged in raising?
23 How do you know this?

24 A. Well, like I said, every morning I would be at Bazzy's
10:47:43 25 doorstep. Whatever happened -- because look at the operation
26 commander's place and look at Bazzy's place so we were very
27 close. There was nothing that Bazzy did that he would not know
28 about.

29 Q. Sorry, he would not know about? Who are you talking about

1 or was that an interpretation?

2 A. I said there was nothing that Bazzy could do because
3 whatever he did he would inform the operation commander who were
4 very close. So whatever he did I would see in person and
10:48:12 5 sometimes I would go there to observe.

6 Q. Do you know who was in control of the group called Wild
7 Dogs --

8 MR FOFANAH: Sorry, Your Honours. I object at this stage.
9 I think that question has been asked and it has been answered.

10:48:47 10 The question which my learned friend put to the witness was
11 whether he knew that, I mean, Junior Lion had control of the Wild
12 Dogs and I think the answer to that was he said he knew that
13 because he was very close to Bazzy, his operations commander was
14 very close to Bazzy. I think that question has been asked and
10:49:09 15 answered.

16 MS PACK: Well, the witness has used "supervised". I am
17 just seeking to identify if there is anyone he can identify who
18 controlled them. It may be the same answer, but I would like to
19 ask the question.

10:49:26 20 PRESIDING JUDGE: Technically there is a difference. The
21 question I have recorded is how do you know that Wild Dogs group
22 was under George Johnson's supervised control? It could be
23 something different. I will allow that question.

24 MS PACK: Thank you, Your Honour.

10:49:41 25 Q. Do you know who controlled the group called Wild Dogs?

26 A. Well, it was Bazzy who was in charge of this group.

27 Q. How do you know that?

28 A. Well, that was something I myself saw because when Junior
29 Johnson gets something that he has raised, he would report

1 directly to him saying, "Papay, look at what I've got." I saw
2 that in person.

3 Q. Witness, you have talked about what happened specifically
4 to civilians in Tombodu and you have talked about abductions of
10:50:46 5 civilians in Kono. Did anything else happen to civilians in Kono
6 that you know about?

7 A. Well, I have explained this before that civilians, the
8 women were wives and they were responsible for the cooking whilst
9 the men carried the woods and they were pounding the rice for the
10:51:09 10 troops which were based in Kono. And some of them were trained
11 to become part of the movement. The movement. Both the RUF and
12 the SLAs.

13 Q. I am not talking about the civilians who were captured for
14 the moment, but other civilians who were not captured. Did
10:51:28 15 anything happen to those civilians that you know of in Kono?

16 A. Well, since Johnny Paul had said Kono should be a no-go
17 area for civilians, any other civilians other than those who I
18 and other SLA and RUF had captured, if you are caught or we
19 capture you or if you are captured by the SLA or the RUF, you
10:52:00 20 would be immediately executed within that territory.

21 Q. Now, earlier you talked about --

22 JUDGE LUSSICK: That was not an answer, Ms Pack.

23 MS PACK: I will repeat the question, Your Honour, in that
24 case.

10:52:23 25 Q. Witness, my question to you was, apart from -- I am not
26 asking you about the abducted civilians, but about other
27 civilians in Kono District. Do you know if anything happened to
28 any other civilians who were not captured in Kono District?

29 A. Yes.

1 Q. What happened to your knowledge to other civilians who were
2 not captured in Kono District?

3 MR FOFANAH: Objection. Again foundation. I think he has
4 to show knowledge first before he vows to tell this Court what
10:52:56 5 happened. Thank you.

6 PRESIDING JUDGE: Yes, Ms Pack, foundation has to be laid.

7 MS PACK:

8 Q. I have asked you if you know what happened to other
9 civilians. Perhaps you would indicate, witness, how you know
10:53:15 10 what happened to other civilians who were not captured in Kono
11 District?

12 A. Well, as Johnny Paul had declared Kono to be a no-go area
13 for civilians, the ones who were abducted by SLA and RUF, they
14 were the only civilians who were allowed to go to Koidu. Just as
10:53:45 15 I had said earlier, those that I got from Jagbwema Fiamma, I said
16 he was executed by Colonel Isaac. Any other civilian would be
17 regarded as a spy and he would be executed.

18 Q. Apart from this one incident that you know in relation to
19 Isaac Mongor when a civilian was executed, how do you know what
10:54:18 20 happened to civilians in Kono District?

21 A. Well, the other incident in Tombodu was a clear indication
22 of what I am trying to say.

23 JUDGE SEBUTINDE: Ms Pack, I am not sure that this witness
24 has given the evidence that anything did happen to other
10:54:46 25 civilians in Kono. He has simply alluded to the directive, the
26 standing order, if you like, of Johnny Paul Koroma as to what
27 should happen to any other civilian. But this witness has not
28 testified that in fact he knows for a fact that there were other
29 civilians and anything did happen to them.

1 MS PACK: I asked him if he knew and he said he did, I
2 thought. I asked him specifically, did he know if anything
3 happened to civilians who were not abducted in Kono.

4 JUDGE SEBUTINDE: And he gave his answer and I am saying
10:55:17 5 his answer, according to the evidence, is obviously deductive
6 from the orders. That to me is not a knowing question. He is
7 repeating his earlier testimony that Johnny Paul Koroma gave the
8 standing order. And we are talking about a district here. You
9 see what I mean, we are talking about a whole district.

10:55:38 10 MS PACK:
11 Q. Witness, apart from the instructions that Johnny Paul
12 Koroma gave regarding burning and civilians in -- when he was in
13 Kono District. Do you recall any other instructions being made
14 by commanders at a later stage when you were in Kono District?

10:56:01 15 A. Well --

16 MR FOFANAH: Your Honour, I would again object on the
17 grounds that that question is vague. At a later stages is vague.

18 MS PACK: Your Honour, I am trying to keep it vague so as
19 not to be -- for the Defence not to suggest that I am leading the
10:56:24 20 witness. I could be more specific. I can be more specific in
21 terms of time.

22 JUDGE LUSSICK: He still has not answered your question,
23 has he --

24 MS PACK: Yes.

10:56:35 25 JUDGE LUSSICK: -- about how he knows about those civilians
26 who were not captured in the Kono District. He said yes, but
27 then he did not go on to explain how or what he knows. He simply
28 gave a directive that my colleague has referred to.

29 MS PACK: Well, he said there was the example where

1 Isaac Mongor killed the civilian and then he cited Tombodu as an
2 example of other ways in which civilians were treated, which you
3 remember, Your Honour, was --

4 JUDGE LUSSICK: Yes, we have heard all that. Do you want
10:57:06 5 him to say all that again or were you after something else?

6 MS PACK: No, I will leave it at that, Your Honour.

7 PRESIDING JUDGE: Ms Pack, if you are leaving that line of
8 questioning, is that what you mean, you are leaving that line of
9 questioning because I notice it is five to 11 and it might be an
10:57:21 10 appropriate time for a break.

11 MS PACK: Yes, I know my learned friend objected to my last
12 question. I do not know if I should ask that again or wait until
13 after the break. I am happy with whatever course Your Honours
14 prefer.

10:57:34 15 PRESIDING JUDGE: Do you have any views? Perhaps we will
16 have the break now and reconvene in 15 minutes time. Mr Court
17 Attendant, please adjourn court for 15 minutes.

18 [Break taken at 11.55 a.m.]

19 [Resuming at 11.17 a.m.]

11:18:53 20 PRESIDING JUDGE: Ms Pack, please continue.

21 MS PACK: Thank you, Your Honour.

22 Q. Witness, I left off asking you a question which I am going
23 to make more specific. Towards the time that ECOMOG were
24 entering Kono, do you recall any other orders being given by any
11:19:26 25 of the other commanders in Kono?

26 A. Yes.

27 Q. Can you explain, please, what orders or order was given?

28 A. Well, for the SLA, Gullit informed us that myself and the
29 other soldiers, that as ECOMOG was penetrating we should withdraw

1 to Tombodu, the other soldiers and myself. Whilst in Tombodu we
2 will move further together with the other soldiers to Mansofinia
3 and meet SAJ Musa.

4 Q. Pause. Now, you have mentioned Tombodu as a location and
11:20:21 5 also a new place; Mansofinia, which is spelt, Your Honours,
6 M-A-N-S-O-F-I-N-I-A. You have talked earlier, in fact, it might
7 have been yesterday or the day before, about a meeting which took
8 place at Five-Five spot with Gullit. Is this the same meeting or
9 is it a different meeting, the meeting to which you are now
11:20:54 10 referring?

11 A. Well, it was this -- it was at this meeting that Gullit
12 gave these orders.

13 Q. Did Gullit say anything else at this meeting other than
14 informing you about the withdrawal from Kono to the north?

11:21:20 15 MS THOMPSON: Your Honour, we do not know that it is the
16 north.

17 PRESIDING JUDGE: That is correct. We have not established
18 whether it was south, east, west or north.

19 MS THOMPSON: What direction.

11:21:30 20 PRESIDING JUDGE: And he gave the name of two places only.

21 MS PACK: Thank you, Your Honour. I will ask the witness
22 to show Mansofinia on a map later on, Your Honour.

23 MR KNOOPS: Your Honour, if I may?

24 PRESIDING JUDGE: Mr Knoops, yes.

11:21:44 25 MR KNOOPS: Before we go further with this witness, may I
26 ask the attention of the Trial Chamber that in fact my opinion
27 the answer of the witness still remains vague. He first
28 indicated that he wasn't informed by Mr Gullit and later on he
29 spoke about giving orders. Perhaps that either some

1 clarification can be given or otherwise I have to object because
2 in that event the witness is speculating or drawing conclusions
3 from the mere fact that somebody is informing him. It is not
4 tantamount to order.

11:22:27 5 PRESIDING JUDGE: I am just -- when you say it is not
6 tantamount to an order, the word informed was certainly -- I have
7 recorded. Are you saying that informed is not tantamount, or are
8 you asking -- exactly what are you asking?

9 MR KNOOPS: Well, Your Honour, the witness first answered
11:22:46 10 that they were informed by Gullit to withdraw and a few seconds
11 later the witness spoke about Mr Gullit giving orders.

12 PRESIDING JUDGE: I see.

13 MR KNOOPS: And that is not, I think, cannot be equated
14 when somebody informs the other to do something to do something
11:23:04 15 not.

16 PRESIDING JUDGE: I actually see your point, Mr Knoops.
17 Those words are used in two different answers.

18 MR KNOOPS: Yes, correct.

19 PRESIDING JUDGE: I understand. Ms Pack, you have heard
11:23:16 20 the objection.

21 MS PACK: I will ask the witness to clarify because it was
22 on this point in the witness's evidence in overall command of the
23 SLAs in Kono.

24 Q. Now, witness, you have heard what my learned friend has
11:23:36 25 suggested, you have given evidence that you were informed by
26 Gullit about withdrawing from Kono and then you have used the
27 word orders. What do you mean? What did Gullit say or do during
28 this meeting?

29 A. As I said earlier, when Gullit arrived in Kono

1 automatically he took over the command of the SLA. And he
2 summoned myself, the operation commander and the other soldiers,
3 as I have named them already, including the supervisors. And
4 during this meeting he ordered that as he had informed us that he
11:24:20 5 was maltreated in Kailahun and the RUF heard about bad intentions
6 and that as ECOMOG was already penetrating --

7 Q. Go on.

8 A. -- towards Koidu Town, the other soldiers and myself should
9 withdraw and to meet at Tombodu. And that was a place we -- what
11:24:55 10 was our TB, our temporal base. From there we went to Mansofinia.

11 Q. Was TB, temporal base, the initials there. Now, witness,
12 did Gullit inform you that you were going to Tombodu or did he
13 order you. That is another way, word you used to describe what
14 he did. Which of the two was it?

11:25:22 15 A. He ordered that the troops should withdraw to Tombodu.

16 Q. Now, before Gullit ordered that the troops should withdraw
17 to Tombodu, do you recall or do you know of any other orders
18 given by not SLA but RUF commanders in Kono in and around this
19 time?

11:25:57 20 A. I can't remember any order.

21 Q. Witness, I am going to move on to a different subject
22 matter; mining. Now, witness, in this period when you were in
23 Kono was there mining going on in Kono?

24 A. Yes.

11:26:35 25 Q. Do you know who was organising the mining in Kono?

26 A. Yes.

27 Q. Who was organising the mining in Kono?

28 A. Superman organised the mining.

29 Q. How do you know this?

1 A. Well, especially in our own area where the SLA covered
2 myself and other soldiers, that if the mine was going on in that
3 area and as myself and the other soldiers did patrols, especially
4 during the night, because in the day they didn't mine. We met
11:27:21 5 the soldiers mining and that time Superman was there himself and
6 later when Morris Kallon came he also had his own group.

7 Q. Pause a moment. Just remind the Chamber which areas you
8 were in and patrolling at this time?

9 A. Well, Five-Five spot is very close to where -- to the
11:27:50 10 bridge, the bridge towards Five-Five spot there was mining going
11 on there because it was regarded as a mining spot. So mining was
12 going on there.

13 Q. Were there other areas where mining was going on at this
14 time?

11:28:05 15 A. Also Tombodu, mining was going on there.

16 Q. How do you know that mining was going on in Tombodu?

17 A. The other soldiers and myself we moved to those areas.

18 Q. Are you talking about when you moved on your way out of
19 Kono, or are you talking about earlier movements to Tombodu?

11:28:33 20 A. I am talking of the patrols which we -- the other soldiers
21 and myself went on.

22 Q. Witness, what was being mined in Kono?

23 A. They mined diamonds.

24 Q. Now, witness, you have also said that Morris Kallon was
11:28:58 25 later involved in mining in Kono. Would you expand on that? In
26 what capacity? How was he involved in mining in Kono?

27 A. He himself moved with his own soldiers as I and the other
28 soldiers when we met there we went there and saw him and during
29 those times they said they were mining for government and they

1 said it was government mining. It was an order from above. They
2 were doing it for the government.

3 Q. Do you know if anyone else was involved in the mining in
4 Kono apart from Morris Kallon and Superman?

11:29:43 5 MR KNOOPS: Your Honour, I object. Until so far the
6 witness has only identified two places where he allegedly went on
7 patrol and allegedly saw or experienced some form of mining
8 without speaking about and identifying mining in the whole
9 district of Kono. Yet questions are being put to this witness as
11:30:03 10 though it is established that the mining was going on in the
11 whole district of Kono. So I think the questions should be
12 refrained -- rephrased or the witness should be more specific in
13 the exact locations which come within his personal knowledge as
14 to the occurrence of mining.

11:30:24 15 PRESIDING JUDGE: Thank you, Mr Knoops, I note that.
16 Ms Pack, have you any reply to that objection?

17 MS PACK: Kono is just shorthand for two specific locations
18 which I have asked the witness about. He said Tombodu and he
19 said about Five-Five spot.

11:30:37 20 PRESIDING JUDGE: He said those places, but counsel is
21 objecting on the grounds that you have not specified those two
22 places, the places that he has given evidence on and which are
23 within his knowledge. If it is to be moved into a wider area
24 then there should be evidence relating to that wider area.

11:30:53 25 MS PACK: Yes, Your Honour.

26 Q. Witness, I am asking you about the two specific locations
27 you have identified; Five-Five spot, around Five-Five spot and
28 Tombodu. Now, apart from Morris Kallon and Superman, do you know
29 if anyone else was involved in mining in these specific areas you

1 have identified?

2 A. Well, myself and the other SLAs, including my operation
3 commander and the SLA commander at that time, we were also
4 engaged in secret mining which was not known to the RUFs.

11:31:38 5 Q. Do you know of anyone else in the RUF who is involved in
6 mining these specific areas that you have identified?

7 A. Issa, the boys of Issa, his soldiers, the soldiers he had,
8 they too were mining. They were supervised by Superman and they
9 were mining for Issa.

11:32:05 10 Q. Who are you talking about when you say Issa?

11 A. Issa Sesay of the RUF.

12 Q. How do you know that, in your words, that Issa's boys were
13 mining in these areas that you have identified?

14 A. Well, while Issa was pulling out of Koidu he heard some of
11:32:33 15 his soldiers whom he left behind and these were men who were
16 respected in Koidu because they said they represented him. They
17 represented Issa. So they were highly respected. So I saw those
18 men myself doing mining in Kono.

19 Q. Now, you have mentioned that men who were mining, when
11:32:56 20 asked who they were mining for said they were government mining.
21 Do you know what was meant by that? You used the word government
22 mining?

23 A. Yes.

24 Q. What is meant by that?

11:33:19 25 A. Well, when myself and the other soldiers went to Kono, and
26 that was our first experience in the jungle, the RUFs, whatever
27 was of value, was termed as government property which belonged to
28 the RUF administration. So the mining also which they did they
29 also said it belonged to the government, that the diamonds

1 belonged to the movement and they did not belong to individuals,
2 but it belonged to the movement. That is why they call it
3 government property.

4 Q. Another topic, witness. What did you, the men in Kono --
11:34:08 5 where did you get your arms, ammunition, logistics in broad terms
6 from?

7 A. First, we lived by the enemy and the civilian population
8 around Koidu.

9 Q. Did the position change later on?

11:34:36 10 A. That continued until when Mosquito -- after the Koidu Geiya
11 operation received some operations and then arrival of Gullit, he
12 came along with some logistics including alcohol and food.

13 Q. Pause a moment. I am just going to break those two - I
14 think you have identified separate occasions - down. Now, you
11:35:01 15 have identified an occasion when Mosquito supplied logistics.
16 Just clarify, when did Mosquito supply logistics to Kono?

17 A. As far as know, the first occasion that was the time when
18 we captured Koidu. That was the first time. Mosquito, Superman,
19 called from the SLA side to where my SLA commander and the
11:35:40 20 operation commander and they went for ammunition. That was the
21 first occasion. The second occasion --

22 Q. Pause, pause. We will deal with the first occasion first.
23 Now, this first occasion, how do you know that the operation
24 commander and the SLA commander went to Superman about ammunition
11:36:05 25 from Mosquito? How do you know this?

26 [TB200505C-JM]

27 A. Superman himself sent. He called the SLA commander and the
28 operation commander. And I went with them together to Superman
29 as he demanded that they should give men to train the patrol to

1 collect the arms and ammunition from Kailahun.

2 Q. So what happened after you went to Superman and after he
3 said this about men being trained to collect arms and ammunition
4 from Kailahun? What happened?

11:37:30 5 MS THOMPSON: Your Honour, just a point of observation.
6 The terms of "arms," "ammunition," and "logistics" are being used
7 interchangeably. And I'm not a military expert. I do know
8 there's a difference between arms, ammunition, and logistics. So
9 we need to know what the exact --

11:37:44 10 PRESIDING JUDGE: Actually, I was about to ask what
11 "logistics" meant myself, Ms Thompson, but I was waiting until
12 the witness finished before I stepped in.

13 But the point has been made, Ms Pack. I don't know what
14 "logistics" means either.

11:38:01 15 MS PACK: Your Honour, perhaps I'll wait until any
16 logistics are received, and then I can ask the witness to explain
17 what he's talking about. Just wait until the point until he, if
18 he does, actually sees the supply of anything from Kailahun.

19 MS THOMPSON: Your Honour, I would like to deal with it now
11:38:18 20 because she asked a question about logistics. The answer we got
21 was something about ammunition. So I don't know whether her
22 question was actually answered, or whether -- certainly I'm
23 confused because I don't know what exactly the witness is saying
24 they were about to receive, whether it's in answer to her
11:38:36 25 question or in answer to a question the witness perceived that he
26 was being asked.

27 MS PACK: Your Honour, I'm happy to deal with that now.

28 Q. Witness, what do you mean by "logistics"?

29 A. When I talk of logistics -- Gullit, I referred to him that

1 he brought logistics. Gullit, he brought the logistics. I mean
2 rice, alcohol. These were logistics. Those are the basic needs.
3 He brought them. These were the logistics I am talking about.

4 Q. And on this first occasion you're talking about when
11:39:09 5 Mosquito called about -- when Superman called about supplies from
6 Mosquito, what on this occasion was he talking about that you
7 would be getting from Mosquito?

8 A. Go over the question, please.

9 Q. You've spoken about the first occasion where Mosquito was
11:39:32 10 supplying things from Kailahun to Kono. Would you identify what
11 Mosquito was going to be supplying to you on this first occasion.

12 A. The first occasion were arms and ammunition.

13 Q. Now, you've talked about Superman calling the SLA commander
14 and the operation commander, and you going with them and hearing
11:40:05 15 something being said about men being trained to collect arms and
16 ammunition from Kailahun. What happened after that?

17 A. After Superman explained this, later myself and the SLA
18 operation commander and the SLA commander came and picked some
19 soldiers and took them back to Superman. And they left to go for
11:40:35 20 the ammunitions.

21 Q. Now, did these soldiers who left to go for ammunition ever
22 return?

23 A. Yes.

24 Q. Did you see them when they returned?

11:40:58 25 A. Yes.

26 Q. Did you see what they brought with them?

27 A. Yes.

28 Q. What did they bring with them?

29 A. This time, they only came with ammunitions.

1 Q. Where did they take the ammunition to?

2 A. Directly to Superman.

3 Q. What happened -- do you know what happened to the
4 ammunition after Superman received it?

11:41:34 5 A. Superman called the SLA operation and the SLA commander.
6 When he called them, he called them to see these arms and
7 ammunition. I went together with them, and we saw them. And
8 they said they were going to reserve them in case there was any
9 heavy fight. Then they will distribute them to both the SLAs and
11:41:55 10 the RUF.

11 Q. Was the ammunition subsequently distributed to the SLA and
12 the RUF as far as you know?

13 MR FOFANAH: May it please Your Honours, at this stage may
14 we seek clarification. Because in answer to the question as to
11:42:12 15 whether the witness saw the men with anything after they had come
16 back from collecting the arms and ammunition, he categorically
17 stated that he saw them with arms. And then later --

18 PRESIDING JUDGE: Mr Fofanah, my record is they brought
19 only ammunitions.

11:42:31 20 MR FOFANAH: Ammunitions. Okay, thank you.

21 MS PACK:

22 Q. Do you know if the ammunition that was brought to Superman
23 was ever distributed to the SLAs and the RUF in Kono?

24 A. Yes.

11:42:54 25 Q. How do you know that?

26 A. Well, the operation to Koidu Geiya, during that time,
27 Superman repeated -- distributed the ammunition to the SLAs and
28 the RUF in my presence at Dabundeh Street. And the other
29 soldiers and myself moved to Koidu Geiya.

1 Q. What ammunition was distributed to you, what types of
2 ammunition?
3 A. He had AK rounds and LAR rounds.
4 Q. LAR rounds. What does LAR mean -- stand for?
11:43:46 5 A. Light automatic rifle.
6 Q. What else?
7 A. AK.
8 Q. So you just said AK rounds and LAR rounds.
9 A. And also few bombs and 60-millimetre bombs. Few RPG bombs
11:44:08 10 and few 60-millimetre bombs.
11 Q. And RPG, just to assist --
12 PRESIDING JUDGE: RPG has been used continually throughout
13 this trial, and we have never yet had a statement of what it
14 means.
11:44:23 15 MS PACK:
16 Q. So Witness, you can now provide that statement of what RPG
17 means, please, for the Chamber.
18 A. Rocket-propelled grenade.
19 JUDGE SEBUTINDE: Similarly, AK rounds, we have no clue.
11:44:42 20 MS PACK:
21 Q. Witness, when you talk about AK rounds, what are AK rounds
22 for?
23 A. Well, this, the rounds used on the weapon.
24 Q. Which weapon are you talking about?
11:45:00 25 A. Avtomat Kalashnikov, AK-47.
26 MS PACK: I'm not even going to try to spell that,
27 Your Honour. If I can leave it as "AK" for the time being, and
28 perhaps just ask for it to be spelled phonetically by the
29 transcript writers as best they can.

1 THE WITNESS: It's a Russian word.

2 JUDGE SEBUTINDE: Mr Witness, I imagine this is the
3 magazine that you fix on some of these guns. The magazine that
4 contains the actual live bullets is the AK rounds.

11:45:42 5 THE WITNESS: Yes, I want to believe so. But you can put
6 it -- these are the rounds they put in the magazine, and we
7 attach the magazine to the gun.

8 MS PACK:

9 Q. So you've spoken about the Kalashnikov, the AK-47 rounds,
11:46:00 10 and then you've spoken about the rounds for the light automatic
11 rifle, the LAR. You've also spoken about some rocket-propelled
12 grenade bombs, and you've talked about 60-millimetre bombs. What
13 are they for?

14 A. These were there to fight.

11:46:28 15 Q. Witness, I'm going to ask you if there was another occasion
16 upon which you received any supplies from Mosquito?

17 A. Yes.

18 Q. Do you recall when that was?

19 A. During the Koidu Geiya operation, we received ammunition
11:46:50 20 from troops from Kailahun.

21 Q. On this occasion, how do you know that you received
22 ammunition from troops from Kailahun?

23 A. As I have earlier said, Mosquito called and said he would
24 dispatch troops who will bring ammunitions. So both the SLA and
11:47:20 25 the RUF should capture Koidu Geiya and receive the -- receive the
26 ammunitions and take the money to Kailahun. And while we were
27 there --

28 Q. Pause, please, Witness. While you were there, were
29 there -- did the arms and ammunition -- any arms and ammunition

1 arrive in Koidu Geiya?

2 A. Yes. Only ammunition, ammunition arrived.

3 Q. Can you tell, please, the Chamber what ammunition you
4 received.

11:47:57 5 A. Yes.

6 Q. What ammunition?

7 A. This time around, it was AK rounds, LAR rounds, few RPG
8 bombs, and also two boxes of 60-millimetres bombs.

9 Q. Was -- were these -- was this ammunition distributed?

11:48:32 10 A. No.

11 Q. What happened to it? Do you know?

12 A. At Koidu Geiya, Superman said he was taking them back to
13 the headquarters in Koidu. If there was any other attack, they
14 would distribute them.

11:48:50 15 Q. Was it distributed subsequently, to your knowledge?

16 A. Yes.

17 Q. When?

18 A. This was when we finally pulled out as ECOMOG was advancing
19 towards Sewafe. So these ammunition were distributed. Yes, they
11:49:13 20 distributed them.

21 Q. And who distributed the ammunition?

22 A. Superman.

23 Q. To whom did he distribute it?

24 A. He gave them directly to the SLA commander, Bazzy, Ibrahim
11:49:39 25 Bazzy Kamara.

26 Q. How do you know he distributed it to Bazzy?

27 A. I myself escorted the operation commander and Commander
28 Bazzy to Superman's residence and collected the ammunition.

29 Q. Now, you've mentioned an occasion when Gullit brought what

1 you called logistics from Kailahun. When was this?

2 A. This was in mid-May 1998, and this was at the time when
3 ECOMOG was suppressing us as there was confusion between the SLAs
4 and the RUFs.

11:50:28 5 Q. Was this the time when Gullit came from Kailahun to Kono,
6 or was it another occasion?

7 A. This was at the time when Gullit had arrived from Kailahun.

8 Q. I think you've already explained this, but just repeat,
9 please, what did Gullit bring with him from Kailahun on this
11:50:49 10 occasion?

11 A. He came with rice and alcohol.

12 Q. Now, Witness, you have talked about previously the
13 operation that Mosquito ordered in a communication with Superman
14 to break Sewafe Bridge. Please remind the Chamber when did this
11:51:26 15 communication occur in terms of your -- in relation to your
16 departure from Kono.

17 A. Well, this was in mid-May when it happened.

18 Q. Now, following the communication, what happened?

19 A. Immediately the RUF artillery commander, that is Colonel
11:51:55 20 Isaac Mongor, and myself, the SLA commander, and the operation
21 commander and other soldiers, and the other RUF went to this
22 bridge as Colonel Isaac was driving one of the Caterpillars
23 towards the bridge, directly into the bridge.

24 Q. Pause a moment. What do you mean by "Caterpillar"?

11:52:34 25 A. Well, it was a D8 Caterpillar, a bulldozer.

26 Q. So you've described Colonel Isaac, this is Colonel Isaac
27 Mongor, driving a Caterpillar. What happened after that?

28 A. Well, the Caterpillar arrived. We arrived together, I and
29 the operation commander, together with Isaac Mongor and the other

1 soldiers with the Caterpillar at Sewafe Bridge. There was one
2 civilian operator who had been recruited for him to put down the
3 bridge.

4 Q. Meaning what? What do you mean by "put down the bridge"?

11:53:29 5 A. To destroy the bridge.

6 Q. How -- what did he do?

7 A. Well, the Caterpillar should hit the pillars in accordance
8 with the directive given to him. So this civilian started the
9 engine of the Caterpillar, and he found that the Caterpillar had
11:53:57 10 some technical problems. Later, he escaped, and he was not seen
11 thereafter.

12 Q. Apart from the commanders you've identified on this
13 operation, can you recall anyone else who went on this operation
14 on Sewafe Bridge?

11:54:18 15 A. Bazzy was also present. Leather Boot was also present.

16 MS PACK: You've already identified Leather Boot as Colonel
17 Idrissa Kamara, Your Honours, the military supervisor.

18 Q. Anyone else?

19 A. Operation Commander A.

11:54:40 20 Q. Anyone else?

21 A. The RUF operation commander, Superman.

22 Q. Anyone else you recall?

23 A. Myself, and the other soldiers together with Isaac Mongor
24 were all there.

11:54:59 25 Q. The men under these commanders, what groups were they from?

26 A. Well, it included both the RUF and the SLA group.

27 Q. Who led the operation?

28 A. Superman was in charge of the operation.

29 Q. Finally, what happened on this operation?

1 A. As this operator had run away, later I, the RUF commander,
2 and the RUF operation commander, together with the SLA commander
3 and the operation commander and the other military supervisors
4 present, it was ordered that we should dig up right in the middle
11:55:58 5 of the bridge. We dug the bridge together with the other
6 soldiers. We brought some old bombs that had no fuse and placed
7 these bombs in the hole which we had dug. Later, we tied a rope.
8 And myself and the other soldiers were located far off from the
9 hole.

11:56:37 10 Q. What did you do?

11 A. We lit -- we lit the bomb, and it exploded and caused a
12 very big hole in the bridge, just to create an obstacle from
13 allowing the ECOMOG forces advancing towards us.

14 Q. Did the ECOMOG forces subsequently advance towards you?

11:57:06 15 A. Yes.

16 Q. What did you do as a result of their advancing towards you?

17 A. Well, since this obstacle didn't work, the ECOMOG had their
18 own engineers, and they went through the bridge. No sooner they
19 did that, we created a defensive position, and we started
11:57:32 20 withdrawing tactically from Sewafe.

21 Q. Where did you withdraw to?

22 A. Well, I, the operation commander, with whom I was and the
23 other soldiers, we started moving tactically retreating -- we
24 continued retreating --

11:57:56 25 Q. To where?

26 A. We went directly to Dabundeh Street.

27 Q. Pause a moment.

28 MR KNOOPS: Your Honour, if I may, as we have established
29 yesterday that this witness is not a military expert, I object

1 against the word "tactically." It's not a word which is -- which
2 falls within the common knowledge of lay witnesses. So either
3 the witness should explain the word or it should be stricken from
4 the record.

11:58:37 5 MS PACK: May I ask the witness to explain what he means by
6 "tactical" withdrawal.

7 Q. Witness, please explain what you mean by using the word
8 "tactical" to explain your withdrawal from Sewafe.

9 A. Well, in war, these are words we use. Withdrawal, whilst
11:59:00 10 the enemy is approaching, we don't just retreat like that. We
11 shoot whilst withdrawing. We create an obstacle wherein the
12 enemy could not just advance with speed to reach us. That's what
13 I mean by tactical withdrawal. We shoot at them. And whilst
14 we're shooting at them, that will slow down their movement, and
11:59:22 15 that's how we would retreat. We would shoot and retreat, shoot
16 and retreat. That's what I mean by tactical withdrawal.

17 MS THOMPSON: Your Honour, may I respectfully suggest the
18 witness has given an answer what would happen in times of war,
19 and this Court would recognise he's not an expert witness. The
11:59:47 20 question deserves an answer of what they did as opposed to what
21 would normally happen in times of war.

22 PRESIDING JUDGE: Yes, I agree, Ms Thompson. That is
23 really an observation or an explanation. It's not what he saw,
24 heard, or observed.

12:00:03 25 MS PACK: I'll follow it up with what happened on this
26 occasion.

27 Q. You've described what you mean by tactical withdrawal.
28 What, in fact, happened on this occasion when you withdrew from
29 Sewafe Bridge?

1 A. Well, whilst we were withdrawing tactically, I and the
2 operation commander, together with the SLA commander, started
3 withdrawing whilst Bazzy moved directly to Tombodu. And I and
4 the operation commander and the other soldiers went to Dabundeh
12:00:44 5 Street to see --
6 Q. Pause, please. Before we get to Dabundeh Street, I'm just
7 going to ask you on this specific occasion when you used the
8 language "tactical withdrawal," what do you mean in relation to
9 this specific withdrawal from Sewafe Bridge? Just explain what
12:01:00 10 you mean on this occasion.
11 A. Well, we didn't just retreat. We were shooting at the
12 enemy positions, and withdrawing at the same time.
13 Q. Now, Witness -- I'm sorry I interrupted you. If you're
14 about to continue, please do so.
12:01:24 15 A. This slowed down the advancement of the enemy troops
16 towards our positions.
17 Q. Now, Witness, you mentioned then going to Dabundeh Street.
18 MS PACK: It has been spelled before, Your Honours,
19 D-a-b-u-n-d-e-h Street.
12:01:41 20 Q. Did you see anything at Dabundeh Street?
21 A. Yes.
22 Q. What did you see there?
23 A. Well, to our surprise, there was no RUF. We met all the
24 houses on fire.
12:02:00 25 Q. Where did you go next after Dabundeh Street?
26 A. This gave my operation commander the [indiscernible] that
27 the RUF had withdrawn. So I moved together with my operation
28 commander directly to Tombodu.
29 Q. And you've already said that you went with your operational

1 commander and other soldiers to Tombodu. Who else went to

2 Tombodu?

3 A. Well, already Gullit didn't go there. He was in Tombodu
4 awaiting the withdrawal of all soldiers.

12:02:55 5 Q. And did all soldiers eventually get to Tombodu?

6 A. Well, whilst I and the operation commander returned, we
7 were informed that Savage had gone out to look for the operation
8 commander and his squad. So Savage was the only person we didn't
9 see around. But we met Bazzy and the other soldiers, including

12:03:18 10 Gullit and the military supervisors. They were all at Tombodu
11 waiting for the operation commander.

12 Q. Did you stay in Tombodu?

13 A. Well, we waited for some time looking out for Savage. And
14 later, Gullit said we should move further.

12:03:44 15 Q. Where did you go next?

16 A. Well, I -- the other soldiers, including the SLA commander
17 and Bazzy and the operation commander left for Yomadu. From
18 Yomadu, we moved to Mansofinia.

19 MS PACK: Pause for a moment. Yomadu, you've already had
12:04:15 20 spelled, Your Honours. And of course, it's on the map, number 9.

21 Q. Now, you're talking about the SLA commander. Who was the
22 SLA commander at this time?

23 A. Well, on Gullit's arrival, he became the SLA commander,
24 whilst Bazzy became the deputy SLA commander, and Operation
12:04:36 25 Commander A continued to act as the operation commander for the
26 SLA.

27 PRESIDING JUDGE: Unfortunately, I didn't get all of that.
28 Could the witness please repeat that answer.

29 MS PACK:

1 Q. Witness, I'd ask you who you meant by the SLA commander at
2 this point.

3 A. I said on Gullit's arrival, he became the SLA commander.
4 He was deputised by Bazzy, Ibrahim Bazzy Kamara. And the
12:05:21 5 operation commander remained in the position.

6 PRESIDING JUDGE: Thank you.

7 MS PACK:

8 Q. Just to clarify - you've talked about this before but just
9 to clarify - at this time when Gullit was there, who was
12:05:30 10 immediately subordinate to Gullit?

11 A. Bazzy and the other soldiers. I and all the other soldiers
12 who were in that town were subordinate to him.

13 Q. Who was immediately subordinate to Bazzy?

14 A. Operation Commander A.

12:06:08 15 MS PACK: I've dealt with the basis of the witness's
16 knowledge of this earlier, and I'm not going to ask again,
17 Your Honours.

18 Q. Now, Witness, you said -- you said that you went to
19 Mansofinia. Who went to Mansofinia?

12:06:31 20 A. I, together with the SLA commander, the deputy -- the
21 operation commander, and all the SLAs who were in Kono, we went
22 directly to Mansofinia.

23 Q. Did any SLAs remain in Kono?

24 A. Yes.

12:06:56 25 Q. Who remained in Kono?

26 A. Kallay, he had a road accident, Foday Kallay. The deputy
27 operation commander stayed behind, Leather Boot.

28 MS PACK: We've already identified him as Idrissa Kamara.

29 Q. Anyone else?

1 A. And Adams.

2 Q. Anyone else?

3 A. Also Momoh Dorty stayed behind in Kono.

4 Q. Do you know where Mohamed Savage went?

12:07:45 5 A. Like I had earlier said, whilst they were in Tombodu
6 together with the operation commander, they said Savage had gone
7 in search of us. So as we left Tombodu for Mansofinia, Savage
8 was not with the entire troop. He stayed in Kono.

9 Q. I'm going to ask you, please, Witness, to look at
12:08:14 10 Exhibit P14.

11 MS PACK: Which is the map of Kono District, Your Honour,
12 just to identify one more location. If I may ask the witness to
13 be handed back a copy of that exhibit. And if he can also be
14 handed a highlighter and a pen, and I'll ask him to mark as he
12:08:44 15 did before.

16 Q. Now, Witness, I'm going to ask if you can see on that map
17 the location Mansofinia. And if you could, if so, mark that in
18 circle with a highlighter and number it, please, number 10.

19 A. Yes.

12:09:41 20 Q. Have you done that?

21 A. Yes, My Lord.

22 MS PACK: That was the only matter I wanted to have marked
23 on the map, Your Honour.

24 PRESIDING JUDGE: Mr Court Attendant, please show the
12:10:00 25 exhibit to counsel for the Prosecution and counsel for the
26 Defence.

27 Ms Pack, we have seen that exhibit. If you could please
28 proceed -- sorry, pause, please.

29 MR KNOOPS: Your Honour, before we move further, I would

1 like to, unless the Prosecution wishes to continue on this
2 subject -- I'm not sure if she finished. But I waited with my
3 objection because until so far there was no foundation laid for
4 the witness's conclusion that all the other soldiers withdraw
12:11:59 5 from Kono except the four mentioned in his last answer. Yet we
6 have observed from his testimony that he spoke about the alleged
7 existence of several battalions in Kono. So the question is
8 where is the foundation for his conclusion that all the soldiers
9 withdrew from Kono except the four persons mentioned in his last
12:12:24 10 answer.

11 And in the absence of any foundation, I object against the
12 answer because that's not an answer that then falls within his
13 knowledge.

14 MS PACK: I'll ask the witness.

12:12:38 15 Q. How do you know that all the SLAs, apart from Foday Kallay,
16 Idrissa Kamara alias Leather Boot, Adams, Momoh Dorty, and
17 Savage, how do you know that all the SLAs apart from them left
18 Kono?

19 A. Well, just like I had named the various battalions and the
12:13:05 20 commanders that were sent to those villages, those commanders
21 reported together with their men. That's -- that's a clear
22 indication that all of them reported except those that I've named
23 that stayed behind. Because some of them went in search of their
24 families in the environs.

12:13:25 25 Q. To whom did all the other commanders report?

26 A. Which other commanders?

27 Q. You're saying that you know that other commanders reported,
28 and the question is who did they report to?

29 A. Directly. As I had said, Gullit was in Tombodu waiting for

1 the soldiers as this was a plan that all SLAs should withdraw.

2 Q. How do you know that the other commanders all reported to
3 Gullit in Tombodu?

4 MS THOMPSON: Your Honour, that was not the answer to the
12:14:06 5 question.

6 PRESIDING JUDGE: He did not say that.

7 MR FOFANAH: May I rise hesitantly, Your Honours, to go to
8 what Professor Knoops objected to on the grounds that this
9 witness has still not sufficiently provided any information
12:14:28 10 within his own purview, his own personal knowledge, as to how he
11 came to the conclusion that the other four or five people
12 mentioned, in fact, stayed or remained in Kono. Because he was
13 basically saying that because they did not report with their
14 troops, he came to the conclusion that they may have remained in
12:14:50 15 Kono.

16 So on that basis, I'm objecting. And I'm also indicating
17 that his answers be struck off on the basis of speculation. That
18 particular information was not contained within his personal
19 knowledge, and he merely came to that conclusion on a speculative
12:15:11 20 ground and that that answer be struck off, except if the
21 Prosecutor wishes to make further proper foundation. Thank you.

22 MS PACK: Your Honour, the evidence is what it is. The
23 witness says that other commanders reported. I'm going to find
24 out who they reported to. But other commanders reported. That's
12:15:31 25 his evidence, then, that these ones didn't. That's his evidence.
26 There's no reason to strike it out.

27 JUDGE SEBUTINDE: Ms Pack, the witness -- you didn't ask
28 the witness who didn't report or who did or did not report. You
29 asked him, and the answer he gave was five names --

1 MS PACK: Yes, Your Honour.

2 JUDGE SEBUTINDE: -- stayed in Kono, and he further said
3 they went to the environs to look for their family. Now, this, I
4 think, is the meat of the objection from the Defence side. No
12:16:09 5 foundation was laid for that. That is one of the objections.

6 The other is he said all other SLAs apart from the five
7 people named moved to Mansofinia. And the other objection I
8 think by Mr Knoops relates to that, "all other SLAs." Again, no
9 foundation was laid. I think that's where we're at, and we need
12:16:29 10 to make a finding and a ruling on whether the answers he has
11 given so far are admissible or are speculative.

12 MS PACK: Yes. Your Honour, perhaps if you would give me
13 the opportunity to finish a line of questioning on this, and then
14 I will hopefully by then have identified the extent to which the
12:16:50 15 witness knows or doesn't know the specific information that he
16 has provided to the Chamber.

17 Q. Witness, I'm going to break down some questions for you on
18 what you've said specifically about these five individuals who
19 you say stayed in Kono. Now, just wait for the question.

12:17:11 20 You say that other SLA commanders reported in Tombodu.

21 Now, who did other SLA commanders in Tombodu report to?

22 A. As I had said earlier, that after the order given by Gullit
23 and we started to withdraw, all the commanders reported to Gullit
24 because he was waiting in Tombodu to receive them.

12:17:46 25 Q. How do you know that --

26 THE INTERPRETER: Excuse me, one counsel's microphone is on
27 and it's giving us some problems. Thank you.

28 MS PACK:

29 Q. How do you know that the SLA commanders reported to Gullit

1 in Tombodu?

2 A. Well, just as I had said, I together with the commander,
3 when we arrived, we met Gullit waiting for the operation
4 commander's arrival so that the entire troop would depart from
12:18:25 5 Mansofinia.

6 Q. I'm sorry, I didn't get that very clearly. Gullit was
7 waiting for who?

8 A. Since they had not seen myself and the operation commander,
9 they couldn't depart. So on our arrival together with the
12:18:41 10 operation commander, and Savage had gone in search of us, when he
11 saw us, he told us to prepare for our final departure to
12 Mansofinia.

13 Q. You're talking about the arrival of you and the operation
14 commander in Tombodu, are you?

12:19:05 15 A. Operation Commander A, yes.

16 Q. How do you know about the reporting of other commanders to
17 Gullit in Tombodu apart from you and the operation commander?

18 A. When this order was passed by Gullit, everybody was waiting
19 together with their families for the arrival of the operation
12:19:32 20 commander so that we would all move together to Mansofinia.

21 MR KNOOPS: Your Honour, I have to object. Until so far,
22 we only have heard from this witness terms like "everybody," "the
23 whole SLA group," and he also just mentioned "the entire group."
24 The witness is repeating himself in speaking in plurality without
12:20:00 25 giving any specifications and, therefore, suggesting that he has
26 knowledge about the whereabouts of all the SLA soldiers who
27 actually were present.

28 By way of example, he just answered "we were all waiting
29 for, all the soldiers were waiting for..." He cannot answer for

1 all these soldiers. He cannot speak for them. He cannot qualify
2 whether they were waiting or not waiting. These are all
3 subjective interpretations which are not subjected to any form of
4 verification or identification right now. And I think we, as
12:20:39 5 Defence, we were quite lenient in allowing the witness to
6 continue. But in this way, we have no option than to object
7 because it will, I think, endanger the possibilities for proper
8 cross-examination when the witness continues to speak in
9 plurality forms. And he's not answering any further questions,
12:21:01 10 precise questions, which stem from our objections.

11 So I object against the -- all the answers given by the
12 witness until so far; and unless further clarification is given
13 by the witness, we respectfully request to strike all these
14 answers from the record.

12:21:22 15 MS PACK: Your Honour, I'm in the middle of a line of
16 questioning about the commanders in Tombodu, and I haven't
17 finished yet. I asked the witness, and he talked about the
18 arrival of the operational commander whom he was with. He talked
19 about the others. I will ask him to name them.

12:21:38 20 Your Honour, I don't see how my learned friend can get
21 stricken off the record a whole -- answers that the witness has
22 given to questions. If my learned friend has an objection to a
23 question, he may raise that objection once I've asked the
24 question, in my submission. But then to seek to strike out a
12:21:56 25 subsequent answer, in my submission, is quite wrong.

26 Your Honour, I would ask Your Honours' permission to carry
27 on with my line of questioning, which is seeking to clarify what
28 was raised earlier by my learned friend Mr Knoops, seeking to
29 clarify the broad terms in which the witness has answered the

1 question. And I will continue to do that. But it's going to
2 take a few questions. I can't just do it in one question.

3 PRESIDING JUDGE: But Ms Pack, we did have this issue
4 either yesterday or the day before of the witness talking of "we"
12:22:32 5 and using collective nouns where it wasn't clear who exactly he
6 was speaking about. His line of answering, on occasion, I note,
7 he is more specific. He said "I" and X, Y. But the way he has
8 now reverted is to say "all soldiers," "all troops." I note the
9 use of those words. And he is speaking and making statements on
12:23:02 10 a collective way that shows not just him but many people did many
11 things, and it's not clear what that knowledge emanates from. He
12 must be more specific.

13 MS PACK: Sorry, I do apologise.

14 PRESIDING JUDGE: Please, go on.

12:23:20 15 MS PACK: With Your Honours' permission, I will ask him
16 specifically to name those commanders who he saw in Tombodu, and
17 I think that will solve any concern my learned friend has. And
18 it was something that I was getting to, but I'm afraid I hadn't
19 asked him yet. But I think that will resolve any concerns my
12:23:40 20 learned friend has as to lack of specifics.

21 PRESIDING JUDGE: Mr Knoops, I will not rule on your
22 objection until this line of questioning, and I will then invite
23 you to comment again at the end of this line of questioning in
24 the light of the comments I've already made.

12:23:53 25 MR KNOOPS: Much obliged, Your Honour. Just for clarity,
26 my objection was not to strike the whole answer of the witness
27 from the record but merely his reference to terms like "other
28 soldiers," et cetera.

29 PRESIDING JUDGE: I must say, I formed the same impression

1 as Ms Pack did, that you were seeking to strike a whole series of
2 questions and answers. But I'm grateful for that clarification.

3 MR KNOOPS: No, no.

4 MS PACK:

12:24:20 5 Q. Now, Witness, apart from the SLA commander Gullit and apart
6 from the operation commander you were with, did you see any other
7 commanders in Tombodu when you got there before you moved off for
8 Mansofinia?

9 A. Yes.

12:24:40 10 Q. Please name the commanders that you saw at this location
11 before you moved off. And I would ask you to do that slowly so
12 that we can go through the names; and if necessary, I can respell
13 them one by one.

14 A. As I had earlier said, the battalion commanders were there.

12:25:01 15 Q. Pause. I'd like you, please, to name the battalion
16 commanders that you recall in Tombodu.

17 A. The Yengema commander for the SLA, Battalion Commander
18 Tito, was present.

19 Q. Pause.

12:25:27 20 MS PACK: Already spelled for Your Honours, T-i-t-o.

21 Q. Next -- one moment. Did you see if he was there with his
22 battalion?

23 A. He was there with his strong manpower which he had in
24 Yengema. They were all there.

12:25:55 25 Q. Could you name the next commander that you saw in Tombodu
26 when you got there.

27 A. Military supervisor Ibrahim Bioh Sesay.

28 Q. Pause a moment.

29 MS PACK: Again, spelled for Your Honours, the middle name

1 is Bioh, B-i-o-h.

2 Q. Did Ibrahim Bioh Sesay have any men with him that you saw?

3 A. Yes.

4 Q. Who were the men with Ibrahim Bioh Sesay?

12:26:45 5 A. He had his own personal bodyguards and other soldiers
6 because this withdrawal was a planned withdrawal.

7 Q. Can you remember any other commanders that you saw in
8 Tombodu when you got there?

9 A. Yes.

12:27:12 10 Q. Name them, please.

11 A. Military supervisor Abdul Sesay.

12 MS PACK: It's another name Your Honours have had before.

13 Q. Did you see if there were any men with Abdul Sesay?

14 A. Yes.

12:27:33 15 Q. Who did he have with him?

16 A. He had his personal bodyguards and some soldiers.

17 Q. Anyone else that you can name as a commander who was in
18 Tombodu?

19 A. Ibrahim Bazzy Kamara.

12:28:10 20 Q. Did Ibrahim Bazzy Kamara have some men that you saw who
21 were specifically with him?

22 A. Yes.

23 Q. And did you see who those men were?

24 A. Yes.

12:28:28 25 Q. Who were they?

26 A. He had his own personal bodyguards and had some other
27 soldiers with him.

28 Q. Did you see any other SLA commanders in Tombodu?

29 A. Yes. The SLA commander, Commander Gullit, was also there.

1 Q. Did he have men specifically with him?

2 A. Yes.

3 Q. Who were they?

4 A. He had his personal bodyguards and some other soldiers were
12:29:13 5 with him.

6 Q. Did you see any other commanders in Tombodu when you got
7 there?

8 A. Yes.

9 Q. Who?

12:29:35 10 A. Junior Sheriff. Lieutenant Junior Sheriff.

11 Q. Now, Lieutenant Junior Sheriff, did he have any men with
12 him?

13 A. Yes. He, too, had some soldiers with him.

14 MS PACK: Your Honours will recall the spelling for him is
12:30:02 15 S-H-E-R-I-F-F.

16 Q. Do you remember any other commanders who were in Tombodu?

17 A. Operation Commander A.

18 Q. Who is with him? No need to name any names.

19 A. I myself was with him.

12:30:28 20 Q. Were there others?

21 A. Yes.

22 Q. Were there any other commanders you recall in Tombodu when
23 you got there?

24 A. Yes. The names of the others I couldn't remember now, but
12:30:56 25 they were there.

26 Q. Now, Witness, you have previously said that there were five
27 commanders who you say were left behind in Kono, and they were
28 Foday Kallay, Idrissa Kamara, Adams, Momoh Derty, and Savage. I
29 want you to think about this question and answer this question.

1 And it is how do you know that these individuals, these five, did
2 not come -- were not at Tombodu and did not come up to Mansofinia
3 with you?

4 A. Well, first of all, Foday Kallay had had a road accident.

12:32:06 5 And at that time, the SLA had no medical facility. It was the
6 RUF that were responsible for the medical, so he was in their own
7 area because he had been involved in this accident.

8 Q. So how do you know he'd been involved in an accident?

9 A. Well, I myself -- after he had had the accident, I went to
12:32:31 10 pick him you were where he had this accident with one Land Rover
11 at Five-Five Spot. His foot was broken.

12 Q. How do you know specifically that he then stayed in Kono?

13 A. He was admitted at the RUF hospital which was around the
14 Guinea Highway.

12:33:07 15 Q. Did you ever go there?

16 A. Yes, I visited him. I went there together with the
17 operations commander to visit him, and we took some things for
18 him.

19 Q. Now, let's move on to the second individual you identify,
12:33:21 20 Idrissa Kamara. How do you know that he didn't -- that he
21 remained in Kono?

22 A. Well, before the withdrawal, he said he was going to
23 collect his family at Gandorhun together with Adams. That is
24 what they said, together with Adams.

12:33:45 25 Q. Who said this?

26 A. Idrissa Kamara and Colonel Adams.

27 PRESIDING JUDGE: Was there another name I didn't quite
28 hear, Ms Pack?

29 MS PACK: Adams, A-d-a-m-s, the other of the -- the third

1 of the five individuals.

2 JUDGE SEBUTINDE: Sorry, what's the name of the place where
3 they were going to check on the family members?

4 MS PACK: Perhaps I can ask the witness to repeat that.

12:34:17 5 Q. Where were they going to check on the family members?

6 A. At Gandorhun. That was the place they sent their family
7 members.

8 MS PACK: That was Gandorhun on the map at 6.

9 Q. How do you know they were going to Gandorhun to see their
12:34:43 10 families?

11 A. Well, the time of the withdrawal from Kono, as ECOMOG were
12 using artillery when they were coming to Koidu, so they took
13 their families and they were taken them to Gandorhun in case of
14 anything.

12:34:58 15 Q. How do you know they took their families to Gandorhun?

16 A. This happened in front of me. They moved while I was there
17 to take their families.

18 Q. And the fourth individual you named was Momoh Dorty. How
19 do you know that he remained in Kono?

12:35:31 20 A. He, too, was going in search of his wife.

21 Q. How do you know he was going in search of his wife?

22 A. He said it in my presence and in the presence of the
23 operation commander that his wife had remained in Koidu Town, and
24 so he was going there to look out for her.

12:35:49 25 Q. Where was he going? Repeat that name.

26 A. He said he was going to Koidu Town in search of his wife.

27 MS PACK: Number 1 on the map, Your Honour.

28 Q. And finally, Witness, you said that Savage remained behind
29 in Kono. How do you know that Savage remained behind in Kono?

1 A. Well, while the withdrawal was going on, myself and the
2 operation commander were coming from Dabundeh Street to report in
3 Tombodu. In fact, Gullit informed us that Savage had just left
4 to go in search of us. So they were waiting for the operations
12:36:32 5 commander so that they could move to Mansofinia.

6 JUDGE SEBUTINDE: Actually, Ms Pack, the evidence shows
7 that this witness, to the question you asked him, what happened,
8 he pretty much indicated he didn't know what happened to Savage.
9 He didn't suggest that Savage remained in Kono. That was the
12:36:53 10 answer I remember on the record. Maybe you can take it from
11 there.

12 MS PACK: I think he gave an explanation that he had gone
13 off and they were waiting for him, and then said he was left
14 behind in Kono after that. Perhaps I'll ask the witness just to
12:37:06 15 identify.

16 Q. You told us that Gullit had informed you that Savage had
17 left in search of you. Do you know what happened to Savage after
18 that?

19 A. Well, after some time, when we together -- when I arrived
12:37:23 20 together with the operations commander, we waited for some time.
21 But Savage never arrived. And also, the other commanders whom I
22 have named, apart from Foday Kallay, they never came.

23 Q. Now, you've said that the SLA commanders in Tombodu
24 reported to Gullit.

12:38:08 25 MR FOFANAH: Sorry. May it please Your Honours, sorry for
26 interrupting. The witness just said that after they arrived,
27 they did not see Kallay and the others he's mentioned. But we
28 don't know where they arrived. Probably we need to clarify that.
29 The last statement, he said, "After we arrived, Kallay and others

1 did not come?

2 MS PACK: I thought it was reasonably logical we were
3 talking about Tombodu all this time, the commanders who reported
4 in Tombodu.

12:38:36 5 JUDGE SEBUTINDE: No, it's not obvious because --

6 MR FOFANAH: I just want to clarify that.

7 JUDGE SEBUTINDE: It's not obvious because you keep
8 shifting from -- what's this other place?

9 MS PACK: Mansofinia.

12:38:47 10 JUDGE SEBUTINDE: Yes, from Mansofinia and Tombodu, so I
11 think the observation is quite pertinent.

12 MS PACK:

13 Q. Witness, when you say that Savage never arrived, where
14 didn't Savage ever arrive at?

12:39:04 15 A. Tombodu was the temporary base. So that was the place
16 myself and the others were waiting for Savage to come so we could
17 withdraw to Mansofinia.

18 Q. You subsequently withdraw to Mansofinia. Did Savage ever
19 arrive in Mansofinia?

12:39:23 20 A. He never came.

21 Q. Now, the other commanders, other four that you've
22 identified, Kallay, Idrissa Kamara, Adams, Momoh Dorty, did they
23 arrive ever in Tombodu?

24 A. They never came.

12:39:38 25 Q. Did they ever arrive in Mansofinia where you subsequently
26 withdrew to?

27 A. They never met us there.

28 Q. You have told us earlier that the SLA commanders in Tombodu
29 reported to Gullit. How do you know that they reported to

1 Gullit?

2 A. I myself when I came with the operation commander of the
3 SLA, we reported directly to Gullit because this is something
4 that had been planned.

12:40:19 5 Q. Did you see any interaction between anyone else and Gullit
6 while you were in Tombodu?

7 A. He sat closely with all the commanders that I have named.
8 They were all -- when I returned together with the operation
9 commander, we reported and found them there. And they said they
12:40:43 10 were waiting for us.

11 JUDGE SEBUTINDE: Sorry, Ms Pack, are we now at Mansofinia
12 or are we at Tombodu?

13 MS PACK: The question was about Tombodu, Your Honour, just
14 Tombodu at this point.

12:41:10 15 Q. Now, Witness, you gave evidence that you subsequently went
16 to Mansofinia. Who did you go to Mansofinia with, you
17 personally?

18 A. Myself, the Operation Commander A, Bazzy, Gullit, Bioh,
19 Abdul Sesay, and the political advisor, Coachy Borno.

12:41:38 20 MS PACK: Gullit; B-o-b-i-o-h; Abdul Sesay Your Honours
21 have already; Coachy Borno, Your Honours have already, B-o-r-n-o.

22 Q. My question was who you went with personally.

23 A. These were the people that I named. But I don't want to
24 explain in detail because I will be identifying myself.

12:42:15 25 Q. How did you travel to Mansofinia?

26 A. Myself and the squad moved by the highway in the vehicle.

27 Q. And this squad, are you talking about a squad which you
28 don't want to identify in public?

29 A. Well, just as I've named them, but I was among.

1 Q. So you were in a squad with Bazzy, Gullit, Bioh, Abdul
2 Sesay, and Coachy Borno - is that what you're saying - together
3 with your operation commander?

4 A. Yes.

12:42:57 5 MR KNOOPS: Your Honours, I object. It was a leading
6 question. But be that as it may, the witness still doesn't
7 identify what he understands with squad, "the squad." Is it
8 confined to the individuals he just mentioned, or does it also
9 encompass several other individuals?

12:43:25 10 PRESIDING JUDGE: It is, in fact, I suggest also, a
11 technical word. He said, "myself and the squad moved." And as
12 Mr Knoops says, we're not clear what "squad" is, it consists of.

13 MS PACK:

14 Q. Witness, could you explain what you mean by "squad".

12:43:46 15 A. What I'm saying is that myself, the operation commander of
16 the SLA, Gullit, Bazzy, Ibrahim Bioh Sesay, Coachy Borno, and
17 Abdul Sesay, we were in one vehicle.

18 PRESIDING JUDGE: Ms Pack, I'm not sure -- is that the
19 answer to the question what a squad is?

12:44:36 20 MS PACK: Yes. That's my understanding what the witness
21 was meaning by the word "squad," travelling in one vehicle.

22 PRESIDING JUDGE: I see. Mr Knoops, in the light of that
23 answer, are you --

24 MR KNOOPS: Much obliged.

12:44:51 25 MS PACK: Now, I'm going to move to Mansofinia now.

26 PRESIDING JUDGE: Perhaps if you're on to a new line of
27 questioning, Ms Pack, it's very close to the lunch-hour break.
28 If you're into a new line of evidence, perhaps that would be an
29 appropriate time to adjourn. Are you into --

1 MS PACK: Yes, I'm moving on to that.

2 PRESIDING JUDGE: I think possibly then it's most
3 appropriate to adjourn at this time, and we reconvene at quarter
4 past 2.00 p.m. sorry, Mr Knoops.

12:45:20 5 Just pause, please, Mr Court Attendant.

6 You're on your feet.

7 MR KNOOPS: Sorry, Your Honour, to interrupt. Is
8 Your Honour intending to deal with the ruling on the objection
9 after the lunch break, after the Prosecution goes into Mansofinia
12:45:33 10 or --

11 PRESIDING JUDGE: I was really awaiting you, as I said, to
12 indicate whether you were going to restate or bring up that
13 objection again because as I understood Ms Pack to say that she
14 was intending to finish the line of questioning, and thereby deal
12:45:51 15 with the objection. And I was awaiting your indication whether
16 that line of questioning had, in fact, dealt adequately with your
17 objection. Otherwise, we would rehear that objection and rule
18 upon it. So I am awaiting an indication from you, Mr Knoops.

19 MR KNOOPS: Now that we are leaving Tombodu and going to
12:46:14 20 Mansofinia, I think it's our task as Defence to reinforce the
21 objection we raised because if it's the position of the
22 Prosecution that they have finished the situation in Tombodu, I
23 think there's still not any foundation laid, factual foundation,
24 for the qualification by this witness that all of the SLA
12:46:42 25 soldiers left Tombodu.

26 We merely heard by way of specification from this witness
27 when he was asked to go into the several commanders who allegedly
28 reported in Tombodu. He mentioned on three occasions the term
29 "bodyguards and some soldiers." This does not clearly speak for

1 the whole -- all the battalions and all the soldiers he referred
2 to in his earlier testimony. So I think our objection is still
3 valid in that no factual foundation is laid for the repeated
4 qualification on the part of this witness for the words we
12:47:36 5 earlier referred to, let alone that not all the commanders
6 reported in Tombodu, he explained, which actually is an
7 additional argument for the conclusion that he apparently has no
8 qualification to speak for all the soldiers and officers present
9 at that time in Kono. Thank you.

12:47:58 10 PRESIDING JUDGE: When you say "all," you're referring now
11 to all SLA soldiers and officers?

12 MR KNOOPS: Yeah, Your Honour. He repeatedly used the
13 words "entire troops" and also he repeatedly referred to "all
14 other soldiers," thereby indicating that it actually intends to
12:48:29 15 all the SLA soldiers present in Kono at that time; yet his
16 explanation does not merit the conclusion that he can speak for
17 all of them by way of retreating from Kono. Thank you.

18 PRESIDING JUDGE: Your reply to that objection, Ms Pack.

19 MS PACK: Your Honour, the evidence is what it is. The
12:48:52 20 witness has been asked to identify those commanders he remembers
21 specifically in Tombodu. He has answered as best he can with
22 identifying a few, and that is his evidence. He has answered the
23 question. There's no reason to strike out -- I'm not clear what
24 my learned friend -- what relief my learned friend is seeking,
12:49:18 25 striking out that whole of that passage of evidence? I have
26 sought to clarify, asking the witness to provide specifics. He
27 has provided such specifics as he can, and that's the evidence.
28 That's the state of the evidence. He has also provided the
29 specifics he can about the five who remained.

1 In my submission, the evidence is what it is. I can't
2 change the answers. And if my friend wishes to clarify it, then
3 he can clarify it in cross-examination. Any further he wishes to
4 challenge it, he can do so.

12:49:45 5 JUDGE SEBUTINDE: Ms Pack, I don't think the Defence is
6 seeking to strike out the entire last 20 minutes of that
7 evidence, only those statements that allude to "all SLAs" moving
8 from Tombodu -- actually, from Kono District to Mansofinia,
9 especially with reference to the words "all SLAs" withdrew or
12:50:09 10 pulled out. That is one aspect.

11 The other aspect which I think Mr Fofanah had raised
12 earlier was the evidence where on record the witness said five
13 names and said "they remained in Kono District." They remained
14 in Kono District. You then went on to ask him how he knew they
12:50:29 15 remained in Kono District, and now we've heard his answers. I
16 would imagine if Mr Fofanah has not risen, he's probably
17 satisfied that the answers justify or actually negate his earlier
18 objection.

19 MS PACK: Well, in my submission, Your Honours, the
12:50:50 20 appropriate remedy for a Defence -- way of dealing with a -- by
21 Defence counsel for a concern as to an answer to a question is
22 not to apply to strike out an answer to a question which they
23 consider -- which they're not happy with. What they do, in my
24 submission, is they cross-examine on the answer to the question.
12:51:10 25 If my learned friend takes the view that what the witness has
26 said in answer to a question in evidence is wrong, too broad,
27 speculative, whatever, he can cross-examine the witness and put
28 whatever he wants to the witness, having heard his
29 evidence-in-chief. I don't know whether that is my learned

1 friend's intention, but that is an avenue that is open for him.

2 But I have never heard of a remedy of striking out evidence
3 that the Defence aren't happy with that a witness has provided in
4 chief. He has given the best answer he can to my questions put
12:51:45 5 to him, and the evidence in my submission is what it is. The
6 original answer stands as it was, and he has clarified it as best
7 he can in answer to more specific questions put by me.

8 JUDGE SEBUTINDE: Ms Pack, are you suggesting that the
9 Bench ought to listen to everything and record it and admit it,
12:52:12 10 and that counsel should not object on any grounds of
11 admissibility at this stage and that they should wait instead to
12 cross-examine on any matters that they consider to be in issue?
13 Is that what you're saying?

14 MS PACK: No, Your Honour. They can object to questions
12:52:25 15 put by me. But there's no reason to exclude answers to questions
16 which are perfectly reasonable. My questions to the witness
17 seeking to clarify earlier answers were perfectly reasonable
18 questions which, in my submission, once asked were
19 unobjectionable. My learned friend didn't go after every single
12:52:47 20 one of my questions in clarification and then seek to object to
21 each one of those.

22 Now, the point is, Your Honour, is that the earlier answer
23 that the witness gave, the broader answer, has since been
24 modified in his own evidence in his answers given to the
12:53:02 25 subsequent questions I put to the witness regarding the broader
26 answer he'd given. I then sought to make -- to ask questions
27 that would make -- in an effort to make his answers more
28 specific, and he gave more specific answers and, thereby,
29 modified any earlier evidence that he gave. There's no reason to

1 strike out the earlier evidence.

2 Your Honours have the record and Your Honours can read the
3 record and make your own conclusions as to the effect of his
4 subsequent evidence about what, in fact, he saw in Tombodu, which
12:53:34 5 was certain specific commanders and so on.

6 MS THOMPSON: Your Honour, the issue for my learned friend
7 really is that this witness appears to be giving evidence on
8 things which he is supposed to have experienced, supposed to have
9 knowledge of --

12:53:51 10 MS PACK: Your Honour, I'm not sure why my learned friend
11 is replying. This isn't her objection. It's my learned friend
12 Mr Knoops' objection.

13 MS THOMPSON: Your Honour, I'm not replying. I'm merely
14 supporting my learned friend's objection. I have been sitting
12:54:02 15 here all the time not saying anything, but the issue really is
16 that this witness is giving evidence of things which -- of things
17 which are not within his knowledge, things which he does not know
18 of. He don't know that he knows these things. Even my friend
19 trying to clarify this, she has not been very successful in her
12:54:19 20 clarifications. That's just a simple issue, that he's giving
21 evidence of things which are not within his personal knowledge
22 and appear to be giving evidence for other people who are not
23 here. That's the simple issue.

24 MR FOFANAH: Your Honours, with your leave, I may go back
12:54:38 25 to the issue which I raised in support of Professor Knoops'
26 objection. Probably it will behoove my objection if I try to
27 rephrase by saying that if Your Honours come to the conclusion
28 that the testimony of the witness regarding the question as to
29 the whereabouts of the five people mentioned is speculative

1 enough, then I will most respectfully submit that Your Honours
2 discount that bit of the evidence in lieu of striking it out.
3 Thank you.

4 MR KNOOPS: May I perhaps by way of last reply,
12:55:21 5 Your Honour, Your Honour, I think it's not a matter just for
6 cross-examination. Once answers are given by a witness which go
7 to foundation, which go to conclusions and opinions which cannot
8 be verified or sustained by the witness, the witness has
9 repeatedly with great emphasis testified on words like "all",
12:55:49 10 with great emphasis on "all" other soldiers. That line, that
11 answer goes throughout his own answering to several questions.

12 Now we're entering quite an important area, namely, the
13 relationship between an alleged order and retreat from a whole
14 province. If this witness alleged to have personal knowledge on
12:56:15 15 such a relationship between -- between an alleged order, on the
16 one hand, and the retreat of a whole army, an alleged army, on
17 the other hand, there should be a proper foundation. And it's
18 not just a matter for cross-examination. And the remedy of
19 striking an answer to that extent is merely one of the remedies
12:56:42 20 Your Honours have the possibility to invoke for, such as is
21 available also within the United States Federal Rules of
22 Procedure and Evidence. It's just one remedy.

23 What should be clear is that the probative value which
24 should be attached to this statement at this point
12:57:02 25 exceeds -- sorry, the prejudice exceeds the probative value which
26 this statement may adduce to the Honourable Trial Chamber. And
27 therefore, we think that allowing this answer and keeping in the
28 record of the Court causes serious prejudice to the accused
29 persons. Therefore - that's I think also an additional

1 argument - why the solution to strike the reference to terms like
2 "all other soldiers," "other soldiers," et cetera, et cetera, is
3 a remedy which is justified.

4 We don't ask to strike, indeed, the whole testimony of this
12:57:46 5 witness, but what we say is that there is still no foundation
6 laid for this alleged relationship between that order, alleged
7 order, have to say, on the one hand, and retreat of all the SLA
8 soldiers from Kono.

9 In addition to that, I think it's also not established that
12:58:06 10 the stay of the remaining five commanders in view of the
11 witness's testimony is, indeed, based on direct knowledge of this
12 witness or on hearsay evidence. Now, we know that hearsay
13 evidence is indeed admissible as such within international
14 criminal tribunals. But when I recall, Your Honours, that the
12:58:29 15 witness has testified with respect to the second and third name
16 of the five commanders who actually remained in Kono, that that
17 was not his own observation but that he learned from other
18 individuals.

19 So in combination, as a whole, we think our objection is
12:58:50 20 justified, and also the remedy we propose is justified in light
21 of the crucial element we arrive now in this stage of the trial;
22 namely, the causal relationship the Prosecutor intends to
23 establish between, on the one hand, this alleged order and, on
24 the other hand, the retreat of all these battalions, all the
12:59:14 25 troops the witness alleged to have knowledge of within Kono. And
26 that is, I think, something different than what the Prosecutor
27 says, well, the Defence should cross-examine the witness on this
28 point. It goes furthermore and more fundamental to the
29 admissibility of this testimony. Thank you.

1 [Trial Chamber confers]

2 PRESIDING JUDGE: We'll give a ruling on these objections
3 after lunch. And we'll, therefore, adjourn to 2.30 p.m. as
4 we're a little later than usual. Mr Court Attendant, please
13:00:51 5 adjourn to 2.30 p.m.

6 [Luncheon recess taken at 1.01 p.m.]

7 [TB200505D - CR]

8 [On resuming at 2.34 p.m.]

9 PRESIDING JUDGE: Before I remind the witness of his oath
14:37:23 10 there was in fact two objections in front of us prior to the
11 lunchtime adjournment. We have noted the objections. We have
12 considered the state of the evidence and given the evidence
13 before us on both foundation and the vagueness, to paraphrase
14 Mr Knoops objection, we consider that it is admissible. It is a
14:37:49 15 matter of weight to be assessed at the appropriate time. We
16 note, also, that the evidence has not yet been subject to
17 cross-examination, and matters of weight will be more properly
18 assessed after cross-examination.

19 Mr Witness, you remember this morning I again reminded you
14:38:16 20 of the oath that you took and the obligation to tell the truth.
21 You know you have to continue to tell the truth. Do you
22 understand me?

23 THE WITNESS: Yes, My Lord.

24 PRESIDING JUDGE: Thank you, Mr Witness. Counsellor, since
14:38:28 25 the witness has been under some strain and it has been a long
26 week, perhaps we will adjourn a little earlier today. Ms Pack if
27 you have not finished examination-in-chief, you might indicate to
28 us a point in your examination when an adjournment would be
29 appropriate.

1 MS PACK: Yes, Your Honour, I've got some way to go yet,
2 but I will indicate. I'm grateful.

3 PRESIDING JUDGE: Thank you.

4 MS PACK:

14:38:59 5 Q. Witness, I'm going to ask you about Mansofinia. Tell the
6 Chamber, please, which district in Sierra Leone is Mansofinia?

7 A. It is in the Koinadugu District.

8 MS PACK: This K-O-I-N-A-D-U-G-U. If you look on the Kono
9 map I provided earlier, you can see a division. It looks like a
14:39:22 10 boundary in between districts at the very top of the map. When
11 one looks at the key, one can see that the green is a district
12 boundary and above that, Koinadugu is written. Your Honours
13 might find assistance in the key on the bottom right-hand side
14 with Kono squared off and Koinadugu to the north of that.

14:40:03 15 Q. Witness, what happened on your arrival in Mansofinia?

16 A. I, the operation commander, the commander for the SLA
17 Gullit, the deputy commander, Bazzy, and the supervisors,
18 including Ibrahim Bioh Sesay.

19 MS PACK: Pause for a moment for Their Honours. Ibrahim
14:40:36 20 Sesay, of course, Your Honours have heard before.

21 Q. Go on.

22 A. Woyoh.

23 MS PACK: Your Honours, you have heard the name Woyoh
24 before, W-O-Y-O-H.

14:41:11 25 Q. Witness, where had Woyoh come from to Mansofinia?

26 A. He is one of the military supervisors I left out. He was
27 in Kono.

28 Q. Just remind us then; what was his full name?

29 A. It's Franklyn Conteh.

1 Q. Did he have a rank in Kono?
2 A. He was a colonel.
3 Q. Go on, witness. Were there other individuals you were
4 about to name.
14:42:00 5 A. And Abdul Sesay.
6 Q. Your Honour, that's a name you've had before. Go on.
7 A. Together with CSO Bazy.
8 Q. Remind us who that was, please?
9 A. George Johnson, alias Junior Lion.
14:42:34 10 Q. Anyone else?
11 A. And a few security.
12 Q. You've listed these names. What did these individuals do?
13 A. They were bodyguards. Or are you referring to -- which
14 people? Sorry, which people.
14:42:57 15 Q. Everyone you've named. I might apologise. That wasn't a
16 very clear question. The individuals you've just named what did
17 they all do?
18 A. The SLA commander as well as the military supervisors,
19 those are the people I've named.
14:43:17 20 Q. Yes, what were you about to say in relation to them?
21 JUDGE SEBUTINDE: I can't hear you. I don't know why. I
22 can't hear you.
23 MS PACK: Perhaps I'm not speaking into the mic properly.
24 PRESIDING JUDGE: There is a bit of noise in the background
14:43:36 25 in mine. I think it is maybe at the interpreter's booth.
26 MS PACK: Yes, I heard some background noise as well.
27 Q. Now, witness, I asked you the question what happened when
28 you got to Mansofinia?
29 A. I and these commanders arrived at Mansofinia, which I've

1 named.

2 Q. Yes. Go on.

3 A. I and them moved together to Mongor Bendugu.

4 Q. It has been spelt before. Mongor, M-O-N-G-O-R, Bendugu,

14:44:22 5 B-E-N-D-U-G-U. What happened at Mongor Bendugu?

6 A. When I and the commanders arrived at Mongor Bendugu, SAJ

7 Musa received me and his commanders.

8 MS PACK: You've heard that numerous times, Your Honours,

9 S-A-J M-U-S-A.

14:45:10 10 Q. You said SAJ Musa received you and the commanders. What do
11 you mean by that?

12 A. Well, since he was the one we went to, I and the

13 commanders, they welcomed us to his place at Mongor Bendugu.

14 Q. Apart from SAJ Musa, do you remember who else was in Mongor

14:45:39 15 Bendugu when you arrived there?

16 A. Yes.

17 Q. Who else was in Mongor Bendugu when you arrived there?

18 A. We met Five-Five. Five-Five was there.

19 Q. Just remind us who you mean by Five-Five?

14:45:56 20 A. Santigie Borbor Kanu.

21 Q. I interpreted you, witness. Were you about to name anyone
22 else?

23 A. SAJ Musa's CSO, who was Alabama.

24 Q. Pause a moment. That's a new name.

14:46:23 25 MS PACK: Your Honours, A-L-A-B-A-M-A.

26 Q. Do you know if this name Alabama is the full name or the
27 alias of this individual?

28 A. Yes, I know his full name is Alie Turay.

29 Q. Would you spell that for Their Honours, please?

1 A. A-L-I-E, Alie. T-U-R-A-Y, Turay.

2 Q. Do you know what this individual Alie Turay, known as
3 Alabama, had done before you saw him in Mongor Bendugu?

4 A. He was a member of the SLA, the Sierra Leone Army.

14:47:31 5 Q. As far as you know, did this individual Alie Turay have a
6 rank?

7 A. Well, he was a captain; that is, in the jungle at Mongor
8 Bendugu where I and the commanders -- where we met him, he was a
9 captain at that time. But in the Sierra Leone Army, he was a
14:48:07 10 staff sergeant.

11 Q. Did anything happen when you arrived in Mongor Bendugu?

12 A. Well, yes.

13 Q. What happened when you arrived in Mongor Bendugu?

14 A. SAJ Musa immediately summoned me and these -- and the
14:48:40 15 commanders I've named who went to Mongor Bendugu.

16 Q. Summoned you for what purpose?

17 A. Well, as he called us, he had to address the whole -- me
18 and the commanders, we that were present during that time.

19 Q. So having called you to address you, did you attend any
14:49:14 20 meeting with him?

21 A. Yes. He held a closed-door meeting.

22 Q. What happened at that meeting?

23 A. Well, in that meeting, Gullit explained to him how we were
24 treated in Kailahun and also about the present condition of
14:49:49 25 Johnny Paul in Kailahun.

26 Q. Pause a moment. You said that Gullit told him "how we were
27 treated in Kailahun". Now, what do you mean by that?

28 A. He told them about the ill treatment about how he was
29 beaten and how his ammo was taken from him.

1 Q. This is Gullit?

2 A. Yes, yes.

3 Q. What else was said at this meeting?

4 A. Gullit informed SAJ Musa that he has come with the troops,
14:50:34 5 which comprised the SLAs and he was waiting for further
6 instructions from SAJ Musa.

7 Q. Was anything else said by anyone else after that?

8 A. Well, SAJ Musa responded to what Gullit had said.

9 Q. What did he say?

14:51:04 10 A. The first message Musa made was he said he had warned
11 Johnny Paul not to go to Kailahun and, secondly, he was happy
12 with the commanders who had taken the bold step to come and meet
13 him and also the men, the commanders he came with. He said now
14 that Brigadier Mani --

14:51:42 15 Q. Pause, please.

16 MS PACK: Your Honours, you have heard the name Brigadier
17 Mani before, M-A-N-I.

18 Q. I interpreted you, witness. You were talking about what he
19 was saying in relation to Brigadier Mani. Go on.

14:52:00 20 A. He said now that Mr Brigadier Mani has left and gone to the
21 north to go and find a base within that area, so he would advise
22 that Gullit move his troops towards the north and try to find
23 Brigadier Mani so that they would make a strong defensive at the
24 north which would comprise of the SLAs.

14:52:40 25 Q. Did SAJ Musa say anything else at that meeting?

26 A. He said, in fact, to show that he's concerned, he will give
27 Five-Five with some other soldiers who would join Gullit so that
28 Gullit might head for the north with the troops.

29 Q. After the meeting, did anything happen?

1 A. Well, after the meeting, I, together with Gullit and the
2 other commanders that came, we moved back to Mansofinia.

3 Q. How long in total did you spend in Mansofinia?

4 A. We were there for three days.

14:54:17 5 PRESIDING JUDGE: Ms Pack, what was the name again, please?

6 MS PACK: Mansofinia. That was number 10 on your Kono map,
7 Your Honour.

8 PRESIDING JUDGE: Thank you.

9 MS PACK:

14:54:26 10 Q. In Mansofinia, who was in command overall?

11 A. As I and the commanders returned to Mansofinia, Gullit was
12 the commander for the whole troops in Mansofinia.

13 Q. Now, you said he was in command of the whole troop. Were
14 there men organised under him?

14:55:04 15 A. Yes.

16 Q. Who organised the men under him?

17 A. Gullit himself organised the old -- he reorganised the old
18 troops that had been based at Mansofinia during that time. He
19 restructured the troops. As Five-Five came with the other men,

14:55:46 20 Musa said he had to come to join them.

21 Q. Pause a moment. Five-Five came where?

22 A. He travelled by road from Mongor Bendugu. He came with the
23 troop that SAJ had said he should join the brigade.

24 Q. He came from where?

14:56:13 25 A. He came to Mansofinia.

26 Q. Do you know approximately how many men he came with?

27 A. Well, I cannot tell, but I saw him with some manpower.

28 Q. Witness, I'm going to ask you about how the troop was
29 restructured and organised when you were in Mansofinia. Before I

1 get to that, how do you know it was Gullit who was in overall
2 command of the troops in Mansofinia?

3 A. From Kono, he had been the SLA commander for the troop that
4 came from there. I went to SAJ. I and them, we all went to SAJ.
14:57:16 5 SAJ confirmed it to him and when we returned to Mansofinia, he
6 called on all the commanders as I've named them, and he made the
7 new structure.

8 Q. In his position as overall commander of the troop, did you
9 know if Gullit had a title by which he was known?

14:57:54 10 A. Yes.

11 Q. What was that?

12 A. Gullit was the Chief in command, and he was the head of the
13 brigade.

14 Q. And his rank at this time, what was that?

14:58:29 15 A. Well, before we left Mansofinia, Gullit had become a
16 brigadier.

17 Q. Who promoted him to brigadier?

18 A. Well, it was during this meeting that he called himself a
19 brigadier; say, "I am now a brigadier."

14:59:08 20 Q. How do you know Gullit was known as the chief in command
21 and head of the brigade?

22 A. Well, during this meeting I'm talking about, it was from
23 that time Gullit named this administration. He called and he
24 read out that he was chief and the head of the brigade and it was
14:59:32 25 from there that I and the other soldiers who were present knew
26 that he was the chief in command.

27 Q. Now, in this structure that was reorganised by Gullit in
28 Mansofinia, are you able to say who was immediately subordinate
29 to Gullit?

1 A. Yes.

2 Q. And who was that?

3 A. It was Ibrahim Bazy. He was deputy chief in command.

4 Q. Could you give the full name of Ibrahim Bazy, please?

15:00:31 5 A. Ibrahim Bazy Kamara.

6 Q. Was there another title by which Ibrahim Bazy Kamara was

7 called in Mansofinia?

8 A. Yes. He also became a brigadier.

9 Q. Who promoted him to brigadier?

15:01:06 10 A. Well, it was Gullit who made that announcement. Those were

11 the two people, he and Bazy. He announced that they had become

12 brigadiers.

13 Q. Was Bazy a member of any other body?

14 A. Yes.

15:01:32 15 Q. Who was that?

16 A. He was also a member of the brigade administration.

17 Q. You've told us before, but just to remind us, was there

18 another name by which Ibrahim Bazy Kamara was known?

19 A. Yes.

15:02:03 20 Q. Please tell us.

21 A. Makavelle ver Don.

22 MS PACK: That has already been spelt by the witness,

23 M-A-K-A-V-E-L-L-E ver Don, D-O-N.

24 Q. Witness, how do you know that Bazy was promoted to

15:02:24 25 brigadier; was a member of the brigade administration; and was

26 deputy chief in command?

27 MR KNOOPS: Your Honour, I object to counsel's question.

28 There is no foundation laid for the existence of a brigade

29 administration, let alone the definition thereof.

1 MS PACK: Your Honour, I've just asked the witness who was
2 the deputy to Gullit. He identified Bazzy. He then identified
3 three features: Promoted to brigadier by Gullit; member of
4 brigade administration; deputy chief in command. I can ask the
15:03:01 5 witness to explain what the brigade administration is now. My
6 question is absolutely valid to ask the witness the source of his
7 knowledge of these three appointment positions, if you will.

8 PRESIDING JUDGE: Mr Knoops, my record shows that the
9 witness has said he was deputy chief in command, brigadier and
15:03:23 10 had made the announcements. I think the question is a fair one
11 in the circumstances.

12 MR KNOOPS: Much obliged.

13 MS PACK: I'm obliged, Your Honour.

14 Q. Witness, I repeat my question. How did you know that Bazzy
15:03:44 15 was a brigadier; was deputy chief in command; and was a member of
16 the brigade administration?

17 A. Gullit himself in that meeting announced it. That was the
18 day he announced his administration before the whole troops left
19 to head for the north.

15:04:18 20 Q. Now, I'm going to ask you what you knew to mean by the
21 brigade administration: what do you mean by those words?

22 A. Well, in the army we have a brigade.

23 Q. Pause there, witness. I'm not going to ask you a general
24 question about the army, but in this reorganisation of the troop
15:04:48 25 by Gullit in Mansofinia, what did the brigade administration,
26 those two words, mean to you in this particular context?

27 A. Well, they are responsible for the direct command of the
28 brigade.

29 Q. What do you mean by "the brigade"?

1 A. The brigade comprised of different battalions; different
2 battalions from a brigade.

3 Q. We're jumping a bit, but just to clear this up, how many
4 battalions were there in the reorganisation of troops at

15:05:46 5 Mansofinia?

6 A. At first, before the troop left for Mansofinia, Gullit
7 formed into four companies.

8 Q. Did something happen later on?

9 MR FOFANAH: May we seek clarification at this stage as to
15:06:14 10 what the witness is referring to as company? That seems to be a
11 military term, too.

12 PRESIDING JUDGE: That seems to be another technical or
13 military term we haven't had defined, Ms Pack.

14 MS PACK: Yes, Your Honour.

15:06:29 15 Q. Witness, what do you mean by "a company"?

16 A. Well, a company -- a battalion is larger than a company.
17 So when a battalion is not up to -- when a company is not up to a
18 battalion, it is referred to as a company.

19 Q. You said at first Gullit formed four companies. Did
15:07:13 20 anything later happen?

21 A. Yes.

22 Q. What later happened?

23 A. He appointed commanders to lead these companies.

24 Q. Did anything later happen to the companies?

15:07:25 25 A. Yes, he sent these commanders to lead these companies.

26 Q. Did the companies remain as companies?

27 A. No.

28 Q. What happened?

29 A. Well, after we advanced to Rosos.

1 Q. Pause,

2 MS PACK: We're going to get back to these names later.

3 For the moment, I will spell Rosos, R-O-S-O-S.

4 Q. Go on.

15:08:17 5 A. Later, SAJ communicated that he will send a reinforcement
6 to meet us at Rosos. So immediately Gullit said this company
7 should change to a battalion as there was a reinforcement that
8 will come to meet us at Rosos.

9 Q. Pause there, Mr Witness. SAJ, the SAJ you're talking about
15:08:45 10 is?

11 A. General SAJ Musa, Solomon SAJ Musa.

12 Q. Now, I'm going to go back to Mansofinia, looking at the
13 reorganisation of the structure of the whole troop there. I was
14 asking you about the brigade and then the brigade administration.

15:09:28 15 Now, you have told us who the chief in command was. You
16 have told us who the deputy chief in command was. Who was
17 subordinate to the deputy chief in command to Ibrahim Bazzy
18 Kamara?

19 A. You had the chief of staff who was appointed by Gullit;
15:09:51 20 that was Five-Five, Santigie Borbor Kanu.

21 Q. He was the chief of staff. Was he a member of any body?

22 A. He was also a member of the brigade administration.

23 Q. Do you recall if Santigie Borbor Kanu had a rank in
24 Mansofinia?

15:10:48 25 A. Yes.

26 Q. What was that rank?

27 A. He was a colonel.

28 Q. Do you know if he had been that rank previously?

29 A. Yes.

1 Q. Witness, how do you know that Santigie Borbor Kanu was
2 chief of staff; a colonel; and a member of the brigade
3 administration in Gullit's command structure set up in
4 Mansofinia?

15:11:30 5 A. As I have said earlier, before, we departed from Mansofinia
6 and this meeting, in front of me, Gullit made this announcement,
7 wherein all of his brigade administration and appointment he had
8 given to various members.

9 Q. Witness, I'm going to ask you about the deputy chief in
15:12:05 10 command.

11 MR FOFANAH: Again, Your Honours, I rise hesitantly. I was
12 waiting to see if counsel would seek clarification as to how SAJ
13 Musa became a general. That has not been done so far. Before we
14 move any further -- because the witness actually referred to
15:12:24 15 General SAJ Musa. I don't think we have any record -- the record
16 reflects he was General at any point in time. He would need his
17 knowledge on how SAJ Musa became a General.

18 [Trial Chamber confers]

19 PRESIDING JUDGE: Ms Pack, you have heard the objection.

15:13:21 20 MS PACK: I can ask the witness the question.

21 PRESIDING JUDGE: Yes, I don't see it on my record.

22 MS PACK:

23 Q. Witness, you have described SAJ Musa as a General -- you
24 answered a few questions ago. Do you know when he attained this
15:13:36 25 rank?

26 A. Well, on arrival at Mongor Bendugu we met. I and the
27 commander that went met SAJ Musa as Brigadier General.

28 Q. Do you know who had appointed him to Brigadier General?

29 A. No, no.

1 Q. Do you know who was in command when you went to Mongor
2 Bendugu? Who was in command there?

3 A. Yes.

4 Q. Who was in command there?

15:14:32 5 A. SAJ Musa.

6 Q. How do you know that?

7 A. Well, he was the only senior SLA commander who was there
8 with the troops who were based there who were SLA. There was no
9 other group there. It was only the SLA group that was there.

15:14:54 10 Q. Witness, I'm going to ask you back to my question a few
11 questions ago about the deputy chief in command, Ibrahim Bazy
12 Kamara. Witness, subsequently, what did you see the deputy chief
13 in command do?

14 A. Well, he was the second in command. As deputy, he was the
15:15:34 15 second in command.

16 Q. Did you subsequently see him do anything in his position as
17 second in command?

18 A. Well, they were responsible for taking decisions at the
19 brigade.

15:15:58 20 MR KNOOPS: Your Honour, I object against this answer.
21 This clearly calls for a qualification by the witness, the term
22 "responsible" without any foundation.

23 MS PACK: Your Honour, again, can I please have the
24 opportunity to ask the question how he knows that he was
15:16:16 25 responsible for making decisions in the brigade.

26 PRESIDING JUDGE: Unless there is a better answer than the
27 one he has given, I would uphold that objection. I will permit
28 you to ask the question and see if it can be clarified.

29 MS PACK:

1 Q. How do you know he was responsible for decision-making --

2 MS THOMPSON: Your Honour, I object. The answer given was,
3 "They were responsible".

4 PRESIDING JUDGE: I've got "they were" as well.

15:16:49 5 MS PACK:

6 Q. Witness, I'm going to ask you to clarify. My question to
7 you was what did you subsequently see the deputy chief in command
8 do as second in command? Just focus on him specifically, please.

9 A. He, the chief in command, the chief of staff and the senior
10 military supervisors were responsible for taking decisions in the
11 brigade.

12 Q. How do you know that?

13 A. I myself was present whenever they want to take a decision
14 in my presence. I was there whenever they were deciding on
15 anything before they can send it out.

16 MS PACK: I would like to ask the witness why he was there,
17 but I'm conscious it may be something that may lead to him being
18 identifiable. With Your Honours' leave, I won't ask that
19 question for now. I reserve it for a time when I seek Your
15:18:14 20 Honours' leave to ask a few questions in closed session, at some
21 point in a block, which I think will be more efficient for the
22 Court.

23 MR KNOOPS: Your Honour, in that event, I object, because,
24 still, the answer of the witness to the extent that "whenever
15:18:31 25 decisions were made I was there" is still without any factual
26 foundation. Therefore it should not be admitted at this stage.

27 PRESIDING JUDGE: Mr Knoops, you're saying there is no
28 foundation for him saying, "I was there"? Is that what you're
29 saying?

1 MR KNOOPS: Your Honour, I'm saying without any
2 specification about the term, "Whenever decisions were made I was
3 there". The witness cannot, I think, qualify the use of the term
4 "responsible for any decision-making". We have no indication
15:19:16 5 what he means "whenever decisions were made I was there". Which
6 decisions; where were they taken; in whose presence? Therefore,
7 the obligation of the witness as to the responsibility is still
8 without any factual foundation.

9 PRESIDING JUDGE: I understand your point.

15:19:37 10 MS PACK: Your Honour, there is nothing clearer than the
11 three words, "I was there". That, Your Honour, is the foundation
12 for the witness being able to say what he saw the brigade doing;
13 namely, being responsible for making decisions. It's something
14 that is an observable fact, and he's identified why he makes the
15:19:57 15 statement that he made. It was observed by him because he was
16 there whenever decisions were made.

17 JUDGE SEBUTINDE: There's a difference between saying, "I
18 was there when the decisions were made" and "whenever the
19 decisions were made I was there". I think the witness has used
15:20:15 20 the latter. That is where the objection hinges. The use of the
21 words "whenever decisions were made", that would imply every time
22 decisions were made he was there. And they're objecting because
23 there is no certainty when, whenever; it's neither here nor
24 there. There is no specific time, or meeting, or place, or even
15:20:39 25 decision in particular.

26 MS PACK: Your Honour, this witness is going to be giving a
27 lot more evidence. In my submission, to ask him now to identify
28 every occasion upon which he was there when decisions were made
29 by this brigade will take a lot of time and will -- it's

1 something that isn't necessary. He has clearly identified that
2 he was there, so far as he was concerned, whenever a decision was
3 made by these individuals as part of the brigade administration.
4 It couldn't be clearer than that. It may not be evidence that my
15:21:14 5 learned friend likes, but that is his evidence. I can't make it
6 any clearer than that. That's the state of the evidence.

7 JUDGE LUSSICK: I think what Mr Knoop was referring to was
8 the valued judgment of "responsible". Who put that tag on who?
9 The word "responsible", is that the witness's interpretation of
15:21:42 10 the duties of the superiors that he saw in action, or did he
11 actually see and hear something that makes him able to say that
12 so and so was responsible for this or that. I think that's what
13 Mr Knoop is objecting about.

14 MS PACK: Your Honour, the witness has said he was there
15:22:01 15 whenever decisions were made. I will then perhaps clarify with
16 him how he can say who was responsible for the making of those
17 decisions. Perhaps that will clarify matters. If it's a
18 question of the use of language by this witness, I will ask him
19 to clarify his language.

15:22:25 20 PRESIDING JUDGE: Mr Knoop, you have heard counsel for the
21 Prosecution undertaking to clarify the point. Would such
22 clarification deal with your objection or not?

23 MR KNOOP: I cannot look into the future, Your Honour.

24 PRESIDING JUDGE: We're all speculating as much as you.

15:22:40 25 JUDGE SEBUTINDE: Ms Pack, you've made a suggestion, before
26 Mr Knoop replies. Are you going to break down the specific
27 times that you're referring to, or are you going to ask him
28 generally?

29 MS PACK: I'm going to have to ask the general question,

1 Your Honour, because this witness will be giving evidence about a
2 continuum of events going over some months yet. To go over now
3 every single decision which he saw these individuals making will
4 take too much time and will take one out of the chronology of
15:23:15 5 events. He's given the evidence; there it is. He said he was
6 there whenever decisions were made. In my submission, all I can
7 do at this stage is ask the witness, "You have also given
8 evidence they were responsible for the decisions; what do you
9 mean by that?" I would seek permission to clarify that, because
15:23:39 10 that may assist my learned friend at this stage.

11 [Trial Chamber confers]

12 PRESIDING JUDGE: Ms Pack, we'll allow the question. Just
13 pause one moment. Mr Manly-Spain, are you entirely robed this
14 afternoon? I've just noticed for the first time.

15:24:11 15 MR MANLY-SPAIN: I'm sorry, Your Honour, I came in with my
16 band in my diary.

17 PRESIDING JUDGE: In the wrong place.

18 MR MANLY-SPAIN: Yes. I ask your permission to continue.

19 PRESIDING JUDGE: That would be fine. Ms Pack, we'll allow
15:24:29 20 the question you were about to ask.

21 MS PACK: I'm very grateful, Your Honour.

22 Q. Witness, I will try to be as clear as I can. You said you
23 were present whenever decisions were made by the three you've
24 identified: chief in command; deputy chief in command; chief of
15:24:52 25 staff, as part of the brigade. Now, witness, how do you know
26 they were responsible for the decisions that were made?

27 A. Just as I have said before, the commander that I was -- who
28 was the operation commander to whom I worked under, whenever
29 there was a meeting, or at any time there was a person being

1 summonsed, I worked closely with him; we went together. I don't
2 want to go to explain -- the bit of what I have explained, he is
3 not literate. That is why most of the time he went with me to
4 the meetings. The jungle is not like the city. Myself and other
15:25:56 5 immediate soldiers that we are under the other commanders, they
6 were present whenever there was a meeting in which decisions were
7 taken. That was why I said most of the decisions that were taken
8 in the brigade, I myself was present there.

9 Q. I want to ask you to identify, please, at this stage the
15:26:36 10 commander A that you're talking about. What position did he hold
11 in the reorganised command structure in Mansofinia?

12 MR FOFANAH: Again, I object on the grounds of foundation.
13 The witness has not indicated as yet as to whether commander A
14 held any position. The question is clearly leading.

15:27:02 15 MS PACK: Well, he's calling him an operational commander,
16 Your Honour. That, in my submission, would indicate he holds the
17 position.

18 MR FOFANAH: For the purposes of the present structure, it
19 is clearly leading. Thank you.

15:27:16 20 MS PACK:

21 Q. Did Commander A hold a position in the new reorganised
22 command structure under Gullit in Mansofinia?

23 A. Yes.

24 Q. What position did he hold in that command structure?

15:27:33 25 A. He remained to be the operation commander.

26 Q. Was he a member of any body?

27 A. He was also a member of the brigade administration.

28 Q. Who was he subordinate to?

29 A. The operation commander usually reported to the chief in

1 command who was Gullit.

2 Q. Who was he subordinate to?

3 A. He was subordinate to Gullit.

4 Q. Was he subordinate to anyone else?

15:29:06 5 A. Well, as operational commander he was reporting directly to

6 Gullit.

7 Q. Did he have a rank?

8 A. Yes.

9 Q. What was the rank?

15:29:30 10 A. Colonel.

11 Q. How do you know that Commander A held the position of

12 operational commander, member of the brigade administration,

13 subordinate to Gullit and usually reported to Gullit in the new

14 command structure set up by Gullit in Mansofinia?

15:30:06 15 A. Just as I have said, I was a very close person to him and

16 in that announcement, in that meeting when Gullit was reading out

17 his brigade administration, he was one of the men he appointed.

18 Q. Now, we got to Santigie Borbor Kanu, chief of staff. Who

19 was subordinate to him?

15:30:42 20 MR KNOOPS: It's a leading question, Your Honour.

21 PRESIDING JUDGE: Yes, it is a leading question.

22 MS PACK:

23 Q. Was anyone subordinate to the chief of army staff?

24 MS THOMPSON: Your Honour, the evidence is chief of staff,

15:30:59 25 not Chief of army staff.

26 MS PACK: I apologise for that misnaming of the role. I

27 will repeat the question.

28 Q. Was anyone subordinate to the chief of staff, Santigie

29 Borbor Kanu?

1 A. Yes.

2 Q. Who was subordinate to him?

3 A. The battalion. I mean, the commander at that time was
4 subordinate to the chief of staff, and also in the rank -- sorry
15:31:42 5 an appointment, the operation commander was also subordinate to
6 him.

7 [TB200505E 3.30 p.m. - SV]

8 Q. You've talked about the operational commander. Let me
9 just -- I wasn't sure that I heard the first individual or
15:32:01 10 individuals that you identified as subordinate to the chief of
11 staff. Could you just repeat that?

12 A. Yes. The company commanders were subordinate to the chief
13 of staff. The operation commander was also subordinate to the
14 chief of staff and also the military supervisors were subordinate
15:32:45 15 to the chief of staff.

16 Q. Witness, the Operation Commander A, apart from reporting to
17 Gullit, did he report to anyone else to your knowledge?

18 MR FOFANAH: Objection. The witness had earlier indicated
19 to the Court that he reported directly. Those were the very
15:33:40 20 words. That was the very word that he used. He reported
21 directly to Gullit.

22 MS PACK: He also said he usually reported directly to
23 Gullit and I haven't asked him the question if he reported to
24 anyone else directly. In my submission, I am entitled to ask him
15:33:58 25 that by way of clarification.

26 PRESIDING JUDGE: I do have the word "usually" in my record
27 and in the circumstances I will allow the question.

28 MS PACK: I'm grateful.

29 Q. Witness, did the operation commander report to anyone else

1 apart from Gullit?

2 A. Yes.

3 Q. Who did he report to apart from Gullit?

4 A. Ibrahim Bazy Kamara.

15:34:33 5 Q. Now, Witness, I'm going to ask you how you know about the
6 relationship between the operation commander and the chief of
7 staff and Ibrahim Bazy Kamara, and also how you know who was
8 subordinate to the chief of staff. Would you please tell us how
9 you know that?

15:34:59 10 A. Well, this was a clear announcement that was made in that
11 meeting by Gullit. And I and the operation commander of the SLA
12 during that time normally go to these people, and whatever order
13 they gave, I myself would stand and heard before ever these
14 orders were passed on to the battalions or the companies.

15:35:41 15 Q. Witness, you've spoken about battalion -- sorry, you've
16 spoken about company commanders and you've also said there were
17 four companies. Let's start with the first one. Who was in
18 command of the 1st Battalion -- sorry, company?

19 JUDGE LUSSICK: [Inaudible]. You mentioned companies and
15:36:19 20 then you asked him --

21 MS PACK: I'm so sorry, Your Honour. I confused the name.

22 Q. It is who was in charge of the 1st Company -- in command of
23 the 1st Company?

24 A. A Company, it was Captain Tito.

15:36:41 25 Q. Have you just called it "A Company"?

26 A. A Company.

27 Q. Now, was Captain Tito in Kono?

28 A. Yes.

29 PRESIDING JUDGE: Just pause, Ms Pack. Mr Witness, are you

1 feeling all right?

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: If there is a problem, Mr Witness, you
4 should let us know. Please continue.

15:38:09 5 MS PACK:

6 Q. Witness, we were talking about Company A commander was
7 Tito. Did you give him a rank?

8 A. In Koidu he was a lieutenant. But before the troop left
9 for Mansofinia Gullit promoted these commanders that I will later
15:38:31 10 name.

11 Q. And he was promoted to what?

12 A. Captain. Captain.

13 Q. Do you know how many men operated under Captain Tito?

14 A. Well, I cannot tell the right number, but he had a number
15:39:00 15 of soldiers that were under his command.

16 Q. Do you know if the soldiers under Tito's command had
17 previously been in Kono?

18 A. Well, yes. Some were in Kono and the reinforcement that
19 was sent by SAJ, which Five-Five came with, they were also
15:39:45 20 distributed to these companies.

21 Q. Now, the second company, what was that called?

22 A. B Company.

23 Q. Who was in command of B Company?

24 A. Okay, I will call the name. Captain Foday Marah alias
15:40:20 25 Bulldoze.

26 Q. Is Foday Marah his full name?

27 A. Foday Bah Marah.

28 Q. If I can just spell that, Your Honours. It's F-O-D-A-Y
29 B-A-H and then M-A-R-A-H. And you gave the alias as Bulldoze,

1 B-U-L-L-D-O-Z-E. Did Foday Bah Marah have a rank?
2 A. Yes.
3 Q. What was his rank?
4 A. He was a captain in Kono. He was also -- I mean, he was a
15:41:10 5 lieutenant in Kono, but in Mansofinia Gullit promoted him to
6 captain.
7 Q. You have just said he was a lieutenant in Kono, so was this
8 individual in Kono previously?
9 A. Yes. These were the names I was refusing to call.
15:41:35 10 Q. Don't go on, witness. Witness, I'd like to remind you just
11 to be cautious as to your identity being revealed. Now, witness,
12 this individual who you named, Foday Bah Marah, the men who
13 operated under him, do you know how many there were?
14 A. No, I don't know.
15:42:29 15 Q. Do you know if these men had been in Kono previously?
16 A. Yes.
17 Q. Had they been in Kono previously?
18 A. Yes. Yes.
19 Q. Is that some of them or all of them, remembering your
15:42:47 20 previous answer about Company A?
21 A. Those who were coming from Kono were more than those who
22 came to reinforce.
23 Q. Now, the third company, what was it called?
24 A. C Company.
15:43:19 25 Q. Who was in command of C Company?
26 A. Captain Arthur.
27 Q. A-R-T-H-U-R. Had he always been a captain?
28 A. Well, he and Five-Five came from -- who came to reinforce
29 at Mansofinia. He came as a captain. I saw him as a captain.

1 JUDGE SEBUTINDE: I'm sorry, Ms Pack, I missed that name.

2 MS PACK: He came with Five-Five to reinforce -- the name.

3 Arthur. Let me spell it: A-R-T-H-U-R. And he said he'd come to
4 Mansofinia with Five-Five.

15:44:24 5 Q. The men under his command, do you know how many there were?

6 A. No.

7 Q. Do you know if they had been in Kono?

8 A. Well, he had a few from Kono and mostly those who came from
9 Koinadugu were dominating.

15:44:58 10 Q. Just remind us, the district that -- in Koinadugu is there
11 somewhere specific you're talking about?

12 A. Mongor Bendugu.

13 Q. Witness, what was the 4th Company called?

14 A. D Company.

15:45:26 15 Q. Who was in command of D Company?

16 A. Captain George Johnson alias Lion, Junior Lion.

17 Q. How many men did he have under his command, do you know?

18 A. No. I just want to explain a little thing because
19 whilst -- while these appointments were given to them, company
15:46:12 20 commanders -- and that time we had civilians with us so they were
21 not disclosing the number of soldiers that were in that company.
22 So they would not give out our positions if they ran away to the
23 enemies. That was why these numbers were never disclosed.

24 Q. Thank you for that clarification, Witness. Now,

15:46:56 25 George Johnson, did he have a rank?

26 A. He was a lieutenant in Kono. In Mansofinia he was promoted
27 to a captain.

28 Q. Who by?

29 A. Gullit promoted him.

1 Q. Accepting that you don't know how many men were under his
2 command do you know if any of them had come from Kono?
3 A. Yes. The Kono were dominate -- the company was dominated
4 by Kono men.

15:47:55 5 Q. Did you later find out how many men were in these companies
6 when you'd moved from Mansofinia?
7 A. Well, it was only when we were in Colonel Eddie Town where
8 reinforcement came from Major O-Five, that was the time we had
9 the clear structure of the battalions.

15:48:35 10 Q. Pause please, witness. There have a been a few new names
11 identified.
12 MS PACK: Colonel Eddie Town, Colonel Eddie, E-D-D-I-E,
13 Town and the other name mentioned was O-Five and I'm not going to
14 go any further in clarification of that at this stage, Your
15:48:52 15 Honours, because it will take us out of order.
16 Q. Now, Witness, how did you know about these companies? How
17 did you know where the men were from, how did you know who was in
18 command of them and how did you know about the promotions that
19 you've told us about?

15:49:29 20 A. As I later said, in this meeting it was there Gullit
21 clearly spelt out the commanders who were responsible for the
22 companies and he gave them their duties, the duties they were to
23 carry on, and how they should share the men in the various
24 companies.

15:49:58 25 Q. Now these company commanders, who were they subordinate to?
26 A. The operation commander.
27 Q. You've already said they were also subordinate to someone
28 else. Perhaps if you could just repeat that for the Chamber so
29 we have this dealt with in one block?

1 A. The chief of staff. The chief of staff.

2 Q. How did you know that the company commanders were
3 subordinate to the chief of staff and to the operation commander?

4 A. Well, in any closed meetings after the chief of command had
15:50:59 5 given his orders he tells the chief of staff, the chief of staff
6 would call on in the meeting and tell the operation commander.
7 The operation commander is responsible to give the orders to the
8 company commanders.

9 Q. How did you know what happened at these closed meetings?

15:51:55 10 A. Well, I was present in this meeting. At times I stood at
11 -- most times I stood there when they were discussing.

12 MS PACK: Your Honours, I'm going to move on from the
13 company commanders albeit still on the same general subject
14 matter. I don't know whether now would be a convenient time or I
15:52:35 15 can just continue on the reorganisation of the troop in
16 Mansofinia.

17 PRESIDING JUDGE: You have indicated, Ms Pack, you're into
18 a new line of questioning, is that correct? You are into a new
19 line of evidence, rather, not questioning.

15:53:56 20 MS PACK: It's not absolutely new. It's still dealing with
21 the organisation of the troop under Gullit as rearranged in
22 Mansofinia but it's not dealing with the companies anymore. So
23 as such it's different.

24 PRESIDING JUDGE: Well, the witness has had an intense
15:54:07 25 week. He hasn't been too well and for a variety -- mainly for
26 that, because we've all had a bit of an intense week, maybe we
27 will close at this point and as there are other matters to be
28 followed up by the Bench at least and I'm sure by counsel. So
29 perhaps we'll adjourn now -- no, not perhaps. We will adjourn

1 now until Monday morning at 9.15 a.m. Mr Court Attendant, could
2 you please note that. Before I do that I'll give the witness the
3 usual caution.

4 Mr Witness, as I've said to you before, you recall that you
15:54:44 5 took an oath to tell the truth. Between now and the time all
6 your evidence is finished you should not discuss your evidence
7 with any other person. Do you understand this?

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: Please adjourn, Mr Court Attendant, until
15:55:27 10 Monday at 9.15 a.m.

11 [Whereupon the hearing adjourned at 3.54 p.m.,
12 to be reconvened on Monday, the 23rd day of May
13 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334 3

EXAMINED BY MS PACK 3