

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

MONDAY, 23 MAY 2005
9.25 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Ms Lesley Taylor Ms Melissa Pack Ms Shyamala Alagendra Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	NO APPEARANCE
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 Kanu:	Mr Geert-Jan Alexander Knoops

1 [TB230505A - EKD]
2 Monday, 23 May 2005
3 [Open session]
4 [The accused not present]
10:03:01 5 [Upon commencing at 9.25 a.m.]
6 WITNESS: TF1-334 [Continued]
7 EXAMINED BY MS PACK: [Continued]
8 PRESIDING JUDGE: Good morning. Now, Mr Witness, I want to
9 remind you again that you took the oath and promised to tell the
10:03:02 10 truth and you are still obliged to answer the questions
11 truthfully. Do you understand?
12 THE WITNESS: Yes, My Lord.
13 PRESIDING JUDGE: Thank you.
14 MS PACK: Thank you, Your Honour.
10:03:02 15 Q. Good morning, witness.
16 A. Good morning, My Lord.
17 Q. Now, witness, when we broke off on Friday I was asking you
18 about the reorganisation of the structure of the troop under
19 Gullit in Mansofinia. I asked you some questions about the
10:03:02 20 brigade administration. I'm just going to continue asking you
21 about that. You've named four members of the brigade
22 administration: Gullit, Ibrahim Bazzi Kamara, Santigie Borbor
23 Kanu alias Five-Five, and Hassan Papah Bangura. Do you recall
24 the names of any other members of the brigade administration?
10:03:03 25 A. Yes.
26 Q. Please would you name them. Take it slowly so I can spell
27 if necessary for their Honours.
28 A. Colonel Woyoh.
29 Q. Your Honours have heard that before: W-O-Y-O-H. Was he

1 someone who had been in Kono before?

2 A. Yes.

3 Q. Did he have another position that he held apart from being
4 brigade -- a member of the brigade administration in the

10:03:03 5 Mansofinia command structure?

6 A. He was a military supervisor.

7 Q. Was he responsible for any particular battalion as a
8 military supervisor in Mansofinia?

9 A. Yes.

10:03:03 10 Q. Which battalion was that? I do apologise, my mistake.

11 There were no battalions, only companies. So was he responsible
12 for a particular company in his position as military supervisor?

13 A. Yes, he was responsible.

14 Q. Which company was that?

10:03:03 15 A. He was responsible for C Company.

16 Q. Do you know what he subsequently did as a military
17 supervisor responsible for C Company?

18 MR KNOOPS: Your Honour, I object. There is still no
19 foundation for the qualification of responsible - before we can

10:03:04 20 go on - about what he did. There is no foundation for this
21 qualification.

22 PRESIDING JUDGE: I agree with Mr Knoops, Ms Pack, both on
23 what he has just said and also the fact that you're asking a
24 question what he did implies he did something without any

10:03:04 25 foundation being laid. So there needs to be further foundation
26 on both those scores.

27 MS PACK: Thank you, Your Honour.

28 Q. As a military supervisor for C Company did he do anything
29 subsequently that you're aware of?

1 A. Well, he only supervised in the company and he reported to
2 the brigade commander.

3 Q. Just remind us who the brigade commander is -- was?

4 A. Yes, Gullit.

10:03:04 5 Q. Apart from reporting to Gullit do you know if Colonel Woyoh
6 reported to anyone else?

7 A. Well, he was working closely with the operation commander.

8 Q. That was Commander A you have identified before?

9 A. Yes, yes.

10:03:04 10 Q. By working closely what do you mean; what was the
11 relationship between Colonel Woyoh and the operation commander?

12 A. One, if there was any problem in the battalion, before he
13 went to the brigade commander, he would always discuss it with
14 the operation commander. And he in turn advise. After the

10:03:05 15 advice he would go to the brigade commander and put the -- if
16 it's possible for the brigade commander to solve the problem he
17 would solve it, but if it is above him he would report it to the
18 brigade commander.

19 Q. There either was a confusion in your language or in the
10:03:05 20 translation, but you said if there was any problem which the
21 brigade commander couldn't handle he would report it to the
22 brigade commander. Did you mean something other than that?

23 A. That is, if there was any problem within the company he
24 would discuss it with the operation commander. And if that
10:03:06 25 problem is above the operation commander, then the operation
26 commander would advise that the problem be reported to the
27 brigade commander.

28 Q. In the command structure who was Colonel Woyoh immediately
29 subordinate to, if anyone?

1 A. He was under the chief of staff.

2 Q. And was he under anyone else apart from the chief of staff?

3 A. Well, the brigade commander was above all of them, so he
4 was under the brigade commander.

10:03:07 5 Q. And so far as his relationship with the operation commander
6 is concerned, was he higher or lower or equal to him in the
7 command structure?

8 A. Well, in rank they were the same positions. Only from the
9 point of view of appointment where you have differences.

10:03:07 10 Q. So in terms of the appointment, was he higher, lower or
11 equal to the operation commander in the command structure?

12 A. Well, the operation commander --

13 THE INTERPRETER: Your Honours, I did not get the last bit
14 from the witness. Would he please repeat what he said.

10:03:07 15 PRESIDING JUDGE: Witness, please repeat.

16 THE WITNESS: The operation commander was above him in
17 appointment.

18 MS PACK:

19 Q. Witness, how do you know that Colonel Woyoh held the
10:03:07 20 position that you have described and had the relationships with
21 others in the command structure that you have described? How do
22 you know this?

23 A. Just like I said earlier on, during the meeting the brigade
24 commander announced the brigade structure and how the command
10:03:07 25 structure was.

26 Q. How do you know --

27 A. Well --

28 Q. How do you know what the military supervisor Colonel Woyoh
29 subsequently did? You have described that; how do you know that?

1 A. Well, since I was with xxxxxxxx xxxxxx, I myself used
2 to see how this command structure was made and how these commands
3 had been operating.

4 Q. Now, witness, I was asking you who were the other members
10:03:08 5 of the brigade administration. Are there any other members of
6 the brigade administration that you know of?

7 A. Yes.

8 Q. Please name them?

9 A. You had Ibrahim Bioh Sesay. Colonel Ibrahim Bioh Sesay.

10:03:08 10 Q. Pause a moment. That's another name Your Honours have had
11 before. Bioh is B-I-O-H, Sesay S-E-S-A-Y. Colonel Ibrahim Bioh
12 Sesay, was he in Kono?

13 A. Yes.

14 Q. Apart from being a member of the brigade administration did
10:03:09 15 he have any other role that was given to him by Gullit in the
16 Mansofinia command structure?

17 A. Yes.

18 Q. What was that other role?

19 A. He was a military supervisor for the [sic] company.

10:03:09 20 Q. I think you said which company. Could you just repeat your
21 answer?

22 A. D Company. D Company.

23 Q. In his position as military supervisor for D Company, do
24 you know if he did anything subsequently?

10:03:09 25 A. Well, he used to supervise the company.

26 Q. Do you know if he reported to anyone in his position as
27 military supervisor for D Company?

28 A. Yes.

29 Q. Who did he report to?

1 A. He reported to Brigade Commander Gullit.

2 Q. Do you know if he reported to anyone else?

3 A. He used to get advice from the operation commander.

4 Q. Do you know if he was subordinate to anyone either in rank
10:03:09 5 or appointment?

6 A. Yes.

7 Q. Who was he subordinate to in rank or appointment?

8 A. The chief of staff, Five-Five.

9 Q. And was he subordinate to him in rank or was he subordinate
10:03:10 10 to him in appointment?

11 A. In appointment.

12 Q. What was his relationship with the Operation Commander A?

13 A. If there was any problem in the company he would discuss it
14 with the operation commander. But if that problem was above him,
10:03:10 15 then the operation commander would advise him and it will be
16 taken to the brigade commander. They had that cordial
17 relationship.

18 Q. In the command structure do you know, either in rank or
19 appointment, if he was equal to, subordinate to or superior to
10:03:11 20 the Operation Commander A?

21 A. In appointment Commander A was above him.

22 Q. Was there anyone else, do you know, who acted as a
23 supervisor to D Company?

24 A. Yes, but later -- it was later when we reached at Rosos,
10:03:11 25 after when the battalion had been formed, Bazzy also had been
26 supervising the company.

27 Q. We'll get to Bazzy in a moment. Just looking again at
28 Colonel Ibrahim Bioh Sesay. How do you know what you have told
29 us about the position that he held and the relationships he had

1 with the commanders you have identified? How do you know this?

2 A. Well, just as I said earlier on, since I was xxxxxx

3 the xxxxxx and Gullit himself had made this

4 announcement about the appointment, and the operation commander

10:03:11 5 had been moving from one point to another, then whatever

6 happened, I myself used to see with my own eyes.

7 MR KNOOPS: Your Honour, before we proceed may I just draw

8 the attention of the Trial Chamber to the following. I think,

9 with respect to all these questions and answers of this witness

10:03:12 10 there is still no foundation laid. When the Prosecution asked

11 this witness how he derives knowledge with respect to all these

12 answers, the witness repeatedly answers with the same words.

13 Namely, that there was a briefing or an announcement made by the

14 person with the name of Gullit and subsequently that the witness

10:03:12 15 saw certain things with his own eyes.

16 Now, there are a lot of assumptions made by this witness

17 which are not yet in evidence, such as the hierarchy, somebody's

18 higher or lower than another person, appointments which are not

19 merely there for the eyes of the witness and perhaps not within

10:03:13 20 the personal scope of the witness. If the questions are put to

21 this witness whether somebody is higher or lower in rank and the

22 witness answers to that question, that can only not be derived

23 from an appointment -- sorry, an announcement or what the witness

24 saw or not saw.

10:03:13 25 These are very specific questions relating to specific

26 events with respect to which we only hear the same answer of the

27 witness; and I think it is justified, right at this moment, that

28 before we continue more thorough foundation should be laid before

29 this witness can continue with answering questions which are

1 quite specific on military structures, yet his answers are - on
2 every question of the Prosecution, well how do you know - are the
3 same. Namely, an announcement made by Mr Gullit and, secondly,
4 what he apparently saw throughout the whole period he was there.

10:03:13 5 And when it concerns qualification, such as ranking,
6 appointments, on military soldiers, subordinations, if somebody
7 is subordinate to another, these are not just within the personal
8 visual perspective of a witness. These relate not only to
9 military qualifications and therefore should, I think, merit a
10:03:14 10 specialised knowledge on the part of this witness, or he should
11 come with concrete certain facts on how he knows that somebody
12 was appointed later or appointed earlier.

13 So I actually have a general objection with continuation of
14 this examination-in-chief of this witness. If it is the
10:03:14 15 intention of the Prosecution to go through all the other alleged
16 members of the brigade administration, asking the same questions,
17 I still believe there is no factual foundation laid for the
18 continuation of questioning this witness in this sense, and my
19 major objection is that this witness assumes facts which are not
10:03:15 20 yet in evidence.

21 Thank you.

22 PRESIDING JUDGE: Yes, Ms Pack, your reply.

23 MS PACK: Yes, Your Honour. My learned friend's objection
24 is based upon the fact that the witness's answers to the question
10:03:15 25 "how do you know what you're telling us" are not specific enough,
26 because they are based upon what he saw and what he heard what
27 Gullit said at the meeting at which he appointed various
28 individuals to the positions which the witness has identified and
29 then what he subsequently saw and heard.

1 Now, Your Honour, it is extremely difficult to see how much
2 clearer the answers of this witness could be and how else
3 evidence may possibly be given if not on the basis of what this
4 witness saw and what he heard. I cannot think of another way in
10:03:15 5 which this witness can be asked questions to clarify what he is
6 saying, and I cannot think of another way in which this evidence
7 could be more concrete, could be more certain, could be more
8 specific.

9 Your Honour, this witness will give evidence as to what
10:03:16 10 subsequently he saw in very specific locations, but it's a long
11 continuum, what he will go on to describe, and it is a long
12 account. And I cannot now ask the witness in relation to every
13 single person who he is putting in a command structure to
14 identify what he saw them subsequently do, because in my
10:03:16 15 submission it may be that he will be saying that they
16 subsequently did a lot and he subsequently saw a lot. And if he
17 is going to be able to give evidence that is understandable to
18 Your Honours, is set out in a coherent manner, then he should
19 start with what he is saying now: What happened now at this
10:03:17 20 meeting and what that meant to him and what that subsequently
21 meant to him for matters which he saw and heard. And then he can
22 go on to give the account of what happened over the coming weeks
23 and months.

24 I don't have anything further to add, Your Honour.
10:03:17 25 PRESIDING JUDGE: Just before you sit down, Ms Pack, I note
26 that Mr Knoops appears to say that he objects in general to this
27 evidence as it relies on facts not yet in evidence. That is one
28 thing. He also appears to query the qualification of the witness
29 to give evidence of the nature he is giving. Am I correct on

1 that second point, Mr Knoops?

2 MR KNOOPS: Yes, Your Honour, that is indeed to be seen in
3 conjunction with my first objection that the witness is assuming
4 facts which are not yet in evidence.

10:03:17 5 If Your Honours please, I will just give one example which
6 hopefully makes my objection clearer. When the Prosecution a few
7 minutes ago examined the witness about Colonel Woyoh, the witness
8 literally said he was responsible for C Company. Well, this is a
9 major qualification and I think also something which merits a
10:03:18 10 thorough foundation before you can even assume that somebody is
11 responsible in not only the factual meaning of the word, but also
12 perhaps in the legal connotation of it.

13 The answer of this witness was - after the Prosecution let
14 him speak for several seconds and then they returned to the
10:03:18 15 question well, how do you know this - he said well, he only
16 supervised C Company and reported to the brigade commander.
17 Well, apparently, based on these mere facts - well, let us assume
18 for the sake of argument that these are facts within the
19 knowledge of the witness - this witness come to major
10:03:18 20 qualifications such as that Colonel Woyoh was responsible for C
21 Company as a military adviser or as a military supervisor.

22 The same we can observe with respect to the examination of
23 this witness concerning Colonel Ibrahim Bioh Sesay. And I think
24 these are examples that this witness is not only repetitive in
10:03:18 25 his answers as how he knows all this, but only clearly assumes
26 things which are not yet in evidence.

27 And because this witness is clearly not a military expert,
28 again I repeat my objection that this witness should not enter
29 into any qualification such as responsibility, et cetera, without

1 not only a factual foundation being laid, but also moreover,
2 because he is not an expert.

3 PRESIDING JUDGE: Mr Knoops, you're actually reopening your
4 argument when Ms Pack has not had an opportunity to reply. I
10:03:19 5 merely sought clarification of two issues to ensure that Ms -- I
6 would invite Ms Pack to respond to those two issues and you have
7 both confirmed and elaborated. So, Ms Pack, you have both the
8 matters in issue plus some examples.

9 MS PACK: I'm grateful, Your Honour.
10:03:20 10 My learned friend, one of his objections is that the
11 witness is assuming facts not yet in evidence. He is giving
12 evidence as to facts which then constitute evidence. I am not
13 sure what the objection in reality is. This witness as he
14 identifies the facts upon which he -- which he saw and heard is
10:03:20 15 giving evidence as to those facts. So I am unclear as to what my
16 learned friend means by that.

17 Now, my learned friend raises the objection as to the
18 language used by the witness. That language in relation to Woyoh
19 was used by me. There was an objection raised by my learned
10:03:21 20 friend and Your Honour's upheld that objection and the language
21 was then no longer used or pursued. So I don't, in my
22 submission, think that that objection can run for the remainder
23 of the questions asked when that concept of responsibility was
24 not repeated, and it certainly wasn't repeated in relation to
10:03:21 25 Ibrahim Bioh Sesay. That wasn't part of any of the questions or
26 answers in relation to that individual.

27 My learned friend is objecting because the answers are
28 repetitive. They are repetitive because my learned friend
29 objects when the witness is not asked every time an individual is

1 identified how this witness knows what position this individual
2 held. And so I am having to ask that question every time the
3 witness identifies any individual who he identifies to be in the
4 command structure. Naturally the answers will be repetitive but
10:03:21 5 I am required to ask those questions and so be it. There are
6 lots of individuals he is identifying so he may be repeating what
7 he has said before. That is no basis for objecting to what he is
8 actually saying.

9 This witness has given evidence as to persons who he heard
10:03:22 10 or saw were identified as holding certain positions in the
11 command structure and then he gives evidence as to what he saw or
12 heard them doing in that position. He is not giving expert
13 evidence. I repeat, he is not giving expert evidence. This
14 objection has been raised many, many, many times by my learned
10:03:22 15 friend in relation to every single instance when this witness
16 gives evidence as to persons who he saw being identified as
17 holding certain positions and whom he saw doing things in their
18 capacities in those positions. He is quite capable of answering
19 those sorts of questions. I am not asking him to give his
10:03:23 20 opinion. I am asking him to give evidence as to what he saw and
21 what he heard. What he understood from what he saw and heard
22 those positions to mean; what he understood from what he saw and
23 heard these people to be doing in those positions.

24 Those are my submissions.

10:03:23 25 PRESIDING JUDGE: Thank you, Ms Pack.

26 MS THOMPSON: Your Honour, whilst you're deliberating may I
27 be excused for five minutes? Sorry, Your Honour. Whilst you
28 deliberate may I be excused for five minutes?

29 PRESIDING JUDGE: Ms Thompson, you're a bit out of my line

1 of vision so I didn't realise.

2 MS THOMPSON: I was just asking to be excused for five
3 minutes.

4 PRESIDING JUDGE: Certainly, Ms Thompson. Ms Thompson, you
10:03:23 5 did indicate to us on Friday, and Thursday, that you weren't
6 feeling well. Are you all right?

7 MS THOMPSON: I'm feeling much better now, thank you.

8 [Trial Chamber confers]

9 MR FOFANAH: Excuse me, Your Honours. May I ask for two
10:03:24 10 minutes to use the convenience, please. Thank you.

11 [Trial Chamber confers]

12 PRESIDING JUDGE: This is the ruling on the objection.

13 We uphold the objection. We note that this witness
14 described himself as a xxxxxx. We do not have evidence to show
10:03:24 15 that an xxxxxx is qualified to give evidence on rank
16 and structure, or that that evidence is within -- or structure
17 within the command. Further, we are of the view that the
18 evidence should have gone deeper to establish what was said and
19 gone into what was said with regard to the specific ranks and
10:03:24 20 positions that were decided at the closed meeting referred to by
21 the witness in order to lay a foundation to show that he has
22 sufficient knowledge and expertise to give the evidence he is now
23 giving.

24 MS PACK: Thank you, Your Honour.

10:04:05 25 Q. Witness, I am not going to ask you what anyone did, but I
26 am going to continue to ask you what Gullit said in relation to
27 reorganising the command structure when you were in xxxxx at
28 the closed meeting that you were present at?

29 MS PACK: Your Honour, perhaps I should clarify in relation

1 to the last line of questions. I cannot remember what question
2 my learned friend was specifically objecting to and therefore
3 where I have to cut off that particular line.

4 PRESIDING JUDGE: I will take what I have recorded and then
10:04:53 5 if there is any query we have got a master copy.

6 Incidentally, as a point, Mr Knoops in his submission
7 referred to C Company, whereas my record is D Company. So there
8 is a point there that needs to be clarified.

9 And to answer your specific question, you had asked the
10:05:10 10 witness how he knew about Colonel Ibrahim Bioh Sesay and he
11 responded, according to my record, "Since I was directly under
12 the operation commander and since I have been moving, I myself
13 saw it." That is the note I have.

14 MS PACK: I have an addition to that, "And Gullit made the
10:05:31 15 announcement," but I will clarify that.

16 PRESIDING JUDGE: My learned sister agrees; I just hadn't
17 got it written down. I will put it down now.

18 MS PACK:

19 Q. So far as Colonel Ibrahim Bioh Sesay is concerned, just to
10:05:45 20 clarify it was D Company, wasn't it, that you said he was a
21 military supervisor for?

22 A. Yes.

23 Q. Again a point of clarification, please state what
24 specifically was said so far as you recall at the closed meeting
10:06:16 25 with Gullit in relation to this appointment - this appointment of
26 Ibrahim Bioh Sesay?

27 A. Just like I had said in the army -- [translation
28 interrupted]

29 Q. Pause, please. I don't want you to answer in a broad,

1 general way. Just if you would -- you might have heard Their
2 Honours' ruling. If you would specifically state what it is you
3 saw and heard in that meeting in relation to the appointment of
4 Ibrahim Bioh Sesay?

10:07:07 5 A. Well, when Gullit had made this appointment, later he gave
6 a strict warning to all supervisors, commanders, as well as
7 soldiers, in which Gullit said as the troops were going to leave
8 Mansofinia and heading towards the north, any soldier who made
9 any attempt to run away, he said that soldier would be shot on
10:07:56 10 sight. And he gave a warning to the civilians. He said any
11 civilian who made an attempt to run away, that civilian was a
12 betrayer and he will be shot on sight. And he gave a strict
13 warning. He said as the troops were leaving to go further --

14 Q. Pause a moment. Just allow their Honours time to write
10:08:30 15 this down. Go on, what was the next point that you were making?

16 A. He said, as the troops were leaving to go further, if any
17 village in which they attack the troops, the troops should repel
18 the attack and that village should be burned. And he warned, in
19 his own words, he said, "Minus you, plus you." That is --

10:09:09 20 Q. Pause, please. Explain what you mean by "minus you, plus
21 you"?

22 A. That is as he had ordered. If somebody failed to go by
23 those orders, without you the operation could continue. With you
24 also the operation could continue. That was what he referred to
10:09:38 25 as minus you, plus you.

26 Q. We have gone on to further things that were said at that
27 meeting apart from the appointment to various positions. Was
28 there anything else said in relation to civilians at that closed
29 meeting that you recall?

1 A. Just like I had earlier said, he said any civilian who
2 attempted to run away as well they were moving further, he said
3 they should be shot on sight. As we were going further, any
4 civilian whom we saw on the way, who was a strong civilian,
10:10:41 5 should be captured and should be part of the troop. As the
6 troops were heading towards the north, further in the north.
7 Q. Describe heading further to the north, did Gullit say where
8 the troop was going to be heading?
9 A. He said as Brigadier Mani had gone further to the north, we
10:11:15 10 are going to trace -- the troop was to trace Brigadier Mani's
11 position so as to identify where he was.
12 JUDGE SEBUTINDE: I'm sorry, I didn't catch the name of
13 that brigadier.
14 MS PACK: Perhaps I can spell it. M-A-N-I, Mani. It's a
10:11:44 15 name Your Honours have heard before.
16 Q. Just remind us, where did you last see Brigadier Mani prior
17 to hearing this instruction from Gullit?
18 A. The only sight that I saw Brigadier Mani was in Makeni,
19 Makeni. That was the time that I last saw him.
10:12:17 20 Q. And when was that roughly?
21 A. That was the time that we pulled out from Freetown as we
22 were heading to Makeni. That was the time that I saw
23 Brigadier Mani in the 2nd Battalion. That was the last time that
24 I saw him.
10:12:41 25 Q. Witness, I was asking you questions about Ibrahim Bioh
26 Sesay. What did Gullit say, if anything, in relation to him and
27 his appointment at the closed meeting in Mansofinia that you've
28 described?
29 A. Well, it was not in this meeting that he discuss something

1 about Ibrahim Bioh Sesay. It was in Camp Eddie Town that he
2 addressed Bioh Sesay.

3 Q. We'll get to that later, witness. And it was Camp Eddie
4 Town, which is just Camp, Eddie E-D-D-I-E, Town.

10:13:40 5 A. It is the same as Colonel Eddie Town.

6 MR FOFANAH: I don't know if the Prosecutor said Eddie,
7 spelt E-W-I-E.

8 MS PACK: No, I said Eddie, spelt E-D-D-I-E.

9 MR FOFANAH: Okay, no problem.

10:14:03 10 MS PACK: The witness has just said it is the same as
11 Colonel Eddie Town.

12 PRESIDING JUDGE: Yes, I did hear that; thank you, Ms Pack.
13 Please proceed.

14 MS PACK:

10:14:15 15 Q. Witness, you've identified that Colonel Ibrahim Bioh Sesay
16 received the appointment as a military supervisor for D Company
17 by Gullit. Did he receive that appointment at the closed meeting
18 that you have been talking about?

19 MR FOFANAH: That's a leading question, Your Honour.

10:14:34 20 MS PACK: It has already been given in evidence; I am just
21 trying to speed it up. He has said already -- answered the
22 question how did you know that he was in this appointment. And
23 he said, amongst other things, operations with Operation
24 Commander A but also that it was at this meeting that he heard
10:14:51 25 it.

26 JUDGE SEBUTINDE: Ms Pack, that is not absolutely accurate.
27 You just asked him a few minutes ago as to what Gullit said in
28 the closed meeting with specific respect to Bioh Sesay. His
29 answer is on the record; he says he said nothing specifically

1 with regard to Bioh Sesay. Now, when you add that to our earlier
2 ruling I think the objection is a valid one.

3 MS PACK:

4 Q. Witness, you've said earlier in your evidence that Ibrahim
10:15:17 5 Bioh Sesay was military supervisor for D Company. How

6 specifically do you know that? What specifically did you hear
7 that makes you say that, and be precise as you can, please?

8 A. Well, Ibrahim Bioh Sesay was a member of the Supreme
9 Council during the AFRC. Then, in Mansofinia, he was a member of
10:15:43 10 the brigade administration and --

11 Q. Pause. How do you know -- what did you see or hear, if
12 anything, that allows you to say now that he was a member of the
13 brigade administration in Mansofinia?

14 A. Just like I earlier said, this was in front of me that
10:16:06 15 Gullit made this appointment and made the administration.

16 Q. Where in front of you are you talking about?

17 A. It was in the meeting. I was closely with the Operation
18 Commander D [sic].

19 Q. No, I don't think there has been an Operational Commander
10:16:32 20 D; maybe that is a mistake.

21 A. Operation Commander A.

22 Q. Now, apart from hearing at the closed meeting with Gullit
23 that Ibrahim Bioh Sesay was a member of the brigade
24 administration, what else did you hear, if anything, about an
10:17:01 25 appointment for this person, Ibrahim Bioh Sesay, at that meeting?

26 A. Gullit didn't say anything about the appointment. He
27 approved the appointment.

28 Q. Perhaps you didn't understand the question. You have also
29 said that Ibrahim Bioh Sesay was military supervisor for D

1 Company. How specifically are you able to say that, and please
2 say what you specifically saw, if anything, that allows you to be
3 able to say that?

4 A. Yes.

10:17:42 5 Q. Go on, please.

6 A. Well, xxxxxx operations commander, his
7 duty was moving to the companies and ensure that whatever order
8 that we receive from the brigade commander, he ensures that -- as
9 the supervisors were there, he worked closely with them, ensured
10:18:10 10 that they briefed the company before the troops leave or head for
11 anywhere.

12 Q. When was Ibrahim Bioh Sesay appointed to the position of
13 military supervisor for D Company?

14 A. It was in Mansofinia a day before we left for further into
10:18:44 15 the north.

16 Q. Where, in what context?

17 A. At a meeting.

18 Q. Is it the same meeting or a different meeting?

19 A. It was the same meeting at Mansofinia.

10:19:02 20 Q. Witness, you have identified appointments to --

21 MR FOFANAH: I'm sorry to interrupt you. Your Honours, may
22 I seek further clarification because I seem to be entirely
23 confused at this stage. The witness at one point seems to be
24 referring to the meeting held at Mongor Bendugu by Gullit when he
10:19:30 25 made the announcements.

26 MS PACK: No, I have got to interrupt my learned friend; I
27 do apologise. There is no meeting at Mongor Bendugu where Gullit
28 appoints anyone to any position. There is a meeting at Mongor
29 Bendugu where SAJ Musa says certain things and that is attended

1 at Mongor Bendugu and certain individuals go up there to see SAJ
2 Musa. They are now back in Mansofinia, they have been for some
3 time, and there is another meeting taking place there and the
4 witness is describing what happened at that meeting.

10:20:00 5 MR FOFANAH: Well, just to get further clarification on
6 that. I don't know if my records are wrong enough, but my
7 understanding is that the announcements about all the structure
8 and the hierarchy was actually made at Mongor Bendugu before they
9 left for Mansofinia. It may not have been a meeting, but Gullit
10:20:22 10 made the announcement about the appointments, hierarchy and the
11 like at Mongor Bendugu before they left for Mansofinia. If that
12 is the case then we may want to seek clarification as to whether
13 another meeting was actually held at Mansofinia, because I am
14 entirely confused where we are getting to.

10:20:43 15 JUDGE SEBUTINDE: What I have and this was on -- which day
16 was this? Let me just get the date. That was on Friday. On
17 Friday, the testimony on Friday.

18 MR FOFANAH: Yes, Your Honour.

19 JUDGE SEBUTINDE: After the lunch break. This is what I
10:21:00 20 have: "When we arrived at Mongor Bendugu SAJ Musa immediately
21 summoned me and the other above named persons to address us. He
22 held a closed door meeting that I attended. Gullit explained to
23 him how we were treated at Kailahun," et cetera, et cetera, "and
24 Gullit narrated how he was beaten," et cetera, et cetera; "the
10:21:28 25 diamonds were removed". This is the closed meeting at Mongor
26 Bendugu at which presumably all this evidence emanates from.
27 Would we be wrong?

28 MS PACK: Yes, Your Honour.

29 JUDGE SEBUTINDE: I don't have a record of a second closed

1 meeting in my evidence.

2 MS PACK: Yes.

3 JUDGE SEBUTINDE: But I am just reading from my notes; I
4 may be wrong.

10:21:50 5 MS PACK: Later on what the witness has given evidence
6 about is the meeting in Mongor Bendugu with SAJ Musa, where SAJ
7 Musa gives the instructions and so on; where Gullit and others
8 describe what had happened in Kailahun and Kono, as Your Honour
9 has summarised; and where an instruction is given, as I recall,
10:22:04 10 for Gullit and his men to go north to see or find out where
11 Brigadier Mani is, something to that effect. They then return to
12 Mansofinia and the witness gave evidence that they returned to
13 the whole -- Gullit and the people he was with, the commanders he
14 was with, returned to Mansofinia.

10:22:21 15 In Mansofinia there was then a closed meeting, which the
16 witness has described, where Gullit then reorganised the troop.
17 He began to describe the closed meeting when he said "before we
18 left Mansofinia," or something to this effect, "the troop was
19 reorganised by Gullit," and he then goes on to describe that
10:22:49 20 reorganisation which occurred in the course of a closed meeting.

21 That was how that was brought out, that there was a closed
22 meeting where Gullit announced the various restructuring of men.
23 And, as you will have heard a few moments ago, he also gave
24 further specific instructions as regards the treatment of
10:23:13 25 civilians and soldiers as they were then going to be heading to
26 Mansofinia.

27 So this is all at one closed meeting in Mansofinia, this
28 specific location.

29 MR FOFANAH: Again, just --

1 MS THOMPSON: Your Honour, my notes accord with Her Honour
2 Sebutinde's. I don't have any record of a second closed door
3 meeting in Mansofinia. Before my learned friend got up I was
4 just leaning to my other learned friend here next to me to ask
10:23:37 5 where was this second closed door meeting, because I don't have a
6 record of it. Perhaps the best thing is to have the transcript.
7 Because I have a record of a meeting, but certainly not a closed
8 door meeting. And the term "closed door" seems to have -- well,
9 from my notes seems to have come from the questions asked by my
10:23:55 10 learned friend. And I have been going through the notes I have
11 of previous days to find out when this second closed door meeting
12 at Mansofinia took place and I don't have a record of it.

13 PRESIDING JUDGE: I have a record that follows on from what
14 my learned sister has read that we're back in Mansofinia for
10:24:09 15 three days, Gullit was the commander of the whole troop in
16 Mansofinia, and, I quote, "Gullit himself organised the whole
17 troop at Mansofinia," et cetera, and there is more evidence that
18 follows.

19 But, as you correctly say, I think the sensible thing would
10:24:28 20 be to look at this record, because what I have referred to is a
21 continuation of the part-read -- so let us have a look. Is the
22 transcript for Friday afternoon available?

23 MS PACK: Your Honour, I can just ask whether the meeting
24 was a closed or open one in Mansofinia.

10:24:46 25 MR FOFANAH: Before that, Your Honours, may I further
26 seek - whilst the records are being searched - to also clarify
27 the point raised by my learned colleague, because I also don't
28 have that - probably I may have stated wrongly - for my records.

29 PRESIDING JUDGE: Which bit are you referring to,

1 Mr Fofanah?

2 MR FOFANAH: She just said that SAJ Musa ordered the troops
3 to go and search for Brigadier Mani and then they returned to
4 Mongor Bendugu. I don't also have that. As far as my records
10:25:15 5 show they only left once for Mansofinia. There was, at no point
6 in time -- I mean, my records may be misleading.

7 MS PACK: I only said there was one meeting in Mongor
8 Bendugu and if my summary isn't a hundred percent accurate, I too
9 haven't had a transcript from Friday.

10:25:31 10 PRESIDING JUDGE: Unfortunately none of us is going to have
11 a transcript from Friday because I have just been advised that
12 the transcript from Friday is not available.

13 JUDGE SEBUTINDE: I think Ms Pack is correct in this one
14 respect. There is another meeting after the closed meeting at
10:25:50 15 Mansofinia and this is what I had jotted down: "At Mansofinia he
16 called all the commanders" -- that is Gullit. "Gullit called all
17 the commanders and made a new structure. He was known by the
18 title chief in command and head of the brigade. His rank at this
19 time was brigadier. During this meeting I was told about" -- "he
10:26:14 20 declared himself as a brigadier. I was present in the meeting
21 and from then onwards I observed him restructuring forces.
22 Ibrahim Bazzi Kamara, deputy chief command, was immediately under
23 Gullit," and so on and so forth. But nowhere in this testimony
24 have I got the impression or recording that this was in any way a
10:26:36 25 closed meeting.

26 Maybe I should also point out that in the earlier closed
27 meeting the evidence focused more about - and excuse the word -
28 the dirty linen, as it were, of the inside movement; of what had
29 happened, who had stolen whose diamonds, who had been mistreated,

1 et cetera. And I got the impression from the witness that that
2 is why that was a closed session. Now, this other one I imagine
3 was an open session for the benefit of everybody, so that
4 everybody would know who was in charge. So the second meeting,
10:27:13 5 like I said, there is no record that it was a closed meeting, but
6 it would make sense that it would be an open meeting.

7 So as long as you perhaps refer to the witness and say can
8 you differentiate between the first and second meeting so that we
9 all understand what you're talking about.

10:27:33 10 MS PACK: Your Honour is absolutely right. My recollection
11 is the same as yours; thinking about it. And I think the
12 language of a closed meeting has crept into the language this
13 morning, and on Friday, as Your Honours's note records, there
14 wasn't a mention. So let me just clarify.

10:27:44 15 Q. The meeting in Mansofinia --

16 PRESIDING JUDGE: Before you do that, Ms Pack, I am again
17 continuing on. I have: "The soldiers were present when the
18 decisions were taken. That is why I say I was present when the
19 decisions were made." [Microphone not activated]

10:28:07 20 THE INTERPRETER: Your Honour's mic is not on.

21 PRESIDING JUDGE: Sorry. I read that out in order to avoid
22 any suggestion that you are cross-examining your witness.

23 MS PACK: Thank you.

24 Q. Witness, just to clarify, you have been talking about a
10:28:27 25 meeting in Mansofinia and you have identified that at this
26 meeting there was a reorganisation of the troop under Gullit.
27 Would you tell us, please, was this meeting a closed meeting or a
28 public meeting?

29 A. This meeting was an open meeting. We have Gullit address

1 all the troops for them to know the positions and the appointment
2 of the various commanders in the administration. And also for
3 the company commanders.

4 Q. Thank you, witness. Witness, just going on to further deal
10:29:21 5 with what was said during this public meeting in Mansofinia in
6 front of soldiers and the company commanders, you have talked
7 about three companies -- sorry, you have talked about two so far,
8 C and D. Were there other companies -- in fact, you have talked
9 about four companies already: A, B, C and D Company. You have
10:29:52 10 talked about two military supervisors for C and D. Were there
11 other military supervisors assigned in relation to other
12 companies at that meeting?

13 A. Yes.

14 Q. Go on, please, to describe what happened.

10:30:08 15 A. Colonel Abdul Sesay was also appointed by Gullit as
16 military supervisor for D [sic] Company.

17 Q. Which company was that, was it D?

18 A. B company.

19 Q. Again, Your Honours have heard the name Abdul Sesay. At
10:30:41 20 that meeting do you recall any other appointment being made in
21 relation to Abdul Sesay?

22 A. Yes.

23 Q. Tell us, please.

24 A. He was a member of the brigade administration.

10:31:03 25 Q. Was Abdul Sesay someone who you saw in Kono?

26 A. Yes.

27 Q. A Company, was there a military supervisor for A Company
28 appointed at this meeting?

29 A. Yes, there was an acting military supervisor.

1 Q. And who was the acting military supervisor for A Company?

2 A. Colonel Santigie Kanu.

3 Q. Full name, please?

4 A. Santigie Borbor Kanu, alias Five-Five.

10:32:03 5 Q. Was the appointment as acting military supervisor made at
6 the meeting?

7 A. Yes, Gullit announced it since he was the chief of staff
8 and there was nobody to take his place at that time, so he
9 appointed him.

10:34:28 10 [TB230505B 10.30 a.m. - SV]

11 Q. He was chief of staff. You're saying of course that it was
12 Santigie Borbor Kanu who was chief of staff; is that correct?

13 A. Yes.

14 Q. Witness, do you recall at this meeting any other
10:34:28 15 appointments being made in the command structure? You've now
16 spoken about the company commanders and the military supervisors
17 of the companies. Were there any other appointments made at this
18 meeting?

19 A. Yes.

10:34:28 20 Q. Just go on to describe them, taking them one by one,
21 please?

22 A. Gullit appointed the adjutant for the brigade.

23 Q. Who did he appoint as the adjutant for the brigade?

24 A. Captain Charles.

10:34:29 25 Q. Charles I heard; is that correct?

26 A. Charles, yes.

27 MS PACK: C-H-A-R-L-E-S, Your Honour.

28 Q. Now Captain Charles, was he in Kono or what?

29 A. No. He came from Mongor Bendugu together with Five-Five.

1 Q. Mongor Bendugu was that?

2 A. Yes. Mongor Bendugu, yeah.

3 MS PACK: That is M-O-N-G-O-R B-E-N-D-U-G-U, Your Honours.

4 Q. Do you recall any other appointments that were made at this
10:35:02 5 public meeting by Gullit?

6 A. Yes.

7 Q. Go on then?

8 A. The military police. The appointment of the military
9 police commander.

10:35:12 10 Q. Who was appointed as military police commander?

11 A. Captain King.

12 Q. Is Captain King someone you'd come across before?

13 A. He also came from Mongor Bendugu.

14 Q. Captain King and Captain Charles, do you know where they
10:35:46 15 had come from prior to being in Mongor Bendugu with SAJ Musa
16 coming down with Five-Five?

17 A. Well, they were also members of the Sierra Leone Army.

18 Q. Do you know whether prior to this meeting Captain Charles
19 and Captain King had held those ranks or different ranks?

10:36:30 20 A. Well, Captain Charles was another ranks in the Sierra Leone
21 Army and he came and joined us -- he came with the troops
22 together with Five-Five from Mongor Bendugu as a lieutenant. But
23 before the troop left for further in the north he was promoted as
24 captain and appointed as adjutant.

10:36:52 25 Q. Who was he promoted by?

26 A. Gullit promoted him as captain and appointed him as
27 adjutant for the brigade.

28 Q. Where was he promoted as captain? Was it the same meeting
29 where he was pointed brigade adjutant?

1 A. Yes. It was there he was promoted. That was the time
2 Gullit read his promotion.
3 Q. What about Captain King?
4 A. Captain King was a commissioned officer in the Sierra Leone
10:37:36 5 Army. He was a lieutenant in the Sierra Leone Army.
6 Q. So would it have been a promotion to captain?
7 A. Well, he was promoted by Gullit at Mansofinia to captain.
8 Q. Were there other appointments made at this meeting at
9 Mansofinia that you are able to recall?
10:38:44 10 A. Yes.
11 Q. Go on?
12 A. They appointed a brigade major.
13 Q. Who was appointed as brigade major?
14 A. Major Eddie.
10:38:44 15 MS PACK: That's E-D-D-I-E, Your Honour.
16 Q. Had you come across Major Eddie before?
17 A. He was -- no.
18 Q. Do you know where he had come from?
19 A. He came from Mongor Bendugu and was a commissioned officer
10:40:04 20 in the Sierra Leone Army.
21 Q. You say now that he was a Major Eddie. Do you know when he
22 received that appointment?
23 A. It was at Mansofinia that Gullit promoted him and appointed
24 him as well.
10:40:04 25 Q. Just dealing particularly with Major Eddie now, do you know
26 what subsequently, if anything, happened to Major Eddie?
27 A. Yes.
28 Q. Go on, please, to describe briefly?
29 A. Major Eddie, the town that we called Camp Eddie Town, this

1 was the commander that discovered that town. After the jet has
2 bombarded us at Camp Rosos he went in search of this town within
3 Sanda Magbolontor.

4 Q. Pause --

10:40:32 5 A. And the Tonko Limba Chiefdom.

6 MS PACK: Now there are a few names there, Your Honour.
7 There's Camp Eddie Town. There was a reference to having been in
8 Camp Rosos, R-O-S-O-S, and there was a reference to Camp Eddie
9 Town as being in a specific location -- around two specific
10:40:58 10 locations and if I can just spell those out.

11 PRESIDING JUDGE: Did I hear the witness saying something
12 about being bombarded?

13 MS PACK: Yes.

14 PRESIDING JUDGE: It wasn't clear to me. Could he repeat
10:41:13 15 that, please.

16 JUDGE SEBUTINDE: Yes, actually, the entire answer. I
17 don't know if it's the interpretation, but we just didn't get the
18 answer.

19 MS PACK:

10:41:22 20 Q. Perhaps just please repeat your answer, don't expand on it,
21 just repeat your answer, please, for their Honours as to what
22 happened to Major Eddie?

23 A. When we had discovered Camp Rosos and later the jets
24 located our position as when the jet bombarded Camp Rosos and
10:41:54 25 Major Eddie, he was the one that moved some troops who went in
26 search of another place which will be suitable for another camp
27 and he was the one that discovered this town between Sanda
28 Magbolontor and the Tonko Limba Chiefdom.

29 MS PACK: Now I'm going to spell those two, if I may.

1 Sanda Magbolontor is S-A-N-D-A M-A-G-B-O-L-O-N-T-O-R and the
2 other name was T-O-N-K-O L-I-M-B-A.

3 JUDGE SEBUTINDE: Are both places chiefdoms? Is that how I
4 understand this to be?

10:42:50 5 MS PACK: Let me ask the witness to repeat that.

6 Q. Are Sanda Magbolontor and Tonko Limba both chiefdoms?

7 A. Yes.

8 Q. Just tell their Honours, please, what district these
9 chiefdoms are in in Sierra Leone?

10:43:23 10 A. Sanda Magbolontor is at the north.

11 Q. Which district is Tonko Limba Chiefdom in, do you know?

12 A. It's in the Kambia District.

13 Q. Do you know which district --

14 JUDGE SEBUTINDE: I'm sorry to ask out of ignorance, when
10:43:37 15 he says it is in the north is that a district?

16 MS PACK: No, Your Honour. I will have to ask him to --
17 I'm just breaking it down into districts now. You've described
18 Tonko Limba as being in Kambia which is K-A-M-B-I-A, Your
19 Honours. And Your Honours will have seen, in any event, on the
10:43:49 20 Kono map at the bottom right-hand of that is a breakdown of all
21 the various districts in Sierra Leone and you can see that Kambia
22 is northwest of Kono where you've heard evidence about and that
23 was P14. You can see at the bottom right of that whereabouts
24 Kambia is in relation to Kono.

10:44:21 25 Q. Sanda Magbolontor. Do you know which district Sanda
26 Magbolontor is in in Sierra Leone?

27 A. Yes.

28 Q. Which district?

29 A. Bombali.

1 MS PACK: And you'll see both Bombali and Kambia to the
2 northwest of Kono if you look at P14 at the bottom right-hand
3 corner. I'm going to come back to Eddie Town and Rosos later on,
4 Your Honours, so that you too are aware that I'm not going to be
10:45:43 5 dealing with those now in terms of the chronology.

6 PRESIDING JUDGE: Ms Pack, in the light of what you have
7 just said, are you moving on to a new part of the witness's
8 evidence as we're approaching the usual time for a break.

9 MS PACK: I could finish off the appointments at this
10:45:55 10 meeting now, Your Honours, or I could wait until after the break.
11 Whichever course Your Honours would prefer. I wouldn't
12 anticipate being more than five or 10 minutes on the meeting.

13 PRESIDING JUDGE: I think we'll adjourn at this point,
14 Ms Pack, and reconvene at 11.00 a.m. Ms Court Attendant, please
10:47:09 15 adjourn until 11.00 a.m.

16 [Break taken at 10.45 a.m.]

17 [On resuming at 11.08 a.m.]

18 PRESIDING JUDGE: Thank you, Ms Pack. Please proceed on.

19 MS PACK: Thank you, Your Honour.

11:11:10 20 Q. Witness, you had identified before we broke Major Eddie as
21 another of those individuals who was appointed to a position in
22 the public meeting in Mansofinia. You've also previously
23 identified, just to remind you, Captain Charles and Captain King.
24 Was there anyone else who you recall being appointed to a
11:11:47 25 position or rank at the meeting in Mansofinia?

26 A. Yes.

27 Q. Go on?

28 A. Major FAT Sesay was appointed as brigade administrator.

29 MS PACK: FAT is just F-A-T as it sounds. Sesay,

1 S-E-S-A-Y.

2 JUDGE SEBUTINDE: Are those initials as F dot A dot or --

3 MS PACK: Yes, they are. Perhaps I'll just get the witness
4 to clarify that.

11:12:26 5 Q. FAT, is that a set of initials or what? Perhaps clarify
6 that for their Honours?

7 A. This is his common name but -- he is commonly called FAT.
8 I don't know the real meaning of the FAT but he is commonly
9 called FAT Sesay.

11:12:52 10 PRESIDING JUDGE: And I didn't hear the appointment he
11 received.

12 MS PACK:

13 Q. Please repeat the appointment that Major FAT Sesay
14 received?

11:13:05 15 A. Brigade administrator.

16 Q. Do you know if Major FAT Sesay had been in Kono?

17 A. Well, he also came with the troops from Mongor Bendugu.

18 Q. Do you know if he'd been a major before he arrived from
19 Mongor Bendugu to Mansofinia?

11:13:46 20 A. He was a commissioned member of the Sierra Leone Army. He
21 was lieutenant in the Sierra Leone Army, but when he came to
22 Mansofinia he was captain and Gullit later promoted him to the
23 rank of major.

24 Q. Where was he promoted to the rank of major?

11:14:08 25 A. Mansofinia.

26 Q. Is this at the open meeting, public meeting, that you've
27 been talking about?

28 A. Yes, it was at the meeting that Gullit made the
29 announcement, that is the appointment.

1 JUDGE SEBUTINDE: I'm sorry, I'm totally lost. What
2 appointment are we talking about?

3 MS PACK: To the rank of major from captain.

4 JUDGE SEBUTINDE: No, counsel, I'd rather hear it from the
11:14:45 5 witness. Because there were two things. The appointment was for
6 brigade administrator, then the question that you asked him was
7 where was he appointed -- the witness said that when FAT Sesay
8 arrived in Mansofinia he was at the rank of lieutenant. You then
9 asked him where this appointment of lieutenant was to which he
11:15:12 10 answered, I think, that it was at Mansofinia. Is that correct?

11 THE WITNESS: No.

12 MS PACK:

13 Q. Witness, just clarify. You said that previously he'd been
14 a commissioned member of the SLA, a lieutenant; is that correct?

11:15:31 15 A. Yes

16 Q. Now when he came from Mongor Bendugu which rank did he hold
17 on his arrival at Mongor Bendugu?

18 A. He was captain.

19 Q. At Mansofinia was he promoted?

11:15:47 20 A. Yes. Gullit promoted him to the rank of major.

21 Q. Was this at the same public meeting to which you have been
22 referring?

23 A. Yes.

24 Q. Was it also at this meeting - and the witness has given
11:16:01 25 evidence as to this - that he was appointed to the position of

26 xxxxxxxxxxxx?

27 A. Yes.

28 MS PACK: Your Honour, is that sufficiently clear?

29 JUDGE SEBUTINDE: Yes.

1 MS PACK: I'm grateful.

2 Q. Witness, I'd like you please to identify if there were any
3 other appointments to ranks or to positions at the meeting in
4 Mansofinia that you've been talking about?

11:16:49 5 A. Yes. Gullit appointed the intelligent officer, that is the
6 IO for the brigade.

7 Q. Who was appointed to that position?

8 A. It was Captain Sammy, Samuel called Sammy.

9 Q. Could you spell Sammy for us, please?

11:17:14 10 A. S-A-M-M-Y.

11 Q. Is this the same Sammy, the Honourable Sammy, that you've
12 been referring to or is it someone different?

13 A. This is a different somebody.

14 Q. Captain Sammy, do you have a fuller name for him that you
11:17:45 15 recall?

16 A. I only knew him as Samuel but everyone calls him Sammy.

17 Q. Witness, had you seen Captain Sammy before Mansofinia?

18 A. Yes, in Freetown only that I saw him.

19 Q. What was he in Freetown?

11:18:18 20 A. He was a member of the Sierra Leone Army.

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

22 A. Yes.

23 Q. What was that rank?

24 A. He was a corporal in the army.

11:18:36 25 Q. Do you know where he received his promotion to Captain
26 Sammy?

27 A. Well, when they came from Mongor Bendugu he came as a
28 lieutenant. Gullit promoted and appointed him to the rank of
29 captain and appointed him as the brigade IO.

1 Q. Witness, is there anyone else that you recall who was given
2 an appointment in the meeting at Mansofinia?
3 A. Yes.
4 Q. Go on, please, to name them?
11:19:32 5 A. Captain Osman Sesay alias Changabulanga.
6 MS PACK: Pause please, I'll just spell that. Captain
7 O-S-M-A-N S-E-S-A-Y also at known as Changabulanga, that's been
8 spelt before by the witness in another context and if I can just
9 repeat the spelling it was C-H-A-N-G-A-B-U-L-A-N-G-A.
11:20:22 10 Q. This individual, Captain Osman Sesay, had you come across
11 him before?
12 A. Yes.
13 Q. Where?
14 A. He was at Tombodu. He was with Savage at Tombodu.
11:20:53 15 Q. What position was he appointed to at the meeting in
16 Mansofinia?
17 A. He was appointed as the task force commander.
18 JUDGE SEBUTINDE: I'm sorry, is that tax or task?
19 MS PACK: Task, T-A-S-K.
11:21:12 20 THE WITNESS: Task force.
21 MS PACK:
22 Q. Captain Osman Sesay, before he was in Kono what did he do,
23 do you know?
24 A. He was a member of the Sierra Leone Army.
11:21:41 25 Q. You've described Osman Sesay as a captain in Mansofinia.
26 Did he always hold that rank?
27 A. Well, later after the troops had advanced to -- as we were
28 advancing, so the promotions regularly came out.
29 Q. Explain. It's perhaps me but I don't understand your

1 response. Was he in the position of captain before Mansofinia,
2 do you know, or what?

3 A. He was a lieutenant in Kono while he was working with
4 Savage at Tombodu.

11:22:26 5 Q. Did he receive the promotion to captain before Mansofinia?

6 A. No. It was at Mansofinia that Gullit promoted him to the
7 rank of captain.

8 Q. Where did Gullit promote him to the rank of captain in
9 Mansofinia?

11:22:53 10 A. It was at a meeting that was summoned by Gullit for the
11 troops.

12 Q. This is the same meeting you've been talking about?

13 A. Yes.

14 Q. Witness, do you recall any other appointments that were
11:23:22 15 made at that same meeting in Mansofinia?

16 A. Yes.

17 Q. Go on, please?

18 A. The brigade RSM.

19 Q. Just tell us what you mean by the letters RSM?

11:23:35 20 A. Regimental sergeant major.

21 Q. Who was appointed to the position of brigade RSM?

22 A. RSM Fasuluku.

23 Q. I'm going to have to ask you to spell Fasuluku, please, if
24 you can?

11:24:04 25 A. Yes. F-A-S-U-L-U-K-U.

26 Q. Fasuluku, was that someone who you'd come across before?

27 A. Yes.

28 Q. Where?

29 A. He also was in Kono.

1 Q. And prior to that do you know what he had been?

2 A. Yes. He was a member of the Sierra Leone Army.

3 Q. Had he always been an RSM, brigade RSM?

4 A. He was a staff sergeant. So in Mansofinia Gullit promoted
11:25:06 5 him as RSM and a brigade RSM.

6 Q. Was this at the same meeting that you've been referring to?

7 A. Yes, yes.

8 Q. Is there anyone else that you recall being appointed to any
9 position in the meeting in Mansofinia?

11:25:38 10 A. The only last person was the political adviser. That was
11 made known to everybody by Gullit and that was Coach Borno.

12 MS PACK: Your Honours have had that spelt before Coach
13 Borno, B-O-R-N-O.

14 JUDGE SEBUTINDE: Is that C-O-A-C-H?

11:26:13 15 MS PACK: C-O-A-C-H, yes.

16 Q. Just remind their Honours, is that an individual you had
17 met before?

18 A. Yes.

19 Q. Where?

11:26:19 20 A. In Kono.

21 Q. Did this individual have a rank?

22 A. Yes. He was also a colonel.

23 Q. Do you know when he was appointed to that position?

24 A. Well, since he was also a member of the Supreme Council, as
11:26:43 25 Johnny Paul made the announcement at Masiaka all the honourables
26 became colonels.

27 MS PACK: Your Honours have had Masiaka spelt before,
28 M-A-S-I-A-K-A.

29 Q. Witness, do you know if the Operation Commander A had a

1 deputy?

2 A. Yes.

3 Q. Do you know who that was?

4 A. Captain Junior Sheriff.

11:27:44 5 MS PACK: Let me just spell Sheriff, Your Honours.

6 S-H-E-R-I-F-F. It's another name you've heard before.

7 Q. Do you know when he was appointed to that position?

8 A. Yes. It was at the meeting at Mansofinia.

9 Q. Did Junior Sheriff always hold the rank of captain?

11:28:08 10 A. Well, he came as a lieutenant from Kono and at Mansofinia
11 Gullit promoted him to the rank of captain and appointed him as
12 deputy operations commander.

13 Q. Are there any further appointments that you recall being
14 made at this meeting in Mansofinia?

11:28:40 15 A. Well, as far as I can recall, these are all the
16 appointments I can recall, the ones that I have given.

17 Q. Witness, you've talked earlier this morning about what was
18 also said by Gullit at this meeting about going -- moving off to
19 the north, in particular to trace where Brigadier Mani was. Did
11:29:49 20 you move off from Mansofinia at one point?

21 A. Yes. After the appointments had been made the companies
22 were formed and the troops left for the north.

23 Q. Witness, are you able to recall how many of you left
24 Mansofinia for the north?

11:30:25 25 A. Well, Gullit always said we had 500 man power. That was
26 what he said, that we had 500 man power moving.

27 Q. Witness, after you left Mansofinia where was the first
28 place that you stopped?

29 A. The first place was a village called Yayah.

1 Q. Witness, I'm going to have to ask you to spell that as best
2 you can?

3 A. To spell it?

4 Q. If you're able to. If not, just indicate that you're
11:31:39 5 unable to spell it.

6 A. Y-A-Y-A-H, Yayah.

7 Q. What happened at Yayah?

8 A. Well, at Yayah the troops branched to head further for the
9 north.

11:32:15 10 Q. After Yayah where was the next place that you got to?

11 A. It was a village close to Bumbuna.

12 MS PACK: I'm going to spell that. B-U-M-B-U-N-A.

13 Q. Do you know which district in Sierra Leone is the village
14 Bumbuna?

11:32:48 15 A. Yes.

16 Q. Which district?

17 A. It is in the Bombali.

18 MS PACK: B-O-M-B-A-L-I, Your Honour.

19 Q. What happened in the village close to Bumbuna?

11:33:17 20 A. Well, as we reach at the village -- as me and the other
21 troops reach at the village Gullit told us to mount up his set
22 whilst --

23 Q. Pause there. By a set are you talking about a radio set?

24 A. Yes, the radio set.

11:33:46 25 Q. What happened after Gullit -- in fact, wait a moment, I'm
26 asking you a different question. When you say Gullit told us to
27 mount the set, who did he tell to mount the set?

28 A. Well, the entire troops came to a halt and after which
29 Gullit called on the radio man as the radio was mounted and he

1 put on the radio.

2 Q. Was there a radio communication made after the set was
3 mounted in this village?

4 A. Yes.

11:34:33 5 Q. Describe it, please?

6 A. Well, as Gullit put on the radio and channelled Superman
7 immediately called and he told Gullit that Gullit should return
8 with the troops to Kono or else if Gullit continued to advance
9 with the troops then he, Superman, will move further with the
10 troops to dislodge the troops that Gullit is moving with.

11 Q. Witness, how do you know that Superman called and said
12 these things?

13 A. Well, through his call sign and the channelling -- you have
14 the number that you channelled -- all the numbers are there. If
11:35:39 15 you want to channel for Kailahun you have the number. If you
16 want to channel Kono you have the number.

17 Q. Pause a moment. Did you hear this communication yourself?

18 A. Yes.

19 Q. Who were you with when you heard this communication?

11:36:03 20 A. I stood with my Operation Commander A as the communication
21 was in progress.

22 Q. Did you hear any response to Superman's communication?

23 A. Yes.

24 Q. What was the response?

11:36:30 25 A. Well, Gullit told Superman that he will not retreat back
26 with the troops and that he has the capability to challenge any
27 attacker that will attack his troops and that he's moving
28 further. He will not listen to any instructions from Superman,
29 he is moving further.

1 Q. Did anything else happen in this village?

2 A. Well, in fact Gullit closed the communication and that
3 village was set on fire and the whole troops left further.

4 Q. Do you know who set the village on fire?

11:37:43 5 A. Well, this is another way that the village should be put on
6 fire.

7 Q. Do you know who gave this order?

8 A. Gullit gave the orders.

9 Q. How do you know that?

11:38:08 10 A. Well, it was in front of me that he told the operations
11 commander that the village should be set on fire.

12 Q. Do you know who then set the village on fire?

13 A. Well, the remaining troops. Myself and the operation
14 commanders were ahead whilst the village was set on fire, heading
11:38:43 15 further.

16 Q. Witness, where did you go after this village close to
17 Bumbuna?

18 MR FOFANAH: Excuse me, Your Honours. Sorry for
19 interrupting. May we get further clarification to that because
11:39:22 20 the witness has indicated just before when he was asked the last
21 question that they were further ahead when the remaining troops
22 set the village on fire. That seems clearly speculative if he
23 was not present when that happened, so we need foundation.

24 MS THOMPSON: Your Honour, more to the point, may I just
11:39:42 25 also support my learned friend by saying that the question is a
26 leading question and this is not the first, this is a lot of
27 many. I haven't objected until now but I just ask my learned
28 friend to refrain from leading the witness. We don't know that
29 he went any further than Bumbuna.

1 PRESIDING JUDGE: Well, Ms Thompson, we look to Defence to
2 raise these issues of leading questions.

3 MS THOMPSON: I don't want to interrupt every time. My
4 learned friend knows when she is leading the witness. I'm just
11:40:14 5 saying that she ought to try and refrain from doing so.

6 MS PACK: Your Honour, I will ask the witness every time
7 whether or not he moved on from the village that he's in.

8 JUDGE SEBUTINDE: Also the comment by Mr Fofanah, what my
9 little record has is that the answer the witness gave was to the
11:40:30 10 question does he know who set the village on fire, he then

11 replied: "The remaining troops, xxxxxxxxxxxx
12 went ahead whilst the village was set on fire, while we moved
13 further." That is the answer we have and you can make of it the
14 meaning. He didn't say the remaining troops burned. He simply

11:40:50 15 said, "The remaining troops, xxxxxxxxxxxx
16 were ahead whilst the village was set on fire." That is what I
17 have.

18 MS PACK: Your Honour, I can clarify that with the witness.

19 Q. Witness, you've said that you, included in the remaining
11:41:08 20 troop, were ahead when the village was on fire. How do you know
21 that the village was set on fire?

22 A. Well, as the troop advanced you have a company that stayed
23 at the back. Whenever an order of a company that the brigade
24 commander has given, at that moment they will not just burn it.
11:41:41 25 After the whole troop -- the whole brigade has moved then the
26 remaining troops, that is their responsibility to set the village
27 on fire while the advance troop move ahead in case there is any
28 attack ahead. So whilst me and the operation commander had moved
29 and the order had been given we saw the fire whilst we were

1 ahead, we saw the village on fire.

2 Q. Witness, have you --

3 MR FOFANAH: Sorry, Ms Pack.

4 MS PACK: Can I just clarify this.

11:42:18 5 MR FOFANAH: I'm just objecting -- in fact, I'm applying
6 that based on this Honourable Chamber's previously ruling that
7 that question be clearly -- the answer be struck off or
8 discountenanced on the basis that it is clearly given as an
9 opinion by this lay witness who is not an expert.

11:42:33 10 PRESIDING JUDGE: What he said was we saw the fire as we
11 moved.

12 MR FOFANAH: No, before that, the answer that there is this
13 company that normally remains blah, blah, blah.

14 MS PACK: Your Honour, can I just ask the witness to
11:42:47 15 clarify what he's saying. He can't help sometimes slipping into
16 generalisations because of course he's had a lot of experience in
17 this context. So he might slip into a generalisation and I
18 should be given - if I may - permission to ask the witness to
19 break down and explain his answers. It's a little premature, in
11:43:05 20 my submission, to object to the answer and indeed to apply to
21 have an answer struck out if I may just ask the witness to
22 clarify in this context what he's meaning.

23 PRESIDING JUDGE: I'm of the view that the statement made
24 by the witness is a general statement of how operations would go
11:44:19 25 about generally rather than this specific issue at this specific
26 time at that specific place. I will allow a question to clarify
27 what specifically happened at that time and at that place.

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

29 Q. Witness, how do you know on this occasion how the village

1 that you had been in was burned?

2 A. Well, at that time that we arrived in that village I and
3 the troops -- the company that was at the back was the B Company
4 which was where you had Commander Bulldoze at the back.

11:45:17 5 Q. Pause, please. Now you've referred to Commander Bulldoze
6 earlier. Is his full name Foday Bah Marah, alias Bulldoze?

7 A. Yes.

8 Q. Which company was Foday Bah Marah, alias Bulldoze, the
9 commander of?

11:45:43 10 A. B Company.

11 Q. You have described earlier a movement of two troops, a
12 remaining troop and an advance troop. Which troop were you in,
13 the remaining troop or the advance troop?

14 A. I was in the advance troop.

11:46:02 15 Q. Who were you with in the advance troop?

16 A. xxxxxxxx.

17 Q. Were there other men with you apart from xxxxxxxx
18 xxxxxxxx?

19 A. Yes.

11:46:35 20 Q. You've described Foday Bah Marah, alias Bulldoze, remaining
21 at the back. Who was he with?

22 A. He also was with the other troops that were under his
23 command.

24 Q. Was he with his company, B Company?

11:46:46 25 A. Yes.

26 Q. Did you leave the village before the burning started?

27 A. Yes. When the advance troop left and the brigade moved we
28 were further and we saw the fire at the back.

29 Q. Now you've said when the advance troop left and the brigade

1 moved. So you were with the advance troop?

2 A. Yes.

3 Q. You're talking about the brigade moving. Who are you
4 talking about? Who's the brigade?

11:47:27 5 A. The brigade consists of the brigade commander, the deputy
6 brigade commander, the chief of staff and the other supervisors
7 and the family members of the troops.

8 Q. The supervisors, you're talking about the military
9 supervisors you talked about earlier?

11:47:55 10 A. Yes, the military supervisors.

11 Q. Now where were you in the advance troop? Which part of the
12 advance troop; the front, middle or rear?

13 A. I was before.

14 JUDGE SEBUTINDE: I'm sorry, I don't understand.

11:48:24 15 MS PACK:

16 Q. Perhaps if you'd repeat that answer. Were you at the front
17 of the advance troop, at the middle or the rear of the advance
18 troop?

19 A. I was in the front.

11:48:35 20 Q. You've said you left the village before the burning
21 started. You've also said that the village was burned. How do
22 you know that the village was burned?

23 A. Well, since I started moving with the troops from Kono --

24 Q. I'm not asking for a general answer. If you could just be
11:49:05 25 specific to this occasion. On this specific occasion you left
26 the village before it started burning. How are you able to tell
27 us that it was burned?

28 A. As I and the advance troop left and they went a little bit
29 further we saw the burning, because whenever the advance troop

1 left, immediately they left the brigade would start moving. Then
2 the troop that was at the rear, they would start burning and you
3 would see the smoke and the fire in the village.

4 [TB230505C - CR]

11:49:20 5 Q. Did you go anywhere else after you left this --

6 MR FOFANAH: Sorry, Your Honours. Again, the witness has
7 ventured into the plural. He said, "We see the village burning".
8 I don't know if he's talking on behalf of himself and everybody
9 else. We need clarification.

11:50:19 10 MS PACK:

11 Q. Witness, when you say "we saw the burning", do you mean you
12 and others, or completely different people?

13 A. I did not say "we". I said I. I said I and the
14 operational commanders that were further. I saw this burning and
11:50:40 15 the smoke and the fire in the village.

16 Q. Witness, I'm going to ask you just to anticipate any
17 objections from my learned friends. Be very clear when you're
18 talking about when you saw things, just to make clear it's you
19 specifically who saw things, or you specifically who did things
11:50:59 20 or when you were with others. Just make sure you make that
21 clear. Thank you. It's no criticism of you.

22 A. Okay.

23 Q. Witness, after you left this village, did you go anywhere
24 else?

11:51:15 25 A. Yes.

26 Q. Where did you go?

27 A. I moved further with the troops towards one village where
28 there was a herbalist that was called a Tamba Tamba Sewa.

29 MS PACK: I'll spell that Your Honours. It's T-A --

1 JUDGE SEBUTINDE: Is that the herbalist or the village?

2 MS PACK: The village wasn't named. It was a village where
3 there was a herbalist. He's called Tamba Tamba, which is
4 T-A-M-B-A, T-A-M-B-A, S-E-W-A.

11:52:03 5 Q. Did anything happen at this village?

6 A. Yes.

7 Q. What happened at this village?

8 A. I and the other soldiers captured this village and captured
9 this herbalist, Tamba Tamba Sewa, after which, Tamba Tamba

11:52:29 10 Sewa -- I and other troops handed over Tamba Tamba Sewa to the
11 brigade commander.

12 Q. Just remind us who the brigade commander was?

13 A. Tamba Alex Brima, Gullit.

14 Q. Did anything happen after you handed over Tamba Tamba Sewa
11:52:48 15 to the brigade commander, that you saw?

16 A. Well, in front of me, Tamba Tamba Sewa pleaded that, let
17 him not be killed. Later he said he would do something for the
18 troops which would make this troop to advance anywhere where it
19 wanted to go. So later, Gullit agreed.

11:53:24 20 Q. Just pause there to allow Their Honours to write this down.
21 Tamba Tamba Sewa, the herbalist, having said this, did you see
22 anything else done or said?

23 A. Yes.

24 Q. What happened next then?

11:53:49 25 A. Tamba Tamba Sewa prepared some ropes and he made some water
26 and he mixed, mixed, mixed it and said these ropes -- every
27 member of the brigade who was advancing, every fighter, including
28 family members, should tie with these ropes when he has performed
29 some ceremonies. He said this rope would enable the enemies not

1 to be able to fight the troops and if the troops are fired at,
2 the bullet would not prosper.

3 Q. Did anything happen after this?

4 A. Yes.

11:54:51 5 Q. What happened?

6 A. Every member of the troop, they went through that ceremony
7 where Tamba Sewa tied these ropes and he had to sprinkle this
8 water on everybody's body.

9 Q. After the ceremony, did anything happen?

11:55:23 10 A. Well, the only thing that happened was that Tamba Sewa
11 pleaded that the sheep and the ducks that were in the village --
12 he said, "Let these be taken by the troops," and he said they
13 should not take the goats, they should be left. So after this
14 ceremony and the troops accepted this order and later Gullit said
11:55:55 15 the troops should advance towards the Bumbuna houses.

16 PRESIDING JUDGE: Ms Pack, I had a little difficulty
17 hearing properly whether it was ropes or roots.

18 MS PACK: It sounded like ropes to me, but I will ask the
19 witness to repeat the word.

11:56:14 20 Q. You were talking about Tamba Tamba Sewa tied ropes or
21 something like that and sprinkled water on everyone. Was it
22 "rope" or "root"? Just say the word clearly, please, for Their
23 Honours to hear it.

24 A. It was a rope that they used to make ceremonies. These
11:56:34 25 were the ropes that were tied on everyone.

26 Q. Thank you, witness. Now, you said that the troop then
27 left. Who was in the troop which then left?

28 A. ~~xxxxx~~ company and the operation commander moved further
29 towards the Bumbuna houses.

1 Q. Now, when you say "the company commander" are you talking
2 about all the company commanders, or one specific commander, or
3 what?

4 A. D Company was in advance, C Company was also in advance.

11:57:27 5 A Company was with its family and B's family was in the rear.

6 JUDGE SEBUTINDE: Mr Interpreter, did you say A family was
7 in the rear?

8 THE INTERPRETER: Your Honours, would the attorney please
9 put the question again?

11:57:53 10 THE WITNESS: A Company was with the family.

11 MS PACK:

12 Q. B Company, where was that?

13 A. B Company was in the rear, and they were responsible for
14 the rear.

11:58:03 15 Q. C Company?

16 A. Advance, and D Company advanced.

17 Q. D Company was in advance, was it?

18 A. Yes.

19 Q. And A Company was where?

11:58:21 20 A. A Company was with the families.

21 Q. Where did you go?

22 A. As I and the company commanders and the troops and my
23 operational commander moved to a village very close to Bumbuna --

24 Q. Did anything happen there?

11:58:46 25 A. Yes.

26 Q. What happened?

27 A. As I and the soldiers arrived in that village, troops
28 were -- we were attacked by troops.

29 Q. Pause, please. Do you know who the troops were who

1 attacked you?

2 A. Yes.

3 Q. Who were they?

4 A. It was the Executive Outcomes, the South Africans.

11:59:20 5 MS PACK: Your Honours, that's spelt E-X-E-C-U-T-I-V-E
6 O-U-T-C-O-M-E-S.

7 Q. What happened after you were attacked?

8 MR FOFANAH: Again, just before the answer is given, I will
9 seek clarification as to how the witness knew that it was

11:59:43 10 Executive Outcomes.

11 MS PACK:

12 Q. Witness, how did you know these men were South Africans and
13 from Executive Outcomes.

14 MR FOFANAH: Objection, the witness has not mentioned South
11:59:58 15 Africans.

16 MS PACK: Yes, he has, Your Honour.

17 PRESIDING JUDGE: Yes, he has, I've got it written down.

18 MS PACK:

19 Q. Witness, how do you know these men were South Africans and
12:00:07 20 were from Executive Outcomes?

21 A. As I and the other soldiers repelled them and I and the
22 other soldiers captured one amongst the SLA that came with them.

23 Q. Pause, please. You captured one of these men?

24 A. Yes.

12:00:30 25 Q. South Africans?

26 A. It was an SLA. It was an SLA who came with the South
27 Africans.

28 Q. Did anything happen?

29 A. Well, this soldier, after thorough investigation, he

1 himself revealed that he was the one that led the South Africans,
2 the Executive Outcomes, to come and attack, as they heard
3 information that I and the other troops were within that area.

4 Q. After he told you this, did anything happen?

12:01:16 5 A. Well, this soldier, Gullit ordered that he be burnt alive.

6 Q. How do you know that Gullit ordered that he be burnt alive?

7 A. Well, I and the operation commander handed over this man to
8 Gullit. Gullit said -- he said there was no need for this man to
9 come before him, because he was a betrayer. As an SLA, instead

12:01:48 10 of them to be on the side of the SLA, they were with the South
11 Africans who attacked the SLA, so this man should be burnt alive.

12 Q. Did anything happen after Gullit gave this order?

13 A. Yes, this man was burnt in front of me. I saw him with my
14 own eyes. They tied him on a stick and they set fire beneath.

12:02:20 15 Q. Witness, after this happened, did you stay at this village,
16 or did you move on?

17 A. In fact, Gullit honoured that this Tamba Tamba Sewa, he
18 made a click. He knew about this attack that these South
19 Africans attacked, so this village -- the troops should go back

12:02:52 20 to go and burn down that village, and I and some other soldiers
21 moved to this village and we set it on fire.

22 Q. Pause a moment. How do you know that Gullit said this
23 about Tamba Tamba Sewa?

24 PRESIDING JUDGE: Tamba Tamba Sewa, I thought, was a person
12:03:14 25 rather than a place?

26 MS PACK: Yes, about Tamba Tamba Sewa knowing about the
27 attack and forming a click, I think the witness said.

28 JUDGE SEBUTINDE: Even I have no clue. I didn't get
29 clearly what the witness said and would rather not get the

1 interpretation. Could the witness please repeat what additional
2 things he has said about Tamba Tamba Sewa?

3 THE WITNESS: Later, after the burning of this South
4 Africa -- I mean the burning of this soldier, later, after the
12:03:54 5 burning of this SLA soldier, Gullit called the operation
6 commander in front of me and told him that -- he said Tamba Tamba
7 Sewa, the herbalist, he made a click, he knew about this attack.
8 He said seeing as the troop had just left his village and they
9 moved, and an immediate attack took place, so his village should
12:04:32 10 be burnt down.

11 MS PACK:

12 Q. Pause. Thank you, witness. Is that sufficiently
13 clarified, for Your Honours, so far as that part of the witness's
14 evidence is concerned?

12:04:50 15 Q. Now, after this was said, was anything else said by Gullit?

16 A. They said the village should be burnt down so I and the
17 other soldiers whom Gullit appointed, we moved immediately to the
18 village and set the village on fire.

19 Q. Pause, please. Now you say that you moved and you used the
12:05:24 20 word "we". Who did you move with to the village that you then
21 set on fire?

22 A. The commander of the D Company and the A Company commander
23 with some of his soldiers also joined, as I and them moved to go
24 towards this village, we set it on fire.

12:05:46 25 JUDGE SEBUTINDE: Counsel, just to be sure, this is the
26 village where Tamba Tamba Sewa comes from, I presume,

27 MS PACK: That's my understanding.

28 Q. Just so I'm not misinterpreting? Witness, just to clarify
29 for Their Honours, please, the village you went back to set on

1 fire was which village?

2 A. It was the village where Tamba Tamba Sewa made the ceremony
3 for us where I and the other soldiers met him.

4 Q. Witness, are you able to assist as to which district in
12:06:18 5 Sierra Leone was this village?

6 A. This village is between Bombali and Koinadugu Districts.

7 Q. Witness after this village --

8 JUDGE SEBUTINDE: Sorry, counsel, what is the second
9 name -- the first name?

12:06:52 10 MS PACK: Bombali, which you've had, B-O-M-B-A-L-I, and
11 Koinadugu again, another name Your Honours have had. It's
12 K-O-I-N-A-D-U-G-U. If Your Honours want to look at the P14, the
13 Kono map, in the bottom right-hand corner of the Kono map is the
14 overview map of Sierra Leone, just locating the districts.

12:07:16 15 Koinadugu is to the north of Kono and Bombali is to the
16 north-west of Kono.

17 Q. Now, witness, after this village was burned, did you go
18 anywhere else?

19 A. Yes.

12:07:44 20 Q. Where did you go?

21 A. Well, I and the other soldiers, the old brigade, moved
22 further.

23 Q. Where did you move to?

24 A. Towards the north and we arrived in one village that was
12:08:08 25 called --

26 THE INTERPRETER: Your Honours, I did not get the name of
27 the village.

28 MS PACK:

29 Q. Repeat the name, Witness.

1 A. Kamagbengbe.

2 MS PACK: I will spell it. It is K-A-M-A-G-B-E-N-G-B-E,
3 Kamagbengbe. On the way to Kamagbengbe, did anything happen?

4 A. Well, yes.

12:08:46 5 Q. What happened on the way to Kamagbengbe?

6 A. Some civilians attempted to run away from the troops.

7 Q. Did anything happen after they attempted to run away?

8 A. I and other soldiers captured these civilians.

9 Q. After they were captured, did anything happen to these
12:09:22 10 civilians?

11 A. In fact, as I and the other soldiers captured them, I and
12 the other soldiers reported the civilians to Gullit as the
13 ~~xxxx~~.

14 Q. After you reported the civilians to Gullit, did anything
12:09:41 15 happen?

16 A. They said they should be an example because he had told
17 them at Mansofinia that any civilian who attempted to run away
18 should be shot on site. So he said these civilians had nothing
19 to say and they should be commuted immediately.

12:10:01 20 Q. After Gullit had said this, did anything happen?

21 A. In fact, it was in front of me that Gullit was standing by
22 and the other senior military supervisors were there when they
23 fired at these civilians.

24 Q. Who fired at these civilians.

12:10:27 25 A. Well, Gullit gave the order to the commanders. And the
26 A Company commander fired them.

27 Q. That's the man you have identified as Lieutenant Tito; is
28 that correct?

29 A. Yes.

1 JUDGE SEBUTINDE: Mr Interpreter. I hope this fire is not
2 setting on fire, but it is shooting. When you say he fired them,
3 do you mean shot them, or do you mean set them on fire.

4 THE WITNESS: Shot at them, shot at them.

12:11:12 5 MS PACK:

6 Q. Do you remember how many civilians were shot?

7 A. Yes.

8 Q. How many?

9 A. There were five.

12:11:22 10 Q. Were they men? Were they women?

11 A. Well, they were men.

12 Q. Witness, you've spoken about a village that you got to
13 called Kamagbengbe. At Kamagbengbe, did anything happen?

14 A. Well, I and the other troops and the company that was ahead
12:11:54 15 in advance captured Kamagbengbe, and waited for the whole brigade
16 to come.

17 Q. Did anything happen when the whole brigade arrived in
18 Kamagbengbe?

19 A. Yes.

12:12:14 20 Q. What happened?

21 A. In fact, Gullit made an open address in front of the whole
22 troop where he said now he wanted to divide the troop. Some
23 should go and attack Kamabai and the other troops should go and
24 attack Karina.

12:12:43 25 MS PACK: I'm going to spell those, Your Honour. Kamabai
26 K-A-M-A-B-A-I. Karina, K-A-R-I-N-A.

27 Q. Witness, do you know which district Kamabai is in in Sierra
28 Leone?

29 A. Yes.

1 Q. Which district?

2 A. Bombali.

3 Q. What about Karina?

4 A. Karina is also in Bombali.

12:13:12 5 Q. Did any troops in fact go to Kamabai?

6 A. Whilst Gullit said so, other suggestions came from the
7 other commanders. They said, "Pa, let us don't divide this
8 troop, otherwise we would be missing in action. We would have a
9 lot of MIA," so Gullit said it was okay.

12:13:45 10 Q. Pause, pause. I didn't understand I'm afraid. It is
11 probably my fault. Just re-describe, will you, what it is the
12 other troops said to Gullit? I didn't catch what you said.

13 A. I said in front of me when Gullit had said these words,
14 there were suggestions from other commanders who said, "Pa, it is
12:14:13 15 better not to divide the troop, or else, if you divide the troop,
16 they will have a lot of MIA," -- missing in action, and this
17 would make us not to have a strong force to advance where we want
18 to go.

19 MS PACK: MIA, Your Honour, "missing in action", that's
12:14:39 20 what I misheard first time around. Thank you, witness. Go on,
21 please. After these men said this, what happened?

22 A. So later, Gullit called us and said -- he said Karina was a
23 statutory point. He said there you have Mandingos. He said, "In
24 fact, that's the home town of President Ahmad Tejan Kabbah."

12:15:07 25 Q. Now, you said, "Gullit later called us and said". What did
26 he call you to?

27 A. I said he addressed the whole troop. He addressed the
28 whole troop.

29 Q. Was it at the same meeting that he talked about Karina

1 being a strategic position and the home town of Kabbah?

2 A. Yes. It was in the same meeting that he called for the
3 whole troops.

4 Q. Was anything else said by Gullit at this meeting?

12:15:51 5 A. Yes.

6 Q. Before you go on to describe that, I realise I didn't spell
7 Mandingo, which was a word the witness used, M-A-N-D-I-N-G-O go
8 on, please, to tell us what else was said at this meeting.

9 A. When Gullit was still addressing the troop, he said -- he
12:16:29 10 said, "Now that the troops have left Kono and they've come
11 through Koinadugu and they've come towards Bombali, he said they
12 had not heard anything about a troop. He said Karina should be a
13 place that should be the number one point of demonstration of the
14 junta forces, especially his own brigade that he was moving with.

12:16:59 15 Q. Pause a moment, please. Do you know who Gullit meant by
16 junta forces?

17 A. Yes.

18 Q. Who did he mean by junta forces?

19 A. The SLA.

12:17:17 20 Q. After he said this about Karina being the first
21 demonstration by junta forces, did Gullit say anything else at
22 this meeting?

23 A. Yes.

24 Q. What did he say?

12:17:37 25 A. He said everybody should take part in this demonstration
26 wherein, he said, Karina should be burnt down and, if possible,
27 we should capture strong men and, he said, amputation should take
28 place in Karina and this should be a demonstration which would
29 shock the whole country and will make the international community

1 concerned.

2 Q. Was that all that was said at this meeting? Witness, are
3 you okay? You look like a little -- like you're in pain,
4 actually.

12:18:53 5 PRESIDING JUDGE: Mr Witness, are you all right? Do you
6 need a break?

7 THE WITNESS: Yes, I want to use the toilet. I'm pressed.

8 PRESIDING JUDGE: Very well. We're just noting in fact it
9 is a little early for the lunch break but, in the circumstances,
12:19:33 10 the fair thing might be to adjourn at this point and allow the
11 witness to have a rest and reconvene at 2.00 p.m.

12 MS THOMPSON: Your Honour, that's fine by me.

13 PRESIDING JUDGE: That's what we will do. Just before we
14 do so, I note I did not put on record this morning that the
12:19:57 15 accused are not present in Court, and in the light of earlier
16 submissions, would it be proper for me to again record they have
17 waived their right to be present in Court? Very well, the record
18 should reflect that.

19 [Luncheon recess taken at 12.19 p.m.]

12:21:00 20 [TB230505D - AD]

21 [On resuming at 2.07 p.m.]

22 PRESIDING JUDGE: Ms pack, are you ready to proceed.

23 MS PACK: Thank you Your Honour.

24 Q. Witness, before the lunch break I was asking about a
14:08:13 25 meeting in Kamagbengbe. You have told Their Honours what was
26 said at that meeting. Question: Out of the commanders that you
27 have identified who were given the various appointments at the
28 meeting in Mansofinia, who was present at this meeting in
29 Kamagbengbe?

1 A. Um, the deputy brigade commander was present.
2 Q. Who is that? Please identify him.
3 A. Ibrahim Bazzy Kamara.
4 Q. Who else?
14:09:15 5 A. The chief of staff Santigie Bobor Kanu was present.
6 Q. The who else?
7 A. The political adviser was present -- Coachy Borno. The
8 Operation Commander A was present.
9 Q. Go on.
14:09:42 10 A. The military supervisors, they were also present.
11 Q. Go on.
12 A. The company commanders were also present. I, myself was
13 standing with other soldiers as the brigade command addressed the
14 troops and gave the orders that I have spoken about.
14:10:29 15 JUDGE SEBUTINDE: I am sorry, counsel. I heard the name
16 "Coachy Borno".
17 MS PACK: Yes, Your Honour.
18 JUDGE SEBUTINDE: But earlier I heard "Coach Borno", and
19 you spelt it C-O-A-C-H. Is this one and the same person?
14:10:42 20 MS PACK: Let me ask the witness, Your Honour. "Coachy"
21 and "Coach Borno", are they one and the same person?
22 A. Yes, it is the same person.
23 Q. Is it "Coach", "Coachy", or could it be either?
24 A. Yes, he is Coach Borno, but sometimes we call him Coachy
14:11:12 25 Borno.
26 MS PACK: So it is "Coach", C-O-A-C-H, sometimes "Coachy",
27 C-O-A-C-H-Y, Your Honour. And Borno is B-O-R-N-O.
28 Q. Witness, after the meeting did anything happen?
29 A. Yes.

1 Q. What happened?

2 A. After the meeting, A Company -- I am sorry, C Company and D
3 Company took the lead. xxxx and other

4 soldiers joined the C Company and D Company to move in advance to
14:12:28 5 Karina. Bazzy also joined.

6 Q. Witness, was anyone else with you who moved in the advance
7 to Karina?

8 A. Yes.

9 Q. Name who else was with you.

14:12:58 10 A. Ibrahim Bazzy Kamara was with the advance team, where I was
11 present myself. I was amongst the advance team.

12 Q. Can you recall any other commanders being in the advance
13 team with you?

14 A. Well, as I have named the D Company commander was present.
14:13:32 15 The C Company commander was present.

16 Q. [Microphone not activated] name them from what you have
17 said before, D Company commander -- remind us who that was.

18 A. Captain Junior Lion -- George Johnson, alias Junior Lion.

19 Q. Remind us please who the commander for C Company was.

14:14:03 20 A. Captain Arthur.

21 MS PACK: Your Honours, I have spelt that, if you recall,
22 A-R-T-H-U-R.

23 MS THOMPSON: Your Honour, might I ask that the spelling
24 comes from the witness? Because the pronunciation which I got
14:14:26 25 from the interpreter, and then I did hear what the witness said,
26 and the spelling that my learned friend has given is different.

27 MS PACK: I will ask the witness to spell. I am spelling
28 out names of persons as provided by the witness, but I will ask
29 him to respell Arthur as he said it.

1 Q. Witness -- Arthur, will you please spell that for Their
2 Honours?

3 A. A-R-T-H-U-R.

4 Q. Witness, you have spoken about an advance force. What do
14:15:10 5 you mean by that?

6 A. This advance force is responsible for attacking any
7 military position, or if there is any military deployment within
8 the town or village where the troop is going to attack, it is
9 this advance force that is responsible for that.

14:15:38 10 MS THOMPSON: Your Honour, I rise again to ask that my
11 learned friend tries to contain her witness to what he knows that
12 his advance force did as opposed to the general explanation of
13 what an advance force does.

14 MR KNOOPS: That is exactly also my objection, Your Honour.
14:15:58 15 I think the answer of the witness relates to a general assessment
16 of what an advance force does or does not do. We didn't hear any
17 specific answer to this situation. Thank you.

18 PRESIDING JUDGE: It was a general question, but we have
19 made a ruling on a similar situation this morning and I think
14:16:19 20 that ruling would apply to this.

21 MS PACK: Of course, Your Honours.

22 Q. Witness, you have said you were in an advance force on this
23 occasion. On this occasion do you know what the purpose of the
24 advance force moving forward was?

14:16:37 25 A. Yes.

26 Q. Please describe, as far as you know, what the purpose was
27 on this occasion of the advance force moving forward to Karina.

28 A. This advance force was a fighting team, and it was
29 responsible to disorganise or dislodge any military deployment

1 whatsoever which was in Karina.

2 Q. Where did you advance to?

3 A. xxx and the Operation Commander, just like I have named
4 earlier, the two companies moved towards Karina.

14:17:45 5 Q. Did you get to Karina?

6 A. Yes.

7 Q. When you got to Karina was there a military deployment
8 there?

9 MR KNOOPS: Your Honour, I think this is also a question
14:18:07 10 that is within the scope of a military expert, because we first
11 have to know what is a military appointment or deployment. It is
12 not just a common word or in the common vocabulary of any person.
13 So it clearly relates to qualification. There should either be
14 foundation before coming to the question of whether there was a
14:18:31 15 military deployment or appointment, or the question should not be
16 put to a witness who has no military knowledge as an expert.

17 MS PACK: I will ask the witness what a military deployment
18 he understood that to mean. He has said that he was in an
19 advance team whose purpose he understood to be responsible - and,
14:18:59 20 again, please correct me if I am getting my summary of the
21 evidence wrong - but it was responsible for organising or
22 dislodging any military deployment in Karina. I will ask him to
23 identify what he understood to mean by a military deployment.

24 PRESIDING JUDGE: I have the word deploy, the verb rather
14:19:17 25 than the noun, but I am sure there is not great emphasis between
26 the noun and the verb. Please proceed to do that.

27 MS PACK: I am grateful Your Honour.

28 Q. Witness, what do you mean when you say the words "military
29 deployment" or "military deployed" in Karina?

1 A. Well, at that time we had special forces, including ECOMOG,
2 the SLA and the Kamajors who were assigned in these areas,
3 especially Karina, to defend the civilian populace.

4 MS PACK: I am just going to spell a couple of names that
14:20:11 5 were mentioned by the witness. Your Honours are obviously
6 familiar with them, but they are ECOMOG, E-C-O-M-O-G, and
7 Kamajors, K-A-M-A-J-O-R-S.

8 Q. How did you know that there were ECOMOG and Kamajors, as
9 you say, assigned in these areas?

14:20:33 10 A. Well, one of the important methods that I and the other
11 soldiers have been using was as the troops advanced -- the troops
12 would always fight to get a civilian who was within these
13 villages from whom the troops would get information whether there
14 were Kamajors, ECOMOG or any other forces deployed within these
14:21:11 15 villages. This was one of the ways that I and the other soldiers
16 were able to get information to know whether there were any
17 troops ahead of the villages which the troops wanted to attack.

18 Q. When you got to Karina, were there any forces - whether
19 ECOMOG, Kamajors or whatever - there?

14:21:56 20 A. No.

21 Q. What happened when you got to Karina and there were no
22 forces there?

23 A. Well, this was a surprise to me and the troops that
24 advanced to Karina since the troops did not engage any of these
14:22:37 25 forces that I have named. So, it was a complete surprise to the
26 troops. When this had happened, immediately we made a defensive
27 and waited for the other troops to come so that we would be able
28 to cross Karina Town.

29 Q. Did the other troops come?

1 A. Yes.

2 Q. Are you able to say which commanders, if any, were in the
3 other troops?

4 A. Yes.

14:23:23 5 Q. Who was in the other troops?

6 A. The brigade commander he arrived, who was Gullit.

7 Q. Go on.

8 A. The chief of staff arrived also, who was Santigie Bobor
9 Kanu.

14:23:52 10 Q. Anybody else?

11 A. The company commanders for A and B Company, and also the
12 military supervisors who were at the rear. All of them arrived
13 with their family members.

14 Q. Did the company commanders come with their men?

14:24:19 15 A. Yes.

16 Q. Did anything happen when they arrived?

17 A. Immediately the troops started moving into Karina Town.

18 Q. As you were moving, did anything happen?

19 A. Yes.

14:24:47 20 Q. What happened?

21 A. At that particular time, I immediately moved with Bazzy,
22 with Bazzy CSO -- the one that he appointed at that time.

23 Q. Pause. Remind us who the CSO was.

24 A. I will call that name for certain reasons.

14:25:26 25 MS PACK: Your Honours, again I am forecasting an
26 application in due course.

27 Q. Go on witness, tell us what you were going to happen --
28 what happened?

29 A. I, Bazzy and xxxx moved into one of the houses in

1 Karina when we entered Karina Town.

2 Q. Did anything happen?

3 A. Yes.

4 Q. What happened?

14:26:08 5 A. ~~xxxxx~~ Bazzy entered this place, we met ~~--xxxx~~ and Bazzy and
6 the ~~xxx~~ met five young girls in this one flat house.

7 Q. Are you able to recall how old these young girls were?

8 A. They were young girls.

9 Q. Go on.

14:26:33 10 A. When ~~xxx~~ and Bazzy, with the ~~xxx~~, entered this house,
11 immediately Bazzy said the doors were to be closed. In fact, we
12 put the place on fire. While that was going on the girls started
13 begging; they said, "We beg of you people not to kill us."

14 JUDGE SEBUTINDE: I am not sure what was set ablaze. Could
14:27:07 15 the witness repeat that part please?

16 MS PACK:

17 Q. What was to be set ablaze, witness?

18 A. Bazzy said the house was to be set ablaze.

19 Q. Remind us, who was in the house?

14:27:27 20 A. Five young girls were in this house.

21 Q. You started telling us what they were saying. Please go
22 on.

23 A. These young girls and they started begging. They were
24 begging us -- ~~xxx~~ and Bazzy and the ~~xxx~~ -- not to kill them.

14:27:51 25 Rather, they said that we should take them, because they said
26 that they were young girls, let us take them along. Bazzy said
27 no. He said, "I have told you that you should set this house
28 ablaze now." So immediately I, the ~~xxx~~ and he himself, Bazzy, we
29 started setting the house ablaze while the main doors closed.

1 Q. Pause. What happened next?

2 A. ~~xxxx~~, Bazzy and the ~~xxx~~, we set a house ablaze while the
3 main door was closed by Bazzy while the house was burning.

4 Q. Do you know what happened to the girls?

14:28:55 5 A. Well, they had no way to escape, so the house continued
6 burning. We stood there until the house burnt to ashes.

7 Q. Witness, did anything else happen in Karina?

8 A. Yes.

9 Q. Tell us what else happened in Karina.

14:29:45 10 A. What I saw with my own eyes in Karina was that from that
11 moment commanders have been monitoring each and every soldier.
12 Everybody should participate on the orders that have been given
13 at Kamagbengbe. Immediately I, with my own eyes, what I saw,
14 they started setting house ablaze while I moved right into the
14:30:22 15 town Karina.

16 Q. Pause. When you moved right into the town of Karina, did
17 you see anything going on there?

18 A. Yes.

19 Q. What did you see?

14:30:50 20 A. Well, what I saw with my eyes, they used to take little
21 children, because when the people of Karina heard about this
22 thing, so they started coming out the little children from their
23 mothers' backs and started sending them into the fire.

24 Q. Can you remember whom you saw taking little children and
14:31:25 25 throwing them into the fire?

26 A. Well, particularly it was the soldiers with whom we went to
27 Karina. They were the ones that had been doing this.

28 Q. Witness, do you remember anything else happening in Karina?

29 A. Yes.

1 Q. Tell us please.

2 A. I was moving, I met Gullit, the brigade commander. I moved
3 with him further into the town of Karina and we met a mosque at
4 Karina.

14:32:26 5 Q. When you got to the mosque in Karina, did anything happen?

6 A. Yes.

7 Q. What happened at the mosque in Karina?

8 A. While I was standing, Gullit was standing with some
9 soldiers who were by him. Gullit had to question the imam in the
14:33:00 10 mosque.

11 Q. Do you remember what Gullit was saying to the imam in the
12 mosque?

13 JUDGE THOMPSON: Your Honour, we have to establish whether
14 the person referred to as Gullit did say anything.

14:33:20 15 MS PACK: I must have misheard it, but I did think I heard
16 the witness say he had to say something to imam at the mosque,
17 and I followed up with "what?".

18 PRESIDING JUDGE: What I have is, "While I was standing,
19 Gullit had to question the imam." That is what I had. I wasn't
14:33:37 20 sure if it was the "imam" or "the man".

21 MS PACK: I will ask the witness to make that clear.

22 Q. Whom did Gullit question at the mosque; was it a man or
23 what?

24 A. It was the imam -- the imam that was in charge of the
14:33:58 25 mosque who was leading prayers.

26 Q. Did you hear what Gullit said to the imam at the mosque?

27 A. Yes.

28 Q. What did Gullit say to the imam at the mosque?

29 A. Gullit told the imam that -- he said, "You, you are the one

1 that pray for people. You are one of Pa Kabbah's family. You
2 are the one that have prayed for people. So you are the worst
3 people here." Then the imam replied, saying, "I am not a
4 Mandingo; I am not Pa Kabbah's relative; I am a Limba." While
14:34:40 5 the imam was talking, he tried to speak in Limba.
6 MS PACK: Just two proper nouns, Your Honour, were
7 Mandingo, M-A-N-D-I-N-G-O, you have heard before, and Limba,
8 L-I-M-B-A, you have also heard before.
9 Q. Go on.
14:35:05 10 A. Gullit had to tell him that he had to keep his mouth shut,
11 that he was lying and that he should not change his language. He
12 was not a Limba; he was one of the Mandingo people. While this
13 was going on, Gullit had to take his Magnum that he had been
14 using and shot at this imam right in front of me, and he shot the
14:35:28 15 other people who were in the mosque.
16 Q. Pause. What did he shoot the imam and the people with?
17 A. He had a Magnum pistol, which he held, which takes about 12
18 rounds.
19 Q. Do you know how many people were shot?
14:36:04 20 A. Well, at the moment, the people I saw and I counted, there
21 were 11.
22 Q. Do you know if these people were men or women, or what?
23 A. Six were men and five were women. I saw with my own eyes.
24 Q. Did you see after they were shot what happened to them?
14:36:46 25 A. I, with my own eyes, what I saw, I saw them when they were
26 shooting them how they were falling. How Gullit was shooting at
27 them, that was how they were falling.
28 Q. Witness, did anything else happen in Karina?
29 A. Yes.

1 Q. Go on, please, to tell us.

2 A. What I saw with my own eyes, Changabulanga had a cutlass,
3 Guitar Boy, Morning Milk, they all had machettes which they held
4 in their hands.

14:37:48 5 MS PACK: I will spell some of those names. Changabulanga,
6 we had this morning, Your Honours, C-H-A-N-G-A-B-U-L-A-N-G-A.
7 Guitar Boy, you have heard before, as in the musical
8 instrument -- Guitar Boy. Morning Milk, as in M-O-R-N-I-N-G and
9 milk, M-I-L-K.

14:38:13 10 Q. Changabulanga, just tell us does he have a full name?

11 A. Yes, Osman Sesay.

12 Q. Is this the Osman Sesay you identified as the brigade task
13 force commander in the appointments any Mansofinia?

14 A. Yes, My Lord.

14:38:42 15 Q. Guitar Boy -- had you seen him before?

16 A. Yes, My Lord.

17 Q. Where is he from?

18 A. He was with Savage at Kono.

19 Q. Do you know what his position was amongst you all?

14:39:13 20 A. He was a staff sergeant.

21 Q. Do you know if he worked with anyone in particular?

22 A. Yes.

23 Q. Whom?

24 A. He was with the C Company Commander Arthur.

14:39:37 25 Q. Morning Milk, had you come across him before?

26 A. Morning Milk, I had known him. But when we reached
27 Mansofinia, he came with the troops that came from Mondo Bendugu.

28 Q. Do you remember him working with anyone in particular?

29 A. Yes.

1 Q. Whom?

2 A. The C Company commander, Captain Arthur.

3 Q. You started out before I interrupted you clarifying these
4 names by saying that Changabulanga, Guitar Boy and Morning Milk

14:40:46 5 --

6 A. Including Captain Arthur.

7 Q. Pausing a moment, Captain Arthur being the C Company
8 commander; is that correct?

9 A. Yes.

14:41:01 10 Q. What did you see these individuals do?

11 A. With my own eyes, what I saw these people were doing, they
12 were responsible for the amputations. They were amputating
13 hands; when they catch civilians they amputate them.

14 Q. Did you see how many civilians were amputated in Karina?

14:41:48 15 A. Well, as I standing there, I was looking at them. How the
16 civilians were appearing, that is how they are amputating them.
17 So I was not able to get the actual number; I only saw them
18 continuing to amputate people when they were coming.

19 Q. Did you see anything else happen in Karina?

14:42:24 20 A. Yes.

21 Q. What else did you see happening in Karina?

22 A. Well, I saw men raping women -- soldiers raping the young
23 women that were captured.

24 Q. Witness, you've used the word "rape". What do you mean
14:42:52 25 when you use the word "rape"? What do you mean to say by that?

26 A. They were having forceful sexual intercourse.

27 Q. Witness, did anything else happen in Karina?

28 A. Yes.

29 Q. Go on.

1 A. The houses in Karina were set on fire and also looting was
2 taking place, and women -- I and the other soldiers captured
3 women who were under the direct command of Woyoh. And as Woyoh
4 was taking care of these women, who were above 35 in number,
14:44:08 5 stripped them naked --

6 MS PACK: I am just going to spell Woyoh. You heard that
7 many times, Your Honour, but it is W-O-Y-O-H.

8 Q. Did anything happen to these women after they were captured
9 and stripped naked?

14:44:29 10 A. Yes.

11 Q. What happened to them?

12 A. Well, later, the fighters objected -- they raised an
13 objection, saying that since some of them have gone through
14 certain ceremonies they were not supposed to see women naked. So
14:44:57 15 they grumbled that these women should be dressed again and they
16 should be tied with lappas.

17 JUDGE SEBUTINDE: Could Mr Interpreter interpret that in
18 English?

19 THE INTERPRETER: To be dressed with their own clothes.

14:45:16 20 MS PACK:

21 Q. Describe what a lappas is for Her Honour.

22 A. These are cottons that are sold which women use to wrap
23 their bodies.

24 Q. Did anything happen after the fighters raised this
14:45:48 25 objection?

26 A. Yes.

27 Q. What happened?

28 A. Immediately the other women started to remove their own
29 clothes and their lappas and gave to these women who are naked.

1 Q. The other women being who?

2 A. These were the wives of commanders and various other
3 soldiers who were in Kono, who came from Mongo Bendugu as the
4 troop was advancing towards Karina.

14:46:31 5 Q. Did anything happen after this?

6 A. Well, later these people were under the command of Woyoh,
7 who moved with them, until finally the troop had to pull out from
8 Karina.

9 Q. You are talking about people. Are you meaning the women
14:46:58 10 who were captured?

11 A. Yes, the 35 women who were captured.

12 Q. After you withdrew from Karina, did they remain under the
13 charge of Woyoh?

14 A. No, and I have left out one thing; that is, the children
14:47:26 15 were also adopted at Karina -- small children.

16 Q. We will get to them. Let's just go back to the women. The
17 35 women taken from Karina, did they remain under the charge of
18 Woyoh?

19 A. Before me, Woyoh handed these women to Five-Five, who was
14:48:03 20 the chief of staff.

21 Q. Where were you when Woyoh handed these women to Five-Five,
22 chief of staff?

23 A. Immediately, when I and the other soldiers had withdrawn
24 from Karina to the immediate temporal base, which was just the
14:48:36 25 primary jungle, there Five-Five -- I mean Woyoh, handed these
26 civilians to Five-Five.

27 Q. Going back to the small children, witness. What did you
28 see happen to small children in Karina, apart from the children
29 who were thrown into the fire?

1 A. Well, these small ones that were around the age of 10, I
2 and the other soldiers held them and we moved with them towards
3 this temporal bush, which I have just named, where we formed at
4 this primarily jungle, primary base.

14:49:31 5 Q. Do you know what happened to these small children who you
6 moved with to the temporal base?

7 A. Yes.

8 Q. What happened?

9 A. Well, later, these children, Gullit ordered that they
14:50:09 10 should be distributed to the various commanders so that they will
11 be with them.

12 Q. When did Gullit order that they be distributed to the
13 various commanders?

14 A. This was at the primary jungle which we had formed in this
14:50:36 15 temporal base -- there this took place.

16 Q. How do you know that Gullit gave this order about the
17 children?

18 A. It was before me.

19 MS THOMPSON: Before my learned friend goes on, can the
14:51:06 20 interpreter make clear what the witness said. The direct
21 interpretation does not actually come out as what the witness
22 said. Because I can hear both languages and, certainly, "coming
23 before me" is not what the witness actually meant. Perhaps the
24 question ought to be put to the witness again and the interpreter
14:51:26 25 say it in English.

26 PRESIDING JUDGE: There is an objection to the
27 interpretation. Can we have the answer again, please, and have
28 the answer interpreted again, please? Mr Witness, can you repeat
29 what you said.

1 THE WITNESS: Yes, My Lord.

2 MS PACK:

3 Q. Can you remember what the question was? Go on.

4 A. It was right in front of my face that Gullit gave the
14:52:00 5 order.

6 PRESIDING JUDGE: Thank you. Unless there is some other
7 matter to be raised we should proceed. Please proceed, Ms Pack.

8 MS PACK: Thank you Your Honour.

9 Q. Witness you have spoken about burning in Karina. Do you
14:52:28 10 know what happened to Karina as a result of the burning?

11 A. All what I saw with my own eyes that time, that was at
12 Karina houses were burnt in front of me. I saw the fire in the
13 houses because the troops did not just leave Karina like that
14 while the burning was going on.

14:52:54 15 Q. How long did you stay in Karina?

16 A. Karina -- we came around there at about 2.00 a.m. in the
17 morning. We were there till 7.00 a.m.

18 Q. How do you know it was 2.00 a.m. and 7.00 a.m.? How do you
19 know these times specifically?

14:53:34 20 A. I had a watch on me, and towards the time I looked at --
21 and when the time reached seven o'clock, when the place was
22 clear, we can see each other.

23 Q. You have already said that you moved to a temporal base
24 after Karina. How long did you stay there?

14:54:10 25 A. Well, we spent some hours, I and the other soldiers,
26 including the brigade commander and his entire members, spent
27 some hours in that temporal base, after which later --

28 Q. Pause. I am going to ask you about that later. Keeping on
29 the temporal base. You have spoken about the women - 35 of

1 them - who were captured in Karina, and that they were handed to
2 Five-Five, chief of staff, in the temporal base. Did anything
3 happen to these women at this location?

4 A. Yes.

14:55:09 5 Q. What happened to these women at this location?

6 A. Well, as these women were under the command of Five-Five,
7 later some of the soldier men who were in the various companies
8 requested that they should be given these women so that they can
9 be under their own control.

14:55:38 10 Q. Pause a moment. As a result of this request was anything
11 done?

12 A. Yes.

13 Q. What was done?

14 A. Well, immediately Five-Five said anybody who wants any of
14:56:01 15 these women, he has to sign for her before he could hand these
16 women to anybody.

17 Q. Did anything then happen?

18 A. Yes.

19 Q. What?

14:56:21 20 A. In fact, the soldiers came, they signed and Five-Five
21 warned them that if there is any problem they should immediately
22 report to him or he himself will monitor. If these soldiers
23 disturb these women, he was going to retrieve them, to take them
24 back from them. So he released these women to the various
14:56:49 25 soldiers who had asked for them.

26 Q. And what did you say about problems?

27 A. Five-Five said if any soldier, or if the women caused any
28 problem, let the soldiers come and report and that if the soldier
29 men disturb these women and he gets that complaint, he himself

1 will remove these women from these soldiers.

2 Q. How do you know that Five-Five had commanders sign for
3 these women as you have described?

4 MR KNOOPS: I think the witness referred to "soldiers" not
14:57:47 5 commanders.

6 MS PACK: My apologies if I am incorrect.

7 Q. How do you know that Five-Five had these soldiers sign for
8 women as you have described?

9 A. This was done in front of me, when they were coming for
14:58:04 10 these women. He also asked xxx whether xxx wanted a women. xxx said,
11 "No, xxx don't want now."

12 Q. Do you know what happened to these women after they were
13 signed for?

14 A. Well, Five-Five handed them over to these soldiers who had
14:58:37 15 signed for them.

16 Q. Do you know what happened to these women after they were
17 handed over?

18 A. Well, all I know is that they were wives to these soldiers.

19 Q. Witness, did you remain at the temporal base?

14:59:19 20 A. No, no, no, we moved further; xxx and the other troops moved
21 further.

22 Q. Where did you move to?

23 A. xxx and the old brigade moved to one town called Mandaha.

24 MS PACK: Pause a moment while I spell that. Your Honour,
14:59:42 25 Mandaha, M-A-N-D-A-H-A.

26 Q. Do you know what district in Sierra Leone Mandaha is in?

27 A. Yes.

28 Q. Which district?

29 A. Bombali District.

1 Q. Are you able to estimate how far Mandaha was from Karina?

2 A. Well, in fact the civilians, those I and the soldiers
3 captured, they said it was two miles from Karina. So it was just
4 two miles from Karina.

15:00:30 5 Q. Did anything happen while you were in Mandaha?

6 A. Yes.

7 Q. What happened in Mandaha?

8 A. Well, whilst I and the old troops spent the night at
9 Mandaha, towards early in the morning, that was around 6.30 a.m.

15:01:06 10 --

11 Q. Go on.

12 A. And I and the other soldiers had a heavy attack in our
13 position.

14 Q. Do you know who attacked you?

15:01:23 15 A. Yes.

16 Q. Who attacked you?

17 A. It was both the SLA and the Gbethis.

18 MS PACK: I am going to spell Gbethis. It is
19 G-B-E-T-H-I-S.

15:01:43 20 Q. Witness, how do you know that both the SLA and the Gbethis
21 attacked you in Mandaha?

22 A. Well, **xxx** and the other soldiers repelled these Gbethis and
23 SLAs. **xx** and the other soldiers captured two of them. It was
24 through them we were able to get the information how they came to
15:02:16 25 attack.

26 Q. Witness, did anything happen to the two who were captured?

27 A. Yes.

28 Q. What happened to the two who were captured?

29 A. In fact, when **xxx** and the soldiers captured these two

1 Gbethis, I and the soldiers moved these Gbethis to Gullit, who
2 was the brigade commander. And as we moved to two Gbethis,
3 Gullit said they should be immediately executed.
4 Q. After Gullit said this did anything happen?
15:03:14 5 A. Yes, immediately Arthur executed them.
6 Q. Pause a moment. Arthur -- just remind us who he was.
7 A. Captain Arthur, the C Company commander.
8 Q. Do you know how Arthur killed them?
9 A. Yes.
15:03:38 10 Q. What did he do?
11 A. He used his machete and chopped them and then took their
12 heads and placed them on a stick and placed them at the middle of
13 the town.
14 Q. How do you know that?
15:04:09 15 A. It was right before me [inaudible] place.
16 JUDGE SEBUTINDE: Mr Interpreter, is that the correct
17 interpretation?
18 THE INTERPRETER: Right in front of me.
19 MS PACK:
15:04:35 20 Q. Witness, when you were attacked in Mandaha did anything
21 else happen?
22 A. Yes, My Lord.
23 Q. What else happened?
24 A. Well, as the SLA and the Gbethis attacked our position at
15:05:01 25 Mandaha immediately the troops were divided.
26 Q. Did anything happen as a result of the troops being
27 divided?
28 A. Yes.
29 [TB230505 3.00 p.m. - SGH]

1 Q. What happened?

2 A. Well, the radio man who was in charge of the radio set
3 Morning Milk, Guitar Boy, with other soldiers and some
4 families ran away from Mandaha and moved to another position.

15:05:15 5 Q. Did you see them again?

6 A. After I and the other soldiers had tried to repel the
7 Kamajors and -- I am sorry, the Gbethies and the SLA. Later
8 Gullit said we should go in search of these soldiers. I and the
9 other soldiers went in search of them, but we are unable to trace
15:05:31 10 them.

11 Q. Do you know about how many of them ran away?

12 A. Well, at that moment I am unable to tell the number because
13 others were reduced except the commanders that I have named;
14 Money Milk, Guitar Boy.

15:06:13 15 Q. Do you know what later happened to these men?

16 A. Well, later, after Gullit has asked us to search for them
17 thoroughly and we couldn't find them, whilst we are listening to
18 the radio we heard over the national radio that they've arrested
19 some SLA juntas whom they say attacked Karina and they were
15:06:48 20 presently at Kamabai and they will be further moved to free them.

21 That is what we heard over the announcement.

22 Q. Do you know who was giving this announcement or on behalf
23 of whom this announcement was given?

24 A. Well, this was over the national radio that the
15:07:21 25 announcement was made. The announcement was made over the
26 national radio.

27 Q. Did the radio communications man have a radio set with him?

28 A. Yes, the radio communication man went with the set. He
29 also was among those that were captured.

1 Q. Did you have other radio sets with you?

2 A. Yes.

3 Q. How many other radio sets did you have with you?

4 A. We had one radio set but the mic was not available.

15:08:35 5 Q. Were you able to use that radio set for radio

6 communications?

7 A. Well, no. We only monitor.

8 Q. What do you mean by monitor?

9 A. Well, this radio set monitors and we listen. It monitored

15:09:09 10 other stations, but we are not able to send out information. We

11 only had to monitor because we have lost the mic.

12 Q. Witness, did you remain in Mandaha?

13 A. No.

14 Q. Where did you go after Mandaha?

15:09:42 15 A. Well, I and the other soldiers captured xxxx who

16 told us that Brigadier Mani and his troop were ahead. So this

17 made Gullit ask us to push further so that we can avoid Brigadier

18 Mani's troops.

19 Q. You have heard the name Brigadier Mani before, Your

15:10:16 20 Honours; M-A-N-I. You have said this made Gullit want to push

21 forward. Where did you go next?

22 A. I, and the other soldiers, including the old brigade, moved

23 forward further toward Gbendembu.

24 Q. I am going to have to check the spelling with you, witness.

15:10:41 25 Would you please recite the spelling of Gbendembu for their

26 Honours as best you can?

27 A. It is supposed to be G-B-E-N-D-U-B-U.

28 Q. Witness, did anything happen on the way to Gbendembu?

29 A. Yes.

1 Q. What happened on the way to Gbendembu?

2 A. About a village towards Gbendembu, I and the other soldiers
3 captured about three civilians, and these civilians as this troop
4 came to an halt, I and the other soldiers took these civilians to
15:11:50 5 Gullit.

6 Q. Did anything happen to these three civilians after you took
7 them to Gullit?

8 A. Yes.

9 Q. What happened to these civilians?

15:12:16 10 A. In fact, Gullit called Freaky, Lieutenant Freaky, and he
11 told Coachy Borno to Write a letter.

12 Q. Pause, please. I am going to spell some of those names.
13 Well firstly, Freaky; had you come across him before?

14 A. No.

15:12:57 15 Q. It is spelt F-R-E-A-K-Y according to the spelling provided
16 by the witness. Witness, when was the first time you came across
17 Freaky?

18 A. It was at Mansofinia. They came together with Five-Five.

19 Q. Do you know what Freaky's full name is?

15:13:22 20 A. Yes.

21 Q. What is it?

22 A. Lansana Conteh.

23 Q. And that is L-A-N-S-A-N-A. Conteh, c-O-N-T-E-H, Your
24 Honour. Did Lansana Conteh, known as Freaky, did he have a
15:13:50 25 position that you were aware of amongst the soldiers?

26 A. Yes.

27 Q. What was that position?

28 A. He was the 2IC for the big company.

29 Q. I am going to ask you what a 2IC is, please. Did you

1 understand the question?

2 A. Yes. Yes.

3 Q. What is a 2IC?

4 A. Second in command. 2IC.

15:14:43 5 Q. You said to B Company?

6 A. Yeah.

7 Q. And just remind us, please, who was the first in command of

8 B company?

9 A. Bulldoze. Captain Bulldoze, yes.

15:14:47 10 Q. Full name please.

11 A. Foday Bamara.

12 Q. Witness, you said something happened in relation to Freaky

13 and then you mentioned the name Coachy Borno. Just take up what

14 you were telling us again, please.

15:15:39 15 A. Gullit told Coachy Borno to write a letter in my presence

16 and this letter he told Coachy Borno to write that now the SLA is

17 moving, it is moving towards Makeni, so this is a warning to all

18 civilians, according to the letter. That if they continue to

19 support the ECOMOG forces they are the -- you see these people

15:16:19 20 with this letter, they are going to end up just like them. So he

21 is warning the Makeni people that they should resist the ECOMOG

22 forces or else they will end up just like the people who were

23 taking the letter to them. They told Freaky to amputate the

24 three people after he has read the letter. Well, I listen and

15:16:51 25 the other soldiers around were listening.

26 Q. Pause.

27 A. And Freaky amputated --

28 Q. How do you know that these things were said by Gullit?

29 A. It was right in front of me that Gullit was speaking and

1 Coachy Borno -- it was not a hidden secret.

2 Q. Did anything happen after Gullit said these things to

3 Freaky? Told Freaky to amputate, rather.

4 A. Yes. Freaky immediately amputated the three people.

15:18:03 5 Q. How do you know he did this?

6 A. It was done in my presence. They took his machete and

7 amputated them. And he put the letter and he tied it on a rope

8 -- a string and hung it on one of the amputee's neck.

9 Q. Who took the letter and tied it around one of the amputee's

15:18:28 10 neck?

11 A. It was Freaky.

12 Q. Did anything happen to the civilians after they were

13 amputated and one of them had the letter tied round his neck?

14 A. In fact, Freaky ordered them to move immediately to Makeni.

15:19:20 15 Q. Witness, you are telling us that this incident occurred on

16 the way to Gbendembu. Did you arrive at Gbendembu?

17 A. Yes.

18 Q. Did anything happen at Gbendembu?

19 A. Well, in Gbendembu we had a few civilians that I and the

15:19:43 20 other soldiers captured. And the shops --

21 Q. Go on.

22 A. -- that were at Gbendembu were completely looted.

23 Q. The civilians that were captured, what were they?

24 A. Well, they were young men and a few women. They were not

15:20:14 25 much.

26 Q. Did you stay at Gbendembu?

27 A. No.

28 Q. Where did you go next?

29 A. I and the advanced team, together with the other

1 [indiscernible] moved towards Foroh Loko.

2 Q. I am going to spell that, Your Honours. F-O-R-O-H. Loko,
3 L-O-K-O. Witness, did anything happen in Foroh Loko?

4 A. Yes.

15:20:49 5 Q. What happened?

6 A. Well, at Foroh Loko, I and the other soldiers who were in
7 the advanced team captured two police officers who were at the
8 checkpoint.

9 Q. Did anything happen to the two police officers who were
15:21:25 10 captured?

11 A. In fact these two police officers, Tito took them to Gullit
12 xxxxxxx.

13 Q. Pause a moment. We have heard about Tito before. Your
14 Honours, that was Lieutenant Tito, commander of A Company. Tito
15:22:01 15 took these policemen to Gullit. Did anything happen after that?

16 A. Yes.

17 Q. What happened?

18 A. Well, Gullit tried -- he cautioned these police officers
19 for them to show them strategic positions in that area. But the
15:22:20 20 police officers said they didn't have any idea because they were
21 only based at the checkpoint. They were based in Makeni. They
22 only came to the checkpoint to work, so Gullit said the police
23 were not saying the truth. So he asked --

24 Q. Pause.

15:22:47 25 A. -- Tito to shot them.

26 Q. Pause. After Gullit asked Tito to shoot the police
27 officers, did anything happen?

28 A. Yes.

29 Q. What happened?

1 A. Tito shot them.

2 Q. Witness, how do you know that Gullit said these things and
3 that Tito shot these policemen?

4 A. As I said earlier, as I and the advanced team together went
15:23:48 5 to Foroh Loko and captured these two police officers. ~~xxxxx~~
6 ~~xxxxx~~when he took these two officers to Gullit and they were
7 cautioned by Gullit. After they gave a poor response, Gullit
8 gave the orders that they should be shot.

9 Q. Did you stay in Foroh Loko?

15:24:19 10 A. No.

11 Q. Where did you go next?

12 A. We moved to a village called Matinka.

13 Q. I am going to spell that, Your Honours. M-A-T-I-N-K-A. Did
14 anything happen at Matinka?

15:24:54 15 A. Well, at Matinka we formed an immediate TB; that is
16 temporal base.

17 Q. Did you stay in Matinka?

18 A. No, we spent only a few hours as Gullit said everybody
19 should rest.

15:25:23 20 Q. Where did you go after Matinka?

21 A. Well, we moved further to a village called Matiti.

22 Q. Your Honours, that is M-A-T-I-T-I. Did you stay in Matiti?

23 A. No.

24 Q. Where did you go next?

15:25:54 25 A. Well, at Matiti, I and the other soldiers moved further
26 together with the brigade towards the other villages.

27 Q. Where did you next get to?

28 A. Well, we went to -- we went closer to a village called
29 Mateboi.

1 Q. Mateboi, Your Honours, is spelled M-A-T-E-B-O-I. Did
2 anything happen when you were at the village closer to Mateboi?

3 A. Yes.

4 Q. What happened?

15:26:58 5 A. Well, whenever an advanced team is ahead, as I said --

6 Q. Pause, witness. Just to remind you, I am not asking you
7 about whatever happened generally, but on this specific occasion
8 when you were in the village close to Mateboi, what happened
9 there, if anything? Just be specific about this place, please?

15:27:21 10 A. The troops at the back came and reported to Gullit that
11 they observed the movement of enemies as the troops move ahead.

12 Q. How do you know that the troops at the back came and
13 reported to Gullit that they had observed enemies at the back?

14 MR KNOOPS: Your Honour, if I may interrupt by way of objection.

15:27:53 15 Until so far the witness is still continuing to speak about the troops,
16 the other soldiers, yet I think about 50 minutes ago he testified that
17 the troops were divided. So I think before we can continue with this
18 line of questioning and allowing the witness to continue to speak about
19 generalities of the troops, the other troops or the other soldiers, we

15:28:24 20 should seek any clarification about composition of them. Because, as I
21 noted, the witness testified that the troops were divided and as to the
22 question of how many soldiers left, he wasn't able to answer the number
23 of troops left. I believe it was during the alleged incident at

24 Mandaha. So I think the point from the defence perspective is that the
15:29:07 25 continuation of the witness in speaking in generalities is I think
26 important in view of his observation that the troops were divided. And
27 in view of that statement we object against the answering of this
28 witness in quite vague and ambiguous terms and generalities. Thank you.

29 PRESIDING JUDGE: Ms Pack, you have heard the objection.

1 MS PACK: Your Honour, I can see to clarify further who it
2 was who either remained or who went, during the attack at Mandaha
3 this was.

4 Q. Witness I am going to be jumping back a little, back to
15:30:08 5 Mandaha, when you were attacked by SLAs and Gbethies. And you
6 earlier gave evidence that some of the men and their families
7 ran away from Mandaha. Now, witness, you have identified
8 Morning Milk and Guitar Boy as two of the men who left. Are
9 you able to identify any commanders who left with this group?

15:30:42 10 A. The radio man. The radio man. I spoke about the radio
11 man.

12 Q. Did any of the other commanders you have identified - and I
13 am talking here about the commanders you have identified having
14 been appointed to those positions in Mansofinia. Did any of them
15:31:17 15 leave with this group of individuals when Mandaha was attacked?

16 A. No.

17 Q. Did A Company leave?

18 A. No. No.

19 Q. Did any one of the companies leave?

15:31:46 20 A. No.

21 Q. Were the troops in any other way divided?

22 A. The moment when the Gbethies launched the attack, the
23 troops were divided While some people went and took over. Whilst
24 I and the other soldiers who I referred repel these Gbethies,
15:32:21 25 Gullit sent a troop to go in search of them. I and the other
26 soldiers, I said, were to go on the search.

27 THE INTERPRETER: Your Honours, the witness is fast.

28 MS PACK: There are some problems just interpreting what --
29 translating what are saying. So I am going ask you to take just

1 your answer to my question very slowly. My question was, and
2 I'll repeat it: Were the troops in any other way divided at
3 Mandaha?

4 A. Yes.

15:32:56 5 Q. Take it slowly. How were they divided?

6 A. When the Gbethies launched -- they launched an attack on
7 our brigade, some of the soldiers and their families moved from
8 Mandaha and they went to the bushes that were within those
9 villages.

15:33:28 10 Q. Pause a moment. Now those men and their families who left,
11 that is the group that you have just previously been talking
12 about, I have asked you questions about whether there was any
13 commanders from Mansofinia, whether a company left with them. It
14 is the same group, is it?

15:34:01 15 A. They did not go. They only -- they did not go that far,
16 but they are just round the bush, the bushes in Mandaha.

17 Q. Please explain.

18 A. When I and the other soldiers had repelled the Gbethies and
19 the SLAs, we came further in search of -- I and the other
15:34:28 20 soldiers went in search of these families. Where we recovered
21 xxxx and the other families came in. But these that I have
22 already named, the radio man, Morning Milk, Guitar Boy with their
23 own families. I and the other soldiers are not able to see them
24 at all. It was only on the national radio that we heard that
15:35:04 25 they had been captured in Kamabai.

26 PRESIDING JUDGE: Was there another name with the name
27 xxxxx when the witness said, "I recovered xxxx." Was there
28 another name at that part of his evidence?

29 MS PACK: There wasn't a name. I will ask the witness if

1 he could just repeat that.

2 Q. Now, witness, you described having repelled the Gbethies,
3 you went in search of the men who have been divided from you.
4 Who was amongst those groups of men who had been divided from

15:35:39 5 you?

6 A. xxxx was among them. They were in the bush that were
7 around -- the bushes that were around Mandaha, they did not go
8 that far.

9 Q. Can you remember anyone he was with by name?

15:36:01 10 A. Well, he was with his wife and some other soldiers whose
11 name I will not be able to recall. They are missing. The only
12 people that who we are not able to see were Morning Milk, Guitar
13 Boy and the radio man, and their whole families. These were the
14 ones we were not able to see.

15:36:28 15 Q. And you then recovered, is this what you said, xxxxx and
16 everyone else apart from them?

17 A. He and few soldiers with his families.

18 Q. Now, who moved from Mandaha to Gbendembu, was it the whole
19 troop or was the troop still divided apart from Guitar Boy,

15:37:19 20 Morning Milk and their families who you say you never saw again?

21 A. It was the whole troop apart from them. It was the whole
22 troop that moved towards Gbendembu.

23 MS PACK: With Your Honours' permission, I am going to
24 return back to where I was in the chronology.

15:37:58 25 Q. Witness, I am going to take you back to where you were
26 before which was after Matiti you went to a village closer to
27 Mateboi. M-A-T-E-B-O-I, Your Honours.

28 PRESIDING JUDGE: Could I have that again, Ms Pack, please?

29 MS PACK: Yes, of course. M-A-T-E-B-O-I. Matiti,

1 M-A-T-I-T-I.

2 Q. You were telling their Honours about troops at the back
3 coming and reporting to Gullit that they had observed enemies at
4 the back. Do you recall anything else that was said?

15:39:00 5 A. Well, immediately, when Gullit had received the message, a
6 password went or was sent to the front which made I and the
7 soldiers that were in the advance team to stop saying there was
8 an enemy threat at the rear.

9 Q. Pause a moment. Did anything else happen after this after
15:39:24 10 you stopped?

11 A. I and the operational commander would order soldiers, came
12 to Gullit as he has sent the password and we met him.

13 Q. Do you remember what the password was?

14 A. The password that they sent was that enemy threat at the
15:39:54 15 rear because it was very short as we advanced. Enemy threat at
16 the rear. So the word was passed on from one man to another.

17 Q. Did anything happen?

18 A. Yes.

19 Q. Go on.

15:40:18 20 A. As I and the operation commander with the other soldiers
21 who came, immediately Gullit said now some men were to be sent to
22 check at the rear and to see if there was any enemy movement.
23 They said wherever the troops suspected any enemy movement, they
24 should be dislodged and that town should be dislodged wherever
15:40:51 25 they settled.

26 Q. You say he said the town should be dislodged. What did you
27 understand to mean by that? Him to mean by that?

28 A. That is if there was any enemy in that particular area they
29 should be attacked and to disorganise them.

1 Q. Was anything done after that, after Gullit said this?

2 A. Yes.

3 Q. What was done?

4 A. Well, Gullit told the operational commander and the
15:41:32 5 operational commander called on the deputy operational commander
6 and Gullit ordered the deputy operational commander that he
7 should take some men, ~~xxxxx~~, and move to that position and
8 check and to see whether there was any enemy movement at the
9 rear.

15:41:49 10 Q. Pause a moment. The deputy operation commander, you have
11 provided his name before, but if you just repeat it, please.

12 A. Yes.

13 Q. Go on.

14 A. Captain Junior Sheriff.

15:42:08 15 MS PACK: S-H-E-R-I-F-F, Your Honour.

16 Q. Did Gullit say anything else?

17 A. Well, he only ordered the deputy operation commander that
18 he should make sure that he dislodged or disorganised any of the
19 troops that we were to meet at the rear and to make sure that if
15:42:42 20 we found them in any town, their town should be burnt down. So
21 that anyone that turned up within that area, enemies would not be
22 able to occupy that.

23 Q. After Gullit said this, did anything happen?

24 A. Yes.

15:42:54 25 Q. What happened?

26 A. ~~xxxx xxxxxxxx~~ with some soldiers that were
27 chosen, moved to the point that was towards Matiti again.

28 Q. Did anything happen?

29 A. Well, yes.

1 Q. What happened?

2 A. When we arrived at one village close to Matiti, the deputy
3 operational commander stop the troops and he said he was
4 suspecting movement of people in the village as we ourselves used
15:43:49 5 to hear some sounds of people who are parking in the village.

6 Q. Pause a moment. After he said that, did anything happen?

7 A. Yes.

8 Q. What happened?

9 A. He said we were to attack the village. xxx, deputy
15:44:22 10 operational commander and the other soldiers who advanced into
11 the village with heavy shooting.

12 Q. Did anything happen in the village apart from the heavy
13 shooting?

14 A. Well, after this xxxxxx and
15:44:47 15 the rest of the soldiers we captured this village, but we are not
16 able to get any enemy in the village. So immediately the deputy
17 operational commanders has said we should burn down the village.
18 And the village was burnt down.

19 Q. How do you know the village was burnt down?

15:45:05 20 A. It was xxxx themselves that entered the village and
21 he himself was one of individuals that partook in the burning. I
22 was standing, I was there.

23 Q. Did you go to another village?

24 A. Well, from that village, the deputy operational commander
15:45:35 25 said we were to return and give a report.

26 Q. Did you return?

27 A. Yes.

28 Q. Remind us where to?

29 A. We returned to the village closer to Mateboi where we left

1 the whole brigade.

2 Q. Did you stay at this villae close to Mateboi?

3 A. No, later me and the whole brigade moved to Mateboi
4 village.

15:46:14 5 Q. Did anything happen at Mateboi village? Mateboi village.

6 A. Yes.

7 Q. What happened there?

8 A. And as I and the other soldiers arrived together with the
9 brigade at Mateboi, Gullit said -- I said another patrol should

15:46:31 10 take place wherein --

11 Q. Pause there. You said earlier that after the operation of
12 the burning of the village and the operation you went on with
13 Junior Sheriff you were to go back and report. Did you go back
14 and report to anyone?

15:47:06 15 A. Yes. I and the xxxxxx commander went directly
16 to the xxxxx xxxxx. We moved to Gullit and told him
17 about the development.

18 Q. What did you tell him?

19 A. Well, in front of me the xxxxxxxx explained just
15:47:27 20 like what I have explained, the movement and the burning of that
21 village.

22 PRESIDING JUDGE: I am sorry to interrupt. Are you moving into
23 new line of evidence. It is just that --

24 MS PACK: Yes, very probably. I will just finish up with
15:47:50 25 one question about this reporting and then I will move on to
26 another village.

27 PRESIDING JUDGE: Very well. If you do that we will then
28 take the mid afternoon break.

29 MS PACK: Thank you, Your Honour.

1 Q. Witness, just on this movement to Gullit when you told him
2 -- you explained the movement and the burning, who else was
3 present? Was anyone else present when you went to Gullit?
4 A. The chief of staff was present. The military
15:48:23 5 supervisors were present, and the deputy brigade commander was
6 present.
7 Q. Remind us of the name of the deputy you gave of the
8 commander, please?
9 A. Ibrahim Bazzy Kamara.
15:48:38 10 Q. The staff [inaudible]
11 A. Santigie Borbor Kanu.
12 Q. Who did the explaining? Just remind us who that was. An
13 explanation of what had gone on.
14 A. The xxxxxx commander.
15:49:00 15 Q. Thank you, witness.
16 MS PACK: Your Honours, that will be a convenient moment.
17 PRESIDING JUDGE: Thank you, Ms Pack. Madam Court Attendant,
18 would you please adjourn the Court for 15 minutes.
19 [Break taken at 3.48 p.m.]
15:58:56 20 [TB230505F - EKD]
21 [Upon resuming at 4.05 p.m.]
22 PRESIDING JUDGE: Yes, Ms Pack, please proceed.
23 MS PACK: Thank you, Your Honour.
24 PRESIDING JUDGE: You'll be competing with the noise of the
16:06:53 25 rain.
26 MS PACK:
27 Q. Witness, before we broke you had started to tell us about
28 your move to Mateboi. Who moved to Mateboi?
29 A. The whole brigade moved to Mateboi.

1 Q. Did anything happen at Mateboi?

2 A. Yes.

3 Q. What happened at Mateboi?

4 A. In Mateboi Gullit, he called on the operation commander and
16:07:50 5 I accompanied the operation commander, as I called him Operation
6 Commander A, and in front of the military supervisors, the
7 company commanders, he said the troop should go and check back at
8 the rear and see if there was any enemies regrouping. And he
9 said the troops should go as far as Foroh Loko so as to see
16:08:25 10 whether there was any regrouping that had taken place so as not
11 to make a trace of the brigade.

12 MS PACK: Foroh Loko, you've had that before, Your Honours.
13 F-O-R-O-H L-O-K-O.

14 Q. Who else was with Gullit when he called on operation
16:08:49 15 commander and said these things in front of the military
16 supervisors and company commanders?

17 A. Bazzy was present. Santigie Borbor Kanu was also present.

18 Q. Anyone else?

19 A. Including the Operation Commander A.

16:09:18 20 Q. What happened after Gullit said these things?

21 A. Gullit told the operation commander, who in turn appointed
22 the company commander for B Company.

23 Q. Remind us who that was, please?

24 A. Foday Bah Marah, Bulldoze.

16:09:43 25 Q. Go on.

26 A. And he was appointed to lead another troop to go as far as
27 Foroh Loko to ensure that no enemy had regrouped within that
28 area.

29 Q. Did Foday Bah Marah go to Foroh Loko?

1 A. Yes.

2 Q. Do you know who he went with?

3 A. I myself was one of the soldiers that went with Foday Bah
4 Marah.

16:10:45 5 Q. What happened?

6 A. I, Foday Bah Marah, with some other soldiers that were
7 appointed to go with the troop, moved towards Foroh Loko.

8 Q. What happened -- did anything happen there?

9 A. Yes.

16:11:07 10 Q. What happened?

11 A. Close to Foroh Loko I and Foday Bah, with the other
12 soldiers, we capture two civilians and we interrogated these two
13 civilians. Whilst this interrogation was going on, the enemies
14 who were the SLA and the Gbethis who were within that area, they
16:11:39 15 noticed --

16 MS PACK: I've spelt these before, SLAs and Gbethis,
17 G-B-E-T-H-I-S.

18 Q. Go on.

19 A. And to our surprise, they had a very strong defensive at
16:11:56 20 Foroh Loko. They noticed the troop that Foday Bah was heading
21 together with me, and they observed our movements. And that made
22 the SLAs and the Gbethis to immediately launch an attack.

23 Q. What happened?

24 A. They launched -- the Gbethis and the SLAs launched an
16:12:22 25 attack on our positions.

26 Q. As a result of that attack what happened?

27 A. In fact, the two civilians that I and Foday Bah and other
28 soldiers had captured, they ran away. And while we were fighting
29 hard to repel the men, the Gbethis and the SLAs, but their

1 firepower overpowered us, which made I and Foday -- Foday Bah,
2 and other soldiers that went to this operation to retreat.

3 Q. As you retreated did anything happen?

4 A. Yes.

16:13:13 5 Q. What happened?

6 A. As I and Foday Bah with the other soldiers were retreating,
7 in fact the village which was close to Foroh Loko, Foday Bah said
8 it was to be burnt as I and they -- we burnt the village and we
9 came to Matiti. I and Foday Bah with the other soldiers, we set

16:13:37 10 Matiti on fire. And --

11 Q. Pause a moment. What happened next?

12 A. Another village where I and Foday Bah and the other
13 soldiers met, we also set it on fire, many villages. Then we
14 immediately retreated to Mateboi.

16:14:06 15 Q. When you got to Mateboi did you do anything?

16 A. We reported directly to the operation commander. I, Foday
17 Bah and the operation commander led us to Gullit, where Foday Bah
18 explained about the whole operation just as I have explained.

19 Q. Was anyone else with Gullit when you explained about the
16:14:52 20 operation?

21 A. Yes.

22 Q. Who else was with Gullit?

23 A. Bazzy was present, Five-Five was present, with the military
24 supervisors; they also were present.

16:15:18 25 Q. In Mateboi when you got back there, did anything happen?

26 A. Yes.

27 Q. What happened?

28 A. As I and the soldiers had explained, as the Commander Foday
29 Bah explained it, Gullit said now it would be better for somebody

1 -- to choose somebody who would go in search of a good location,
2 a good side where we would be able to make a camp.
3 Q. As a result of what Gullit said was anything done?
4 A. Yes.
16:16:00 5 Q. What was done?
6 A. Gullit called on the operation commander, who in turn
7 appointed Captain Olangba.
8 Q. Pause a moment. That's a name we haven't heard before.
9 Would you spell it, please?
16:16:20 10 A. Yes, I'll try.
11 Q. Do you best. Go on.
12 A. O-L-A-N-G-B-A, Olangba.
13 Q. What did this individual do, Olangba?
14 A. Olangba was a support firer. He was responsible for firing
16:16:58 15 and the HMG.
16 Q. Just explain what an HMG means?
17 A. Heavy machine gun.
18 Q. Did he work within a company or did he work outside a
19 company?
16:17:23 20 A. Olangba was in the brigade. He was moving with the
21 brigade.
22 Q. Did he have a rank?
23 A. Yes. When he left Mongor Bendugu he came as a lieutenant
24 and Gullit promoted him to a captain.
16:17:52 25 Q. Do you know what he'd been before Mongor Bendugu?
26 A. Yes.
27 Q. What had he been?
28 A. He was a member of the Sierra Leone Army.
29 Q. Olangba on this occasion you're describing, what did he do?

1 A. Well, this time in front of me, Olangba chose other
2 soldiers and this time I did not go. It was he himself that went
3 in search of a place in that area while I remained with my
4 operation commander with the brigade and waiting for Olangba's
16:18:46 5 reply.

6 Q. Did Olangba subsequently return to Mateboi?

7 A. Yes.

8 Q. Do you know what happened on his return?

9 A. Yes.

16:19:02 10 Q. What happened?

11 A. While Olangba returned he reported to the brigade commander
12 and the brigade commander called on the operation commander
13 whilst I accompanied him, and Olangba explained that he had seen
14 a suitable site, the place whose name was Rosos. He said Rosos
16:19:36 15 was a place surrounded by water so that will create an obstacle
16 for the enemies to enter that site. So he said it was a nice
17 place.

18 MS PACK: Rosos, R-O-S-O-S. A name you've heard before,
19 Your Honour.

16:20:01 20 Q. Did anything happen as a result of Olangba identifying
21 Rosos as a suitable site?

22 A. Yes, in fact the brigade including the brigade commander
23 welcomed Olangba's report that he came with. So the brigade
24 commander ordered that the whole troops be moved to camp -- to
16:20:31 25 Rosos.

26 Q. When you arrived at Rosos did anything happen?

27 A. Yes.

28 Q. What happened?

29 A. Well, we were able to organise at Rosos.

1 Q. Pause a moment. What do you mean you were able to
2 organise? What happened?

3 A. When the whole brigade reached at Rosos, Gullit said some
4 of the companies should go to some villages around Rosos so as to
16:21:19 5 occupy them as a defensive and to form a defensive position
6 around the villages and that Rosos should be the headquarters.

7 Q. Pause a moment. Did you remain in Rosos or did you go
8 elsewhere?

9 A. Well, before this distribution took place, I was still at
16:21:52 10 Rosos until later. And this I wouldn't like to say it, because
11 that would identify me to the public.

12 Q. I would like you to identify by writing down on a piece of
13 paper where you went to. Would that be something you would be
14 able to do, witness?

16:22:16 15 A. Yes.

16 MS PACK: With Your Honours' permission I will pass up a
17 bit of paper that I have and perhaps I might ask the Madam Court
18 Attendant to assist.

19 Q. Witness, I would like you, please, to write down the name
16:22:41 20 of the village or anywhere that you went to.

21 A. [Witness complied]

22 JUDGE SEBUTINDE: And, witness, if you could write in
23 capital letters we could then read your handwriting.

24 PRESIDING JUDGE: Madam Court Attendant, I think this will
16:25:24 25 be Exhibit P15. Is that the correct sequence? Counsel, this
26 document will become Exhibit P15.

27 MS PACK: Might it be admitted under seal, please,
28 Your Honours.

29 PRESIDING JUDGE: It will be admitted under seal.

1 [Exhibit No. P15 was admitted]

2 MS PACK:

3 Q. Witness, just to clarify, the document that you wrote on
4 and passed up you identified - don't name them - you've
16:25:49 5 identified a location and a group. The group was at the top of
6 the page. Was that group the group you were deployed with to
7 that location? Don't identify the group.

8 A. Yes.

9 Q. I am going to ask you, please, to identify who was in
16:26:10 10 command of that group. Not orally.

11 MS PACK: Again, with Your Honours' leave, I am going to
12 ask the Madam Court Attendant to take a piece of paper up to the
13 witness and if he could write that name down.

14 Q. Witness, can I advise you to write in block capitals so
16:26:34 15 that we can all read your handwriting, and if you could include
16 any aliases and ranks.

17 A. The company and the name of the commander; not so?

18 Q. Yes, please, witness.

19 A. [Witness complied].

16:27:47 20 Q. Thank you, witness.

21 PRESIDING JUDGE: This will become Exhibit P16.

22 MS PACK: Again, Your Honours, may I ask for that to go in
23 under seal.

24 PRESIDING JUDGE: That will be under seal.

16:30:02 25 [Exhibit No. P16 was admitted]

26 PRESIDING JUDGE: Yes, Ms Pack, please continue.

27 MS PACK: Thank you, Your Honour.

28 Q. Witness, did the headquarters that you say were situated at
29 Rosos, did it move from there?

1 A. Well, it continued to be there until we heard a jet raid.
2 Q. Pause. We'll get there. How long did the headquarters
3 remain in Rosos? How many months?
4 A. It was about three months. About three months.
16:30:55 5 Q. Do you remember the season?
6 A. It was at the beginning of the rainy season 1998.
7 Q. Beginning of the rainy season when you left or when you
8 arrived there?
9 A. When we arrived there it was during the rainy season.
16:31:22 10 Q. Are you able to remember the month, and please say if you
11 are not able to?
12 A. I can remember that we left there in September. That was
13 the time that we left Rosos to go to --
14 THE INTERPRETER: Your Honours, I did not get the last bit.
16:31:54 15 PRESIDING JUDGE: [Microphone not activated] your answer
16 for the interpreter.
17 THE WITNESS: I said I remembered the time that we left
18 there was around September. That was the time that we finally
19 left Rosos.
16:32:14 20 MS PACK:
21 Q. Which year?
22 A. 1998.
23 Q. Witness, earlier, I think it was yesterday -- I'm sorry,
24 Friday, you talked about a reorganisation of the troop under
16:32:39 25 Gullit at Mansofinia and you started telling us about further
26 reorganisation at Rosos. Did anything happen to how the troops
27 were organised at Rosos?
28 A. Yes.
29 Q. What happened?

1 A. Well, the whole brigade had arrived at Rosos. Gullit said
2 it would be better that Rosos be taken as a completely civilian
3 no-go area and that within Rosos and any village that is within
4 15 miles of Rosos there should be no civilian. And he said he
16:33:44 5 was going to warn anybody who went on any patrol who came with a
6 civilian to the camp other than the civilians who were in the
7 camp, he said disciplinary action would be taken against that
8 person. And, what he knew, nobody, if he captured a civilian out
9 of Camp Rosos, you should execute him or her. You should not
16:34:14 10 bring him or her to the camp.

11 Q. Pause a moment. When did Gullit -- how do you know Gullit
12 said this?

13 A. Well, this was the time when I and the operation commander
14 and the other commanders, including the supervisors, the company
16:34:48 15 commanders, arrived at Rosos as Gullit was reorganising the whole
16 troops and how to deploy them in their various villages. That is
17 the time that Gullit made this -- that is the time that he
18 informed us about this, this latest order.

19 Q. Apart from the military supervisors and the company
16:35:23 20 commanders, do you recall -- and xxxxxxxx, do
21 you recall anyone else specifically who was present when Gullit
22 gave this latest order?

23 A. Yes.

24 Q. Who else was present?

16:35:40 25 A. The deputy in command, Ibrahim Bazzay Kamara, and Santigie
26 Borbor Kanu was also present.

27 Q. Do you know if anything else was said in relation to what
28 Gullit had ordered you -- had ordered?

29 A. Yes.

1 Q. What else was said?

2 A. The deputy operation commander, Captain Junior Sheriff --

3 Q. Go on.

4 A. -- said, "Commander, sir, you have brought a very good
16:36:42 5 idea". He said, "There's a time that we'll be able to jarjar the
6 area properly".

7 Q. Pause. Firstly, how do you spell jarjar, if you know?

8 A. In my own way, J-A-R-J-A-R.

9 Q. What do you mean when you say jarjar?

16:37:20 10 A. By that it means to completely clear. For example, if we
11 were to jarjar within this place, everything that is of
12 importance, whether food, meat, a good thing that is important,
13 we take everything.

14 Q. So Captain Junior Sheriff talked about jarjar. Was
16:38:00 15 anything else said by him or anyone else on this occasion?

16 A. When he said so Gullit was happy. He said, "Okay". He
17 said this name that he'd given, jarjar, he said, "I will declare
18 an Operation Clear the Area from now on". As I say, 15 miles off
19 Rosos should be no-go zone for civilians and the villages
16:38:26 20 surrounding that should be completely burnt down so that nobody
21 would be able to make a trace where the brigade or the troops are
22 heading for.

23 Q. That was Gullit. Did Junior Sheriff say anything else on
24 this occasion?

16:39:00 25 A. Just as I said earlier, Sheriff came with the idea that,
26 "Commander, it would be good for us to declare an operation which
27 is Operation Jarjar to jarjar the area." And Gullit was happy
28 with this word and he enforced that by saying that he would
29 declare -- he had declared an operation, Operation Clear the

1 Area, wherein the villages that surrounded Rosos should be burnt
2 down so that the enemy would not be able to locate where the
3 brigade was heading for.

4 Q. Witness, you also said at the same occasion Gullit was
16:39:47 5 organising the whole troop and how to deploy them in the various
6 villages. Did he do anything else in terms of organising the
7 troop in or around Rosos?

8 A. Yes.

9 Q. What did he do?

16:40:06 10 A. In fact, he distributed three companies out at various
11 villages.

12 Q. Witness, earlier on in your evidence - again I think this
13 was Friday - you said that Bazzy was also supervising a company,
14 and this was from Rosos. Would you explain what you meant by
16:40:57 15 that and what happened?

16 MR FOFANAH: Excuse me, Your Honours. Did he say this was
17 from Rosos? May we be guided?

18 MS PACK: Yes. That is the note my learned friend has and
19 obviously I stand to be corrected by the transcript and by
16:41:12 20 Your Honours. But it was actually this morning, not Friday. In
21 terms of placing this earlier evidence amongst all the material
22 that this witness has given evidence about this morning, it was
23 when he was testifying about Ibrahim Bioh Sesay being the
24 military supervisor for D Company.

16:42:24 25 MR FOFANAH: May it please Your Honours, in the interests
26 of expediency if only counsel can put the question to the witness
27 and then we can move forward, as to whether he supervised any
28 company. In the interest of progress and expediency.

29 PRESIDING JUDGE: Are you asking counsel to reframe her

1 question? Is that what you're asking for?

2 MR FOFANAH: Yes, so that we can move forward. Thank you.

3 PRESIDING JUDGE: Obviously I cannot dictate how any
4 counsel asks questions.

16:43:00 5 MS PACK:

6 Q. I want to ask you about supervising companies. Did
7 anything happen in relation to Bazzy supervising a company when
8 you were at Rosos?

9 A. Yes, Bazzy was overseeing the D Company.

16:43:32 10 Q. Was he appointed to this position?

11 A. Yes.

12 Q. Who appointed him to that position?

13 A. Gullit.

14 Q. Was Ibrahim Bioh Sesay no longer supervising D Company --
16:43:54 15 or the supervisor of D Company?

16 A. He was still in the D Company.

17 Q. Was he still a military supervisor?

18 A. Yes, yes.

19 Q. Was Bazzy at this stage no longer deputy chief in command?

16:44:24 20 A. He was the deputy chief in command.

21 Q. How do you know that Bazzy was a supervisor of D Company as
22 well as deputy chief in command?

23 A. Whilst I, the deputy operations commander and the deputy in
24 command, that is Bazzy, took him to the jungle, there was a time
16:45:14 25 in the jungle when loyalty -- there was loyalty.

26 MR FOFANAH: That is clearly veering into a terrain which
27 Your Honours had earlier warned the witness against. Questions
28 of loyalty and anything relating to that would very well be
29 within the domain of an expert.

1 MS PACK: I'm not sure how loyalty --

2 MR FOFANAH: Especially when he said there was a time in
3 the jungle.

4 MR KNOOPS: I support this objection because it amounts to
16:45:56 5 a characterisation. The witness speaks about loyalty in general,
6 "there was loyalty", and he can only speak for himself and not,
7 with respect, with this form of characterisation for other people
8 than himself unless he has specific knowledge on the existence of
9 loyalty among the whole group of soldiers he is apparently
16:46:18 10 referring to. In the absence of that I think it would be an
11 improper characterisation by this witness and outside the scope
12 of his personal knowledge.

13 MS PACK: Your Honour, with respect to my learned friends,
14 the witness is in the middle of trying to explain something. We
16:46:36 15 haven't heard yet what he is going to say, but he is clearly
16 trying to explain how he knew that Bazzy at this point was both
17 the deputy chief in command and supervisor of Company D. Your
18 Honours, if he may be permitted to finish his explanation and
19 then I can ask some questions to clarify it and if he has spoken
16:47:06 20 about matters which are too generalised and need further
21 clarification then I will make sure I ask questions in
22 clarification. But I don't see how what he is presently saying,
23 embarking upon an explanation following a proper question by me
24 -- I don't see how that can be wrong and I don't see how he can
16:47:24 25 be stopped.

26 PRESIDING JUDGE: Ms Pack, just let me confirm.

27 [Trial chambers confers]

28 PRESIDING JUDGE: This is a ruling on the objection. We
29 allow the witness to finish his answer. The objection is

1 premature as he has not had an opportunity to finish. However,
2 we do repeat our earlier ruling concerning generalised
3 statements. I think in the circumstances it might be best to
4 invite the witness to start his answer from the beginning so that
16:51:48 5 we have a continuum of flow.

6 MS PACK: I will just remind him of the question, if I may,
7 Your Honour.

8 PRESIDING JUDGE: I think that would be the most prudent
9 step.

16:51:58 10 MS PACK: Thank you, Your Honour.

11 Q. Witness, I had asked you the question, I'm going to repeat
12 it. How did you know that Bazzy was supervisor of Company D and
13 also deputy chief in command at Rosos? And I am going to ask
14 you, witness, to take great care to keep your answer very
16:52:20 15 specific and to limit it to matters within your own knowledge.

16 A. First of all, the company commander for A Company was
17 Bazzy, the chief security officer.

18 Q. For which company? Which company are you talking about?

19 A. D Company.

16:52:57 20 Q. Just remind us of the name of the chief security officer
21 for Bazzy?

22 A. Captain George Johnson alias Junior Lion.

23 Q. Go on, witness.

24 A. And the other soldiers who were under Captain Junior
16:53:30 25 Johnson's company, most of them were Bazzy's security in Kono.
26 And Bazzy, Ibrahim Bioh Sesay and Operation Commander A were very
27 close as this company -- in my presence, Bazzy expressed this
28 company as an alert company.

29 Q. Meaning what?

1 A. Alert. An alert company.
2 JUDGE LUSSICK: [Microphone not activated].
3 MS PACK: Pause witness. Your microphone, Your Honour.
4 JUDGE LUSSICK: I don't understand what "allat" is. Is he
16:54:37 5 referring to elite?
6 MS PACK: I was just going to ask him myself, Your Honour.
7 THE WITNESS: A stand-by.
8 MS PACK:
9 Q. What word did you use? Was it alert?
16:54:47 10 A. Alert or stand-by, stand-by.
11 Q. Just spell it so we know what you are meaning.
12 A. A-L-E-R-T. Alert.
13 Q. Go on, witness. Bazy places as an alert company, meaning
14 a stand-by company?
16:55:13 15 A. Yes.
16 Q. Go on.
17 A. In the event there is infighting within the brigade this
18 company will always reinforce Bazy and that of his operation
19 commander, Bioh Sesay.
16:55:50 20 Q. I'm going to ask you to repeat "this company will always
21 reinforce" -- who did you identify?
22 A. This company -- there were two companies; D Company, this
23 company was loyal. Also the commander for B Company was also a
24 security to Operation Commander A. So, as I said earlier on, in a
16:56:32 25 closed door talk in which I was present, these two companies, in
26 the event there is an infighting in the brigade, they will
27 enforce Bazy and Operation Commander A and Ibrahim Bioh Sesay
28 against any other member of the brigade, especially the brigade
29 commander. That was why this company was established.

1 Q. Now, witness, you mentioned a closed door talk.

2 MR FOFANAH: May it please, Your Honours. Again, this is a
3 very clear-cut statement that is clearly within the purview of an
4 expert. He said that was why this company was formed. He has
16:57:31 5 not told us how he came by that knowledge. That was why this
6 company was formed. I mean, he has given such damaging
7 information about the company and he has not clearly told us how
8 he came by the information as to why that company was placed in
9 such strategic position. Save that he is an expert -- I mean,
16:57:56 10 except he is an expert, I clearly object against Your Honours'
11 countenancing that statement. Thank you.

12 MS PACK: I'm not sure which statement my learned friend
13 does not want you to countenance, Your Honours. The witness just
14 answered a question with the words -- and I don't want to
16:58:17 15 paraphrase it again, but he started out with in a closed door
16 talk and then talked about in the event of infighting certain
17 companies would reinforce certain individuals. I'm paraphrasing.
18 I am about to ask him the question - in fact, I was in the middle
19 of asking him the question - you talked about a closed door
16:58:37 20 meeting; when did that take place, who was there and so on. I
21 haven't given the witness the opportunity to yet expand upon what
22 he'd just said and in my submission he should be given the
23 opportunity do so. He has introduced this meeting and I would
24 like to clarify with him, with Your Honours' permission, what,
16:58:55 25 when, how and so on in relation to this meeting. It is not a
26 matter of expertise because I am not going to ask him to opine as
27 to the meeting. I am going to ask him what was said and done at
28 that meeting if, indeed, he is in a position to know that.

29 MR FOFANAH: May it please, Your Honours, I'm clearly not

1 -- and, in fact, I don't have that mandate to tell the Prosecutor
2 how to conduct her case. But I'm basically saying that in order
3 to at least veer into another question for the purposes of what
4 the witness just said relating to D Company, especially when he
16:59:30 5 said that was why that company was formed, I am saying that we
6 need further clarification as to how he came by that. His
7 knowledge about how he came by the idea that the company was
8 basically formed to protect Buzzy in the case of any eventuality
9 must be clearly laid out before any other question is at least
16:59:58 10 put to him. So that --

11 PRESIDING JUDGE: Well, I thought, Mr Fofanah, that is what
12 counsel was trying to do and to lay that out. So you haven't
13 given her an opportunity to either finish the questions she was
14 about to ask or to hear the answer to further expand and clarify.

17:00:16 15 MR FOFANAH: With every respect, Your Honours, the question
16 was asked and it clearly was removed from the answer which the
17 witness had earlier given. The question that was subsequently
18 asked, which I unfortunately do not have, had no bearing on the
19 knowledge which the witness had come by as to why that company
17:00:37 20 was formed. And I'm saying that the information relating to the
21 formation of Company D is very crucial and we need to --

22 PRESIDING JUDGE: What I recall counsel asking was counsel
23 started off saying: You refer to a close door talk and then you
24 intervened. And I do not know what the question that was going
17:01:02 25 to be asked and whether it was sufficient.

26 JUDGE LUSSICK: I think, Mr Fofanah, what you are saying
27 was that the Prosecution should lay the foundation before they
28 ask the questions and not ask the questions and then lay the
29 foundation afterwards.

1 MR FOFANAH: As Your Honour pleases, that is exactly --
2 especially in the light of information given by the witness about
3 Company D. I mean, he's clearly not shown us how he came by the
4 conclusion that Company D was basically formed to protect Bazzy
17:01:36 5 in the case of any eventuality. He had earlier explained how
6 Company A, B, C and D were formed, and then he did not even
7 indicate at that material time that Bazzy was involved in the
8 formation.

9 So if he is veering into another new line of information
17:01:54 10 which would clearly prejudice what he had earlier told the Court
11 about Company D, then I think I clearly -- I mean, I am in your
12 hands and I think what Your Lordship has clearly stated is what I
13 was actually requesting of the Prosecutor, that this witness at
14 least indicate to us how he came by that knowledge.

17:02:18 15 Thank you.

16 PRESIDING JUDGE: We uphold the objection, which we
17 understand is directed towards foundation, and consider the
18 foundation has not been properly laid for this line of evidence.
19 Accordingly the objection is upheld.

17:03:29 20 Ms Pack, it is just after five; that is our normal
21 adjourning time. Is this a convenient time for your line of
22 questioning to adjourn to tomorrow morning?

23 MS PACK: Your Honours, yes, I can re-examine this last
24 line of questioning and start again tomorrow morning.

17:03:49 25 PRESIDING JUDGE: Thank you. Mr Witness, we are going to
26 adjourn now because it is 5.00. As you may recall, I have told
27 you before until all your evidence is finished you shouldn't
28 discuss your evidence with anyone else. Do you understand this?

29 THE WITNESS: Yes, My Lord.

1 PRESIDING JUDGE: Madam Court Attendant, please adjourn
2 court to tomorrow morning.

3 [Whereupon the hearing adjourned at 5.03 p.m.,
4 to be reconvened on Tuesday, the 24th day of
17:04:57 5 May 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P15	102
Exhibit No. P16	102

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334	2
EXAMINED BY MS PACK	2