

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

MONDAY, 13 JUNE 2005
9.30 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 Mr Geoff Walker
For the Prosecution:	Mr Jim Hodes Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Wilbert Harris Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kan:	Mr Ajibola E Manly-Spain Ms Viola Trebicka

1 [TB130605A - SV]
2 Monday, 13th June 2005
3 [Open session]
4 [The accused not present]
09:29:16 5 [The witness entered court]
6 [Upon commencing at 9.30 a.m.]
7 PRESIDING JUDGE: Good morning. I note the absence of the
8 accused. Ms Thompson, Mr Manly-Spain, Mr Fofanah, the situation
9 as before, does that still prevail?
09:34:50 10 MS THOMPSON: It does, Your Honour, and the trial continues
11 as it has.
12 PRESIDING JUDGE: Thank you. Are you speaking on behalf of
13 your colleagues?
14 MS THOMPSON: Yes, Your Honour.
09:34:59 15 PRESIDING JUDGE: Thank you. Yes, Ms Pack.
16 MS PACK: Thank you, Your Honour.
17 WITNESS: TF1-334 [Continued]
18 [The witness answered through interpreter]
19 EXAMINED BY MS PACK: [Continued]
09:35:15 20 Q. Witness, it's been a long time since you've testified in
21 this Court --
22 PRESIDING JUDGE: In that case, Ms Pack, since you're going
23 to continue with evidence, I will remind the witness of his oath.
24 Mr Witness, it's some time since you've been in court but you
09:35:26 25 remember that when you started giving your evidence in court you
26 swore to tell the truth. Do you remember this?
27 THE WITNESS: Yes, My Lord.
28 PRESIDING JUDGE: As I've told you before, that promise is
29 still binding on you and you must answer all questions

1 truthfully. Do you understand?

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: Thank you, Mr Witness. Ms Pack, please
4 continue.

09:35:54 5 MS PACK:

6 Q. Witness, it's been a long time since you last testified and
7 I'm going to remind you of what we were talking about on the last
8 occasion. We had got to the point where SAJ Musa arrived with
9 some men at Colonel Eddie Town and you were telling the Chamber

09:36:14 10 about a meeting in a field in Colonel Eddie Town where SAJ Musa
11 made his own administration. Do you recall giving that evidence?

12 A. Yes, My Lord.

13 Q. And on the last occasion I asked you what he said at that
14 meeting and what changes he was making to the organisation of men

09:36:48 15 to create his own administration. You have told the Chamber that
16 a Colonel Konjo came with SAJ Musa and you've told the Chamber
17 that he was appointed to a position by SAJ Musa and that position
18 was battlefield inspector. Do you remember that?

19 A. Yes, My Lord.

09:37:32 20 Q. Now Witness, I'd ask you to think back now to that meeting
21 in the field at Colonel Eddie Town and try and remember as far as
22 Colonel Konjo is concerned, do you remember the words used by SAJ
23 Musa at that meeting about Colonel Konjo?

24 A. Yes.

09:37:56 25 Q. What were the words used by SAJ Musa about Colonel Konjo at
26 that meeting?

27 A. When SAJ talked about Colonel Konjo's appointment as BFI,
28 he said Colonel Konjo was answerable to him and he was
29 subordinate in rank to the deputy commander at that time who was

1 Tamba Alex Brima and also the third in command who was Ibrahim
2 Bazzy Kamara and also to the chief of staff who was Santigie
3 Borbor Kanu.

4 Q. Were there other appointments made by SAJ Musa at this
09:39:11 5 meeting as he created his own administration?

6 A. Yes.

7 Q. Name them?

8 A. The operation commander at that time was SAJ Musa who was
9 named because as Lieutenant Colonel O-Five because after him,
09:39:33 10 before the coming of SAJ Musa there was a dispute between the
11 hierarchy of Gullit wherein he made changes of Operation
12 Commander A.

13 Q. Pause there. Do you recall what was said by SAJ Musa at
14 this meeting in relation to Colonel O-Five?

09:39:58 15 A. Yes.

16 Q. What was said at this meeting in relation to
17 Colonel O-Five?

18 A. SAJ Musa only approved of his appointment as operation
19 commander for the troop.

09:40:17 20 Q. Do you know whether O-Five, as a result of his appointment
21 to operational commander, was subordinate to anyone in the
22 organisation of men?

23 A. Yes.

24 Q. How are you able to say this?

09:40:39 25 A. Well, this was clear because SAJ was also -- he clearly
26 said that in the meeting that the operation commander was working
27 with the BFI and the operation commander was also reporting to
28 him. And he was subordinate in rank to the deputy commander who
29 was Tamba Alex Brima and Ibrahim Bazzy Kamara, the third in the

1 command and the chief of staff who was Borbor Kanu who was
2 Five-Five.

3 Q. Witness, were there any other appointments made by SAJ Musa
4 at this meeting in Colonel Eddie Town?

09:41:44 5 A. Well, so far as I know, yes.

6 Q. Go on?

7 A. And the former operation commander, he was appointed as
8 supervisor.

9 Q. To what?

09:42:04 10 A. To one battalion which SAJ Musa came with. The RDF
11 battalion.

12 MS PACK: Pause a moment. RDF, Your Honours, were the
13 initials used.

14 Q. Witness, what does RDF stand for?

09:42:28 15 A. This was the rapid deployment force.

16 Q. Witness, you said that it was the former operational
17 commander, can you name him or give him a pseudonym please so
18 that we're clear who you're talking about?

19 A. Operation Commander A.

09:42:51 20 Q. How do you know that he was appointed to the position of
21 the battalion supervisor of the RDF battalion?

22 A. Well, this was made clear in this meeting that SAJ Musa
23 said it openly.

24 Q. At this point do you know if this individual, Operational
09:43:26 25 Commander A, formerly the operational commander, do you know if
26 he held any other position in the organisation of men?

27 A. Well, he was still a member of the brigade administration.

28 Q. Do you know if this individual A was subordinate or
29 superior to anyone in the organisation of men under SAJ Musa?

1 A. Yes.

2 Q. How are you in a position to know this?

3 A. Well, because SAJ clearly stated that the supervisors, the
4 military supervisors, were reporting directly to him but they
09:44:23 5 were subordinate in rank to the deputy commander who was Tamba
6 Alex Brima and the third in command who was Ibrahim Bazzy Kamara
7 and also the chief of staff who was Santigie Borbor Kanu.

8 Q. At this meeting were there any other appointments to the
9 position of military supervisor?

09:44:55 10 A. Yes.

11 Q. Who were the other military supervisors who were appointed
12 to that position at this meeting?

13 A. Colonel Gold Teeth.

14 MS PACK: Pause a moment. Gold Teeth we've had before,
09:45:13 15 Your Honours. Just Gold Teeth.

16 Q. Colonel Gold Teeth, to what battalion was he appointed as
17 supervisor?

18 A. One of the battalions that was formed.

19 Q. Do you recall the name of the battalion?

09:45:37 20 A. No, I cannot recall but he was appointed as one of the
21 supervisors to one of the battalions.

22 Q. How do you know he was appointed as a supervisor for one of
23 the battalions?

24 A. SAJ openly announced that.

09:45:55 25 Q. Do you know if Colonel Gold Teeth, by virtue of his
26 appointment at this meeting, was either superior or subordinate
27 to anyone in the organisation of men?

28 A. Yes, because -- yes.

29 Q. And how are you in a position to know this?

1 A. Well, SAJ said that openly. That he had been appointed.
2 He was going to report directly to him but he was subordinate in
3 rank to the deputy commander, who was Tamba Alex Brima, and the
4 third in command who was Ibrahim Bazzi Kamara, and also to the
09:46:41 5 chief of staff who was Santigie Borbor Kanu.
6 Q. Witness, do you recall if anyone else was appointed to the
7 position of military supervisor at this meeting in Colonel Eddie
8 Town?
9 A. Yes.
09:47:01 10 Q. Who else?
11 A. Colonel Adamu alias Chicken Soup.
12 Q. Pause a moment.
13 MS PACK: Adamu is A-D-A-M-U. Chicken Soup I won't spell,
14 Your Honours.
09:47:21 15 Q. Now this is a new name, Witness. Colonel Adamu, had he
16 been in Colonel Eddie Town or with your men, the men you were
17 with, before the arrival of SAJ Musa?
18 A. No, no.
19 Q. Who did he come to Colonel Eddie Town with?
09:47:43 20 A. He came together with SAJ.
21 Q. Do you know what Colonel Adamu, alias Chicken Soup, did
22 before?
23 A. Yes.
24 Q. What did he do before?
09:48:01 25 A. He was a member of the Sierra Leone Army.
26 Q. Do you know to which battalion he was appointed as military
27 supervisor in Colonel Eddie Town?
28 A. Well, I can't recall but it was one of the battalions to
29 which SAJ assigned him.

1 Q. Do you know by virtue of his appointment to military
2 supervisor whether he was subordinate or superior in the
3 organisation of men to anyone under SAJ?

4 A. Yes.

09:48:48 5 Q. How do you know this?

6 A. Well, SAJ clearly stated that out, that Adamu as he has
7 been appointed as supervisor, he was going to report directly to
8 him and subordinate in rank to the deputy chief in command who
9 was Tamba Alex Brima and the third in command who was Ibrahim

09:49:16 10 Bazzi Kamara and also the chief of staff who was Santigie Borbor
11 Kanu.

12 Q. Just to clarify something, Witness, when you're talking
13 about an individual being subordinate in rank to another man is
14 there a difference between you're saying someone is subordinate

09:49:40 15 in rank and someone is subordinate by appointment?

16 A. Yes.

17 Q. Would you explain, please, what difference you're meaning
18 to convey by the language?

19 A. Well, when you say subordinate in rank it's somebody in the
09:50:03 20 position of ranking he has a position that is higher than the
21 person that is under him. So if you're a colonel and the person
22 is a lieutenant colonel then you are subordinate in rank to him.

23 Q. And what do you mean by subordinate by appointment?

24 A. Well, subordinate by appointment means he reported directly
09:50:27 25 to the person.

26 JUDGE SEBUTINDE: Sorry Ms Pack, I really must -- did I
27 hear the witness explain that subordinate in rank means a person
28 whom you're higher in rank to. Could the witness please repeat
29 the explanation of what subordinate in rank means.

1 THE WITNESS: That the person -- the person to whom you are
2 subordinate is higher in rank, is higher in rank.

3 THE INTERPRETER: Excuse me, Your Honours, would the
4 witness please go a little slower.

09:51:09 5 PRESIDING JUDGE: Mr Witness, did you hear the interpreter?
6 Would you say it a little slower please to allow him to
7 interpret. Please start again.

8 THE WITNESS: Yes, My Lord. When you talk about
9 subordinate in rank that is to say the person to whom you are
09:51:24 10 subordinate has a higher rank than you that are working under
11 him.

12 MS PACK:

13 Q. Thank you, Witness. Now, I was asking you about
14 Colonel Adamu who was a military supervisor appointed by SAJ at
09:51:52 15 this meeting. Do you know, by virtue of his appointment to this
16 position, whether he was superior or subordinate?

17 MR FOFANAH: May it please, Your Honours.

18 MS PACK: I've asked that question.

19 MR FOFANAH: I'm sorry to interrupt. I think we've not had
09:52:11 20 the answer from the witness about what subordinate in appointment
21 means.

22 MS PACK: I think he explained it actually as being --
23 means report directly to someone. But I can ask the witness to
24 repeat it.

09:52:30 25 PRESIDING JUDGE: I have an answer that subordinate by
26 appointment means you answer to that person.

27 MS PACK: That's what I heard, Your Honour.

28 PRESIDING JUDGE: Is that agreed on the record? There are
29 no other comments so please proceed, Ms Pack.

1 MS PACK: Thank you, Your Honour.

2 Q. I'm going to ask you if there's anyone else who you recall
3 was appointed to the position of military supervisor at this
4 meeting in Colonel Eddie Town?

09:52:58 5 A. Well, as far as I can recall, the others also continued to
6 be military supervisors. Like Colonel Abdul Sesay. He also was
7 a military supervisor. Colonel Ibrahim Bioh Sesay.

8 Q. Pause a moment.

9 MS PACK: Both names Your Honours' have heard before but
09:53:38 10 for the sake of clarity. Abdul, A-B-D-U-L; Sesay, S-E-S-A-Y.
11 Ibrahim Bioh Sesay, I-B-R-A-H-I-M; Bioh, B-I-O-H; Sesay,
12 S-E-S-A-Y.

13 Q. You've named two. Any others, Witness?

14 A. Colonel Woyoh also remained to be a supervisor. Military
09:53:49 15 supervisor.

16 MS PACK: Again that's W-O-Y-O-H, Your Honours. A name
17 you've heard before.

18 Q. Anyone else, Witness, who you recall remained in the
19 position of military supervisor?

09:54:01 20 A. These are the only ones that I can recall as for now.

21 Q. Now, Witness, you've spoken this morning about a new
22 battalion, the RDF battalion. When was that formed?

23 A. Well, this battalion, SAJ Musa came with it, the RDF
24 battalion. He came with this battalion.

09:54:41 25 Q. Do you know how many men were in this battalion?

26 A. Well, according to what I observed there were more than 80.
27 There were more than 80.

28 Q. Do you know which groups the men in the RDF battalion were
29 from?

1 A. Yes.

2 Q. How do you know which groups the men in the RDF battalion
3 were from?

4 A. Well, these were men that I had been with before. They
09:55:23 5 were all members of the Sierra Leone Army.

6 Q. Do you know who was in command of the RDF battalion?

7 A. Yes.

8 Q. How do you know who was in command of the RDF battalion?

9 A. Well, when they came SAJ announced that then the commander
09:55:50 10 was somebody that I knew before.

11 Q. Who was the commander?

12 A. Lieutenant Colonel Terminator. Lieutenant Colonel Lamin
13 Sidique alias Terminator.

14 MS PACK: Pause a moment. I'll just spell that for Their
09:56:21 15 Honours. L-A-M-I-N for Lamin; Sidique, S-I-D-I-Q-U-E; and the
16 alias Terminator.

17 Q. You knew this individual from before. What group was this
18 individual from before?

19 A. Well, he was a member of the Sierra Leone Army.

09:56:43 20 Q. Were there any others who you recall by name who were
21 members of this battalion?

22 A. Yes.

23 Q. Name them?

24 A. You had NPFL.

09:57:05 25 Q. Pause a moment. Just repeat those initials so that we're
26 clear exactly what the initials were?

27 A. NPFL.

28 Q. Now NPFL, is that an alias?

29 A. Yes, that was his alias.

1 Q. Do you know his full name?

2 A. No, no.

3 Q. Where had you known him from before?

4 A. Well, he was a member of the Sierra Leone Army. That was
09:57:39 5 where I knew him.

6 Q. Do you know anyone else who was in that battalion by name?

7 A. Yes.

8 Q. Who else?

9 A. You had Pikin.

09:57:52 10 MS PACK: Pikin, I'll spell that, P-I-K-I-N.

11 Q. That is an alias?

12 A. Yes, yes.

13 Q. Do you know the full name?

14 A. No, that was his popular name.

09:58:06 15 Q. And you knew him from where?

16 A. The army. The Sierra Leone Army.

17 Q. Do you know if he held a position, a particular position,
18 in the RDF battalion?

19 A. Yes, he was a second in command in the RDF battalion.

09:58:30 20 Q. How are you in a position to know that?

21 A. Well, this battalion, when it came, SAJ clearly announced
22 their positions and their responsibilities.

23 Q. Is there anyone else you recall by name from that
24 battalion?

09:58:52 25 A. Yes.

26 Q. Who else?

27 A. You had Hassim.

28 MS PACK: Pause a moment, let me spell that, A-C-H-I-M.

29 Q. Is that an alias?

1 A. That was his first name.

2 MS THOMPSON: Your Honour, I ask that the spelling comes
3 from the witness because the witness's pronunciation and the
4 spelling given by learned friend is different. We haven't
09:59:23 5 objected before to this, when my learned friend gives spellings
6 of names which are new we haven't objected to it, but I think it
7 would be better really if my learned friend starts getting the
8 spelling from the witness because some of these names are
9 unfamiliar to the English language and it may be better for the
09:59:33 10 witness to give the spelling. He's familiar with the spelling,
11 familiar with the language that some of these names come from,
12 and he's literate.

13 PRESIDING JUDGE: Haven't we discussed this before,
14 Ms Thompson, if I recall.

09:59:47 15 MS THOMPSON: We have and my learned friend was getting the
16 witness - if my memory serves me right, I know it has been a
17 while now, but the witness spelling was coming from the witness
18 especially for those names which were unfamiliar. But my learned
19 friend is spelling the names now and from my knowledge of the
10:00:04 20 language, the English language, the pronunciation of the witness
21 and the spelling given by my learned friend was different.

22 MS PACK: Your Honour, just to clarify, where I give names
23 of individuals the spelling is as provided to me by the witness,
24 but I can ask him to repeat the process in court. It's just for
10:00:27 25 the sake of expedience that I'm using those spellings that he's
26 provided for the persons that he identifies during his testimony.

27 PRESIDING JUDGE: That's my recollection of what happened
28 before as well; that the Prosecutor informed the Court that the
29 spelling emanated from the witness.

1 MS THOMPSON: Yes, Your Honour. I'm not saying that's not
2 true. What I'm saying is that that conversation between the
3 witness of the provision of that spelling from the witness to my
4 learned friend is not evidence in this Court. It's something
10:00:58 5 that happened between the two of them. The point I'm making is
6 where some of the names are familiar that's fine, but the
7 pronunciation of the witness just now and the spelling given are
8 two different things. He said Hassim and A-C-H-I-M is not
9 Hassim -- phonetically in the English language is not Hassim.
10:01:20 10 That's why I'm saying it is better for the spelling to come from
11 the witness.

12 MS PACK: Your Honours, I don't want to interrupt your
13 deliberations but there's one thing I was concerned about. I've
14 just been told by Ms Dimitrova, case manager, that there isn't
10:02:01 15 any voice distortion operating. There's no voice distortion
16 being heard by those who are in the OTP listening to the
17 testimony for this witness and I wanted to raise that concern
18 lest voice distortion isn't in place this morning.

19 PRESIDING JUDGE: We'll deal with that immediately. Mr
10:02:20 20 Court Attendant, could you please check that the voice distortion
21 to the public is in place.

22 MR WALKER: Your Honour, the voice distortion is on now. I
23 think they were having some problems with it but it is working
24 now.

10:03:56 25 PRESIDING JUDGE: The unanimous decision on that objection
26 is that the evidence as to spelling must come directly from the
27 witness as it is his testimony.

28 MS PACK: Thank you, Your Honour.

29 Q. Witness, I'm going to ask you please to spell Hassim for

1 Their Honours. Did you hear the question?

2 A. Yes, My Lord. Yes, My Lord.

3 Q. Spell Hassim please?

4 A. H-A-S-S-I-M.

10:04:38 5 MS PACK: My apologies to Your Honours. My note was
6 entirely different.

7 Q. Witness, do you know to whom, by virtue of his position as
8 commander of the RDF battalion, Lamin Sidique also known as
9 Terminator was subordinate or superior?

10:05:16 10 A. Yes.

11 Q. How are you in a position to know to whom this individual
12 was subordinate or superior?

13 A. Well, this was spelt out by SAJ; that as battalion
14 commander he was working under the supervision of the operational
10:05:37 15 commander.

16 Q. Witness, you've spoken about 250 men coming with SAJ Musa.
17 About 250 men. Do you know what happened to the rest of those
18 men on their arrival in Colonel Eddie Town?

19 A. Yes.

10:06:16 20 Q. How are you in a position to know what happened to the rest
21 of them?

22 A. Well, during that meeting which SAJ summoned --

23 THE INTERPRETER: Your Honours, I did not get what the
24 witness is saying. Would he please repeat what he's saying.

10:06:43 25 PRESIDING JUDGE: Mr Witness, the interpreter needs you to
26 repeat what you said. If you could say it again slowly, please.

27 THE WITNESS: When SAJ called a meeting, when we were in
28 this meeting he ordered the operation commander to distribute the
29 men into various battalions.

1 MS PACK:

2 Q. Did the battalions remain as they had been before under
3 Tamba Alex Brima?

4 A. No.

10:07:30 5 Q. What were the changes that were made under SAJ Musa?

6 A. Like the 2nd Battalion Commander Colonel Bulldoze, he was
7 appointed as the G4, the G4 commander.

8 MS PACK: You've spoken about Colonel Bulldoze before.

9 With Your Honour's leave I'll spell that because the witness has
10:08:07 10 talked about this individual. B-U-L-L-D-O-Z-E.

11 Q. Was there just the one Colonel Bulldoze or were there
12 others with that name?

13 A. Well, there was another. Foday Marah alias Bulldoze came
14 with SAJ.

10:08:33 15 Q. Foday Marah, would you spell those two names, please, for
16 the Court?

17 A. Yes, My Lord. Foday is F-O-D-A-Y. Marah is M-A-R-A-H.

18 Q. The other Bulldoze, was he also called Foday Marah?

19 A. No. He was Foday Bah Marah.

10:09:09 20 Q. And was it Foday Bah Marah who was appointed as a G4
21 commander?

22 A. Yes, My Lord.

23 Q. Explain, please, for Their Honours what a G4 commander is?

24 A. Well, the G4 commander was responsible for the arms and
10:09:32 25 ammunition which belonged to the brigade. He was responsible for
26 securing the arms and ammunition. He was responsible for
27 securing them.

28 Q. Do you know by virtue of his appointment as a G4 commander
29 to whom Foday Bah Marah alias Bulldoze was subordinate or

1 superior?

2 A. Yes.

3 Q. How are you in a position to know this?

4 A. It was clearly stated out by SAJ, when he was being
10:10:14 5 supervised by the operation commander he was reporting directly
6 to the operations commander.

7 Q. Witness, you were telling the Chamber about changes to the
8 battalions under SAJ Musa. Any other changes that you recall
9 being made?

10:10:52 10 A. Well, as far as I can recall these were the only changes
11 that were made by SAJ.

12 Q. Were there the same number of battalions at this stage
13 under SAJ?

14 A. Another battalion was formed which --

10:11:18 15 Q. Tell us what battalion that was, please?

16 A. This was the 6th Battalion.

17 Q. How do you know that that battalion was formed?

18 A. Well, SAJ said it clearly. That he appointed Lieutenant
19 Colonel Foday Marah alias Bulldoze as the commander.

10:11:48 20 Q. Now this Foday Marah, is this the Foday Marah that came
21 with SAJ Musa?

22 A. Yes.

23 Q. Do you know which group he was from?

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

10:12:13 25 Q. The men that were under him in the 6th Battalion, do you
26 know where they were from?

27 A. Yes.

28 Q. Where were they from?

29 A. They were also members of the Sierra Leone Army.

1 Q. Do you know whether Foday Marah, Lieutenant Colonel, was
2 subordinate or superior to anyone as a result of his position?
3 A. Yes.
4 Q. How were you in a position to know this?
10:13:03 5 A. It was stated clearly by SAJ that he was reporting to
6 operation commander.
7 Q. You spoke about the Red Lion Battalion on the last occasion
8 that you spoke about a command structure in Colonel Eddie Town
9 and you identified as the commander of that battalion, Med
10:13:42 10 Bajehjeh. Did he remain commander of the Red Lion Battalion
11 under SAJ Musa?
12 A. Yes.
13 Q. Would you just spell Med Bajehjeh for their Honours?
14 A. It's M-E-D, Med, B-A-J-E-H-J-E-H.
10:14:17 15 Q. And just remind us, please, of his rank?
16 A. He was a major.
17 Q. Witness, were there any others who you specifically recall
18 coming with SAJ Musa to Colonel Eddie Town?
19 A. Yes.
10:14:53 20 Q. Name them, please?
21 A. Lieutenant Colonel Rhino.
22 Q. Would you spell Rhino, please?
23 A. R-H-I-N-O.
24 Q. Do you know which group he had been part of before?
10:15:16 25 A. Yes. He was a member of the Sierra Leone Army.
26 Q. Anyone else you recall coming with SAJ Musa?
27 A. As far as I can recall these were the commanders, including
28 the CSOs -- who was Lieutenant Colonel Alabama.
29 Q. Pause a moment. CSO, just remind Their Honours what CSO

1 stands for?

2 A. The chief security officer.

3 Q. And you were giving a name Alabama. Would you spell that,

4 please?

10:15:57 5 A. A-L-A-B-A-M-A.

6 Q. Did Alabama have a rank?

7 A. Yes, My Lord.

8 Q. And what was that?

9 A. He was a lieutenant colonel.

10:16:20 10 Q. How do you know that he was chief security officer for SAJ

11 Musa?

12 A. Well, from Freetown right up to when we arrived at Mongor

13 Bendugu he was still the chief security for SAJ.

14 MS PACK: Your Honours have heard the name Mongor Bendugu

10:16:49 15 before, M-O-N-G-O-R B-E-N-D-U-G-U.

16 Q. Is Alabama an alias?

17 A. Yes.

18 Q. Do you know the full name of this individual?

19 A. Yes, My Lord.

10:17:09 20 Q. What was his full name?

21 A. Alie Turay.

22 Q. Witness, would you spell Alie Turay, please?

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

24 Q. Do you know what happened to Lieutenant Colonel Alabama,

10:17:52 25 Alie Turay, on his arrival at Colonel Eddie Town?

26 A. Yes. All I know that he continued to be the CSO.

27 [TB130605B - CR]

28 Q. Witness, do you recall any other appointments being made at

29 this meeting by SAJ Musa, apart from the ones you have identified

1 this morning?

2 A. At first I could remember Colonel Foyoh, Lieutenant Colonel
3 Foyoh, SAJ appointed him as the mission commander.

4 Q. Pause a moment. Would you spell Foyoh?

10:18:44 5 A. F-O-Y-O-H.

6 JUDGE SEBUTINDE: Mr Interpreter, he appointed him as what?

7 THE INTERPRETER: Could you please go over that?

8 MS PACK:

9 Q. Witness, repeat the appointment that Lieutenant Foyoh was
10:19:09 10 given?

11 A. He was mission commander.

12 Q. Did Lieutenant Colonel Foyoh have an alias?

13 A. Yes.

14 Q. What was his alias?

10:19:27 15 A. Cambodia.

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

17 A. C-A-M-B-O-D-I-A, Cambodia.

18 Q. Do you know as a result of his appointment to mission
19 commander, if Lieutenant Colonel Foyoh was subordinate or
10:20:04 20 superior to anyone, in the organisation of men?

21 A. Yes.

22 Q. How are you in a position to know that?

23 A. Well, SAJ stated it clearly that he was to be supervised by
24 the operation commander.

10:20:26 25 MS THOMPSON: Your Honour, I rise because -- I haven't
26 interrupted so far, but I think this is something that we went
27 over and over when we were last here before we had the short
28 break. The witness keeps saying "SAJ stated it clearly" but
29 doesn't say how he knows he stated it clearly, where he was, and

1 to whom did he state it clearly?

2 I'm at a loss as to SAJ stating it clearly, was it on
3 paper, or was the witness present? We keep having that SAJ
4 stated it clearly and I thought my learned friend on the last
10:21:00 5 occasion agreed that questions would follow as to how this
6 witness came to that knowledge.

7 JUDGE LUSSICK: Yes, we also haven't heard the words that
8 the witness heard that enables him to deduce that the meaning was
9 clearly stated.

10:21:12 10 MS PACK:

11 Q. Witness, where did you hear about the appointment of
12 Lieutenant Colonel Foyoh to the position of mission commander?

13 A. This, it was in Colonel Eddie Town and it was at the
14 meeting which SAJ called. That was where he clearly stated his
10:21:38 15 administration and the appointments that he made to various
16 commanders.

17 Q. Where did that meeting in Colonel Eddie Town take place?

18 A. It was in the field.

19 Q. This is the meeting you referred to earlier?

10:21:56 20 A. Yes.

21 Q. In relation to Lieutenant Colonel Foyoh, I would like you
22 please, to, so far as you recall, tell the Chamber what SAJ, in
23 fact, said about him at this meeting in the field in Colonel
24 Eddie Town?

10:22:17 25 A. Go over the question once more.

26 Q. What did SAJ Musa say about Lieutenant Colonel Foyoh at
27 this meeting in Colonel Eddie Town and, please, as far as you
28 can, give the words that you were used by SAJ, as far as you
29 recall.

1 A. SAJ clearly -- they gave out this appointment as mission
2 commander to colonel -- to Lieutenant Colonel Foyoh as mission
3 commander and he said he would report and he would be supervised
4 by the operational commander.

10:23:17 5 Q. Witness, you have been speaking in the course of your --
6 MR FOFANAH: Sorry, sorry. Excuse me. May it please Your
7 Honours. Again at this stage I rise to support my colleague on
8 the issue that Your Honours had earlier ruled on. If I can
9 clearly recall, His Honour Justice Lussick clearly indicated that
10:23:37 10 the witness should stay clear from making his evidence-in-chief
11 in the third person when he's referring to statements by people
12 that he's quoting from. Clearly, he's just said that -- he's
13 just told this Court what SAJ said in the third person. We're
14 not very sure if that was his inference from what he heard, or
10:24:01 15 that was exactly what SAJ said. I stand corrected, but I recall
16 that was what His Honour Justice Lussick indicated some time
17 back.

18 JUDGE LUSSICK: Yes, you are quite correct, Mr Fofanah, I
19 did say that previously. I still am of the view that the
10:24:22 20 objection to this witness's evidence on this particular point is
21 still not being answered. We haven't heard the exact words that
22 SAJ Musa said. This witness has simply said, or the effect of
23 his evidence, rather, is that he thinks SAJ Musa clearly
24 appointed this person. The possibility remains that the words
10:24:44 25 that were used might lead somebody else to come to some other
26 conclusion. All this could be clarified if the witness would
27 simply, to the best of his memory, use the words that he heard
28 SAJ Musa say. Now, if he can't remember what SAJ Musa said, then
29 you may well be in trouble. But until such time as we hear the

1 actual words, we're not in any position to say that this witness
2 was entitled to reach that conclusion that there was a clear
3 meaning as regards the appointment.

4 MS PACK: I will ask the witness.

10:25:35 5 Q. Witness, so far as you remember, are you able to recall the
6 words that were used or the gist of the words that were used by
7 SAJ Musa at this meeting in relation to Lieutenant Colonel Foyoh?

8 A. This, as far as I can remember, he had this paper which he
9 read out. He read out the appointment. He said something about
10:26:06 10 to whom the mission commander should report to. He appointed
11 Colonel Foyoh as the mission commander and he said that he will
12 report to the operational commander.

13 JUDGE LUSSICK: Ms Pack, I hope I made myself clear.
14 Perhaps you can get it across to this witness if he can remember
10:26:36 15 the precise words SAJ Musa said, then he should give them in
16 evidence. I can foresee there is going to be another objection
17 that giving evidence in the third person is simply a question of
18 this witness's interpreting what was said, rather than what was
19 actually said.

10:27:00 20 MS PACK:

21 Q. Witness, first of all, I'm going to ask you. There were
22 two things that you said. You said SAJ Musa read out an
23 appointment and then said something about to whom Foyoh should
24 report. I'm going to break those two matters down, firstly.
10:27:17 25 Now, what do you recall SAJ reading out in relation to Lieutenant
26 Colonel Foyoh, and if you could use the words that he used?

27 A. As far as I could remember, when SAJ was reading out his
28 administration he clearly stated the appointment of the people he
29 appointed and the immediate people they were to report to.

1 Q. Pause a moment. When he read the appointment, what did he
2 say in relation to Lieutenant Colonel Foyoh? What were the words
3 used by SAJ Musa?

4 A. He said Lieutenant Colonel Foyoh, he is now the mission
10:28:11 5 commander.

6 Q. Pause, please. When he talked about to whom Lieutenant
7 Colonel Foyoh should report, what were the actual words used by
8 SAJ Musa, so far as you recall?

9 A. He said he should report to the operation commander.

10:28:52 10 Q. Witness, I'm going to ask you a little more about that
11 meeting in the field at Colonel Eddie Town. You have been
12 speaking during your evidence this morning about three
13 individuals: Brima; Ibrahim Bazzy Kamara; and Santigie Borbor
14 Kanu, alias Five-Five. I'm going to take Brima first of all.

10:29:41 15 MR THOMPSON: Now, Your Honour, if I may just interrupt my
16 learned friend. Is my learned friend moving to a new area or is
17 she seeking to further clarify the area we just left?

18 MS PACK: I'm still on the administration of men under SAJ
19 Musa at this meeting in the field in Colonel Eddie Town.

10:29:55 20 MR THOMPSON: I don't know whether my learned friend was
21 satisfied with the answer just given, because it does not
22 actually address or answer either the objection or the
23 observations of His Honour Judge Lussick.

24 PRESIDING JUDGE: It does not, Ms Pack.

10:30:12 25 MS PACK: Well, I will ask again, Your Honour.

26 Q. I'm going back to Lieutenant Colonel Foyoh, Witness. I
27 asked you what he said in relation to the appointment. You said
28 clearly Lieutenant Colonel Foyoh - I'm repeating roughly what you
29 said - is now the mission commander. That's what SAJ Musa said

1 about his appointment. Now, wait a moment. You have also said
2 he said he should report to the operation commander. I want you,
3 as best you can, to use the words used by SAJ Musa when he said
4 that Foyoh should report to the operation commander.

10:31:23 5 A. SAJ clearly stated it.

6 Q. Pause there. What I'm going to ask you to do is use the
7 actual words that were used by SAJ so far as you recall. Do you
8 understand what I mean by that?

9 A. As far as I could remember, he said the mission commander
10:31:44 10 was to report to the operational commander.

11 MS PACK: I'm going to move on to the other appointments
12 that were made by SAJ Musa, Your Honour, if you're content for me
13 to do so.

14 PRESIDING JUDGE: I would like to clarify one thing. There
10:32:20 15 was mention of a paper. What happened to it?

16 MS PACK:

17 Q. Witness, you have talked about a paper that SAJ Musa read
18 out. Did you see the paper?

19 A. Yes, SAJ held the paper in his hand while he was reading
10:32:37 20 out his administration.

21 Q. Did you yourself ever take a look at the paper?

22 A. No. I only stood by watching him while he was making the
23 appointments.

24 Q. How do you know that he was reading out from the paper?

10:32:58 25 A. Well, I was there standing while he was reading this
26 administration.

27 Q. Witness, just going back to the three persons that you have
28 spoken about already this morning: Brima; Ibrahim Bazzay Kamara;
29 and Santigie Kanu, alias Five-Five, on the last occasion that you

1 gave evidence - a couple of weeks ago - you said Brima, alias
2 Gullit, was appointed deputy chief in command by SAJ Musa. I
3 would like you, please, to tell the Chamber what were the words
4 used by SAJ Musa in relation to Brima, alias Gullit, at this
10:33:59 5 meeting in the field in Colonel Eddie Town?
6 A. SAJ Musa, as he was reading the administration said, "Now,
7 the deputy chief in command is Tamba Alex Brima, alias Gullit,"
8 and he said he was to report directly to him.
9 Q. Now, Ibrahim Bazzy Kamara, was anything said about him by
10:35:06 10 SAJ Musa at this meeting in the field?
11 A. Yes.
12 Q. Please tell us what was said by SAJ Musa at this meeting.
13 A. SAJ Musa said Ibrahim Bazzy Kamara is the third in command,
14 and he was to report to Gullit.
10:35:55 15 Q. What did SAJ Musa say in relation to Santigie Borbor Kanu,
16 alias Five-Five, at this meeting in the field in Colonel Eddie
17 Town?
18 A. SAJ Musa said Santigie Borbor Kanu still remained as the
19 chief of staff, and he was to report to Bazzy who was the third
10:36:25 20 in command.
21 Q. Witness, was anything said at this meeting, so far as you
22 recall?
23 A. Yes.
24 Q. Other than about the organisation of men under SAJ Musa?
10:37:41 25 A. Yes.
26 Q. What else was said? Please try to use the words used by
27 SAJ Musa as best you can.
28 A. SAJ said now he was just coming from Britain when he joined
29 the AFRC, and he said he studied law. He wanted to remind

1 everybody about the crime against humanity. He said the troop
2 that he was leading, he said: one, there was to be no burning of
3 houses; secondly, there was not going to be any amputations, that
4 we were to talk face to face with the civilians; and the third,
10:38:47 5 he said the movement to Freetown was to reinstate the army. He
6 said if anybody broke the laws that he has given, that
7 disciplinary action would be taken. Wherein, if anybody is
8 caught breaking the laws, he would be punished.

9 Q. Is that all that SAJ Musa said that you recall at this
10:39:24 10 meeting?

11 A. And what he said, he said the women - at that moment, the
12 women should leave, because the troops would not be able to
13 secure the women, so the women were to leave from Colonel Eddie
14 Town.

10:39:47 15 Q. In the event, did the women leave Colonel Eddie Town?

16 A. No.

17 Q. Witness, did you remain in Colonel Eddie Town after SAJ
18 Musa arrived?

19 A. No.

10:40:15 20 Q. Where did you head off for?

21 A. He said that his troops were about to move and the troops
22 will not retreat. The troops will push forward to Freetown. The
23 whole troop left and crossed the river towards the other side
24 of -- around the villages -- on the villages around Mange Bureh.

10:40:46 25 Q. Would you spell Mange Bureh, please, for the Chamber?

26 A. M-A-N-G-E B-U-R-E-H, Bureh.

27 Q. That's two words, is it?

28 A. Yes. Mange is M-A-N-G-E. Bureh is B-U-R-E-H.

29 Q. How soon after SAJ Musa's arrival in Colonel Eddie Town did

1 you set off?

2 A. Well, it was about three days after the arrival of SAJ when
3 the troops moved from Colonel Eddie Town.

4 Q. Was anyone left behind in Colonel Eddie Town when you moved
10:41:45 5 off?

6 A. No.

7 Q. Do you remember what month of the year it was when you left
8 Colonel Eddie Town?

9 A. It was in December 1998.

10:42:16 10 Q. Do you know how long you were in Colonel Eddie Town for in
11 total?

12 A. Well, we spent about four months in Colonel Eddie Town.

13 Q. Witness, on the last occasion you testified, or one of the
14 last occasions you testified, and it's been a long time so I'm
10:42:39 15 going to remind you, you talked about radio communications at
16 Camp Rosos. Did radio communication cease after Camp Rosos?

17 A. As I said earlier, that we had another radio communication
18 in Colonel Eddie Town.

19 Q. You've spoken last time about radio communication in
10:43:14 20 Colonel Eddie Town with SAJ Musa.

21 A. Yes.

22 Q. Were there any other radio communications that you recall
23 being made in Colonel Eddie Town?

24 A. As far as I can remember, as I said, SAJ communicated while
10:43:44 25 Gullit also communicated and talked with Issa Sesay. He also
26 talked to Morris Kallon.

27 Q. Pause. Before I ask you a further question, I'm going to
28 spell those. Your Honours are familiar those names: Issa,
29 I-S-S-A; Sesay, S-E-S-A-Y. And Morris Kallon, M-O-R-R-I-S, new

1 word, K-A-L-L-O-N.

2 JUDGE LUSSICK: He used a pronoun there which I think
3 confused the meaning, at least to me. Did he mean that SAJ Musa
4 talked with Gullit or Gullit talked with Issa Sesay?

10:44:31 5 MS PACK: I will ask the witness to clarify that,
6 Your Honour, if I may.

7 Q. Witness, you have spoken about two sets of names. Now, you
8 spoke on the last occasion about the communication with SAJ Musa
9 before his arrival in Colonel Eddie Town; is that the
10:44:45 10 communication you're referring to in relation to him?

11 A. Yes. This was the communication before he arrived in
12 Colonel Eddie Town.

13 Q. You spoke about the communication on the last occasion
14 which was before O-Five arrived in Colonel Eddie Town; do you
10:45:29 15 recall that?

16 A. Yes, My Lord.

17 Q. And that was a communication with SAJ Musa; do you recall
18 talking about that communication?

19 MR FOFANAH: May it please Your Honours, at this stage I
10:45:41 20 must rise to object on the grounds that my recollection of what
21 the witness said was only of one communication at Colonel Eddie
22 Town. My learned friend has clearly put that to the witness.
23 The witness is very clear that that is the communication that
24 he's referring to. Except if my learned friend wants to
10:46:00 25 introduce another new piece of evidence, which is clearly not in
26 the records about a different communication before SAJ arrived.
27 I stand guided by the records, but there was only one
28 communication. Thank you.

29 MS PACK: Your Honour, I'm just seeking to assist the

1 witness in remembering what he said last time. I don't want him
2 to go over the communication he spoke about last time in Colonel
3 Eddie Town, which was the one you may recall him talking about,
4 which preceded O-Five arriving in Colonel Eddie Town. There was
10:46:32 5 a communication from SAJ Musa when SAJ Musa informed those in
6 Colonel Eddie Town that O-Five -- that he was sending some men to
7 their location. You may recall that was the communication that
8 was made. I am wanting to clarify now he said that there were
9 communications made at Colonel Eddie Town between Gullit and SAJ
10:46:55 10 Musa and Gullit and others. I don't want him to repeat what he
11 said last time. So in seeking to distinguish the two, that is
12 all I'm seeking to do.

13 MR FOFANAH: Your Honours, may I reply? I'm still saying
14 that until my learned friend puts the question directly and
10:47:09 15 clearly, and the evidence comes from the witness, my learned
16 friend will be introducing a new piece of evidence if he goes
17 over what the witness has clearly just stated that he was
18 referring to the communication between SAJ and Gullit before the
19 arrival of O-Five. Going over that and mentioning other things,
10:47:31 20 in my humble submission, would be introducing the fresh evidence.

21 If my learned friend wants, she can put it to the witness
22 and the witness can at least refresh his memory based on what he
23 told the Court. Thank you.

24 PRESIDING JUDGE: I would like to be clear, Mr Fofanah.
10:47:50 25 Are you saying the Prosecution cannot introduce fresh evidence;
26 or that the Prosecution is now leading fresh evidence?

27 MR FOFANAH: It can introduce fresh evidence, Your Honours,
28 but only through the witness. Other than that, it will amount to
29 leading the witness. Thank you.

1 PRESIDING JUDGE: Ms Pack, you can't lead the witness. If
2 this is a fresh piece of evidence, then it must come from the
3 witness directly.

4 MS PACK: I'm not. I just wanted to remind him about that
10:48:17 5 last communication.

6 Q. Now, you have spoken about radio communications with SAJ
7 Musa. You've talked about one before which related to the
8 arrival of O-Five and his men. Were there other communications
9 whilst you were at Colonel Eddie Town?

10:48:44 10 A. Yes. Just like I stated, that the only single
11 communication that Gullit had with Mosquito --

12 THE INTERPRETER: Your Honours would the witness please go
13 a bit slowly, please.

14 MS PACK:

10:49:02 15 Q. Pause a moment.

16 PRESIDING JUDGE: Mr Witness, could you repeat it again
17 slowly to allow the interpreter to interpret what you said.

18 THE WITNESS: I said at Colonel Eddie Town, it was only one
19 communication that Gullit had with Mosquito.

10:49:27 20 MS PACK:

21 Q. Pause a moment. How do you know he had a communication
22 with Mosquito?

23 A. Just like I earlier said, when I was with the Operation
24 Commander A whom Gullit sent to him --

10:49:52 25 THE INTERPRETER: Your Honours, I still cannot get the
26 witness. Let him go slow.

27 MS PACK:

28 Q. Let's break that down, please. How do you know that Gullit
29 had a communication with Mosquito? And take it slowly, please,

1 so what you're saying can be translated.

2 A. I myself was standing with Operation Commander A by the set
3 where Gullit was communicating with Mosquito.

4 Q. How many communications with Mosquito did you hear Gullit
10:50:28 5 having?

6 MR FOFANAH: Objection. I think that there is finality to
7 that answer. The only single communication is what the witness
8 said. The only single communication that I heard between Gullit
9 and Mosquito was what -- but I think that is final enough.

10:50:47 10 PRESIDING JUDGE: I have on record there is only one
11 communication with Mosquito.

12 MS PACK: Yes, Your Honour.

13 Q. How did you know that on this occasion Gullit was speaking
14 to Mosquito?

10:51:03 15 A. Well, through the call sign, and Mosquito informed them
16 about the safety of Johnny Paul Koroma, just like I earlier said.
17 And he said he was very happy with the brothers as they have been
18 able to live with them because he thought that the brothers had
19 surrendered with the whole troop.

10:51:34 20 Q. Did you hear Gullit say anything when this communication
21 was made with Mosquito?

22 A. Yes.

23 Q. What did you hear Gullit say?

24 A. Well, Gullit was happy. He said he was happy. He only
10:51:51 25 said that -- the only thing that stopped him from communicating
26 was the set that was missing at one town towards Karina where he
27 said this set got missing. That's what he said led to the break
28 in communication.

29 Q. Pause. Witness, you started earlier by saying that Gullit

1 also communicated with Issa Sesay and Morris Kallon. Where did
2 these communications take place?

3 A. It was at Colonel Eddie Town.

4 Q. How do you know that Gullit communicated with Issa Sesay
10:52:39 5 and Morris Kallon at Colonel Eddie Town?

6 A. Well, I myself moved with Operation Commander A and it was
7 in front of me that this communication took place.

8 Q. How did you know on these occasions it was Issa Sesay and
9 Morris Kallon who Gullit was speaking to?

10:53:15 10 A. Well, it was through the call sign and later, Gullit gave
11 the mic to Operation Commander A and also to Bazzy, so as to talk
12 to the brothers.

13 Q. Witness, on how many occasions were you present when there
14 were communications between Gullit, Issa Sesay and Morris Kallon?

10:53:41 15 A. Well, as far as I can recall, the day that we discovered
16 the mic in Batkanu.

17 Q. Pause a moment. That was after you -- that was when you
18 had the communication at Rosos; is that correct?

19 A. Yes.

10:53:58 20 Q. I'm asking you now about Colonel Eddie Town. In Colonel
21 Eddie Town, how many times do you recall being present when
22 communications were being made between Gullit and Morris Kallon
23 and Issa Sesay?

24 A. As far as I can recall, it was once that they made a
10:54:21 25 communication that they discussed.

26 Q. Apart from Bazzy and Operation Commander A, did anyone else
27 speak to Morris Kallon and Issa Sesay on this one occasion that
28 you recall in Colonel Eddie Town?

29 A. Yes. Five-Five also communicated with them?

1 Q. Do you recall what was said on this occasion by those who
2 spoke to Issa Sesay and Morris Kallon?
3 A. As far as I can recall they exchanged greetings as they
4 said they were very happy. Since they have not been having the
10:55:16 5 communication with the brothers, so they only exchanged greetings
6 and they told them about how things were going.
7 Q. Witness, do you know who the radio operator was with the
8 men in Colonel Eddie Town?
9 A. The radio man, I knew him, but I have forgotten his name.
10:55:52 10 He was the one who was on the radio, because Jalloh, he died at
11 Rosos.
12 Q. Do you remember after O-Five came whether this radio
13 operator was still alive?
14 A. Yes, My Lord.
10:56:12 15 Q. Was he still alive after O-Five came?
16 A. Yes.
17 Q. Were there other radio operators after O-Five came to
18 Colonel Eddie Town?
19 A. Well, no. O-Five only came with the radio operator.
10:56:35 20 Q. Who?
21 A. This was Alfred Browne.
22 MS PACK: That's a name Your Honours heard on the last
23 occasion.
24 PRESIDING JUDGE: Would the witness please repeat the name.
10:56:44 25 I didn't hear him properly.
26 MS PACK: Repeat the name, please, witness, and spell it
27 for Their Honours.
28 PRESIDING JUDGE: It is the interpreter we are not hearing.
29 Mr Interpreter, if you could speak a little louder, please.

1 MS PACK:

2 Q. In any event, repeat the name and spell it slowly, please.

3 A. Alfred Browne. A-L-F-R-E-D, Alfred. Browne is
4 B-R-O-W-N-E.

10:57:51 5 Q. Witness, do you know what the relationship was like from
6 what you heard between the men you were with and Issa Sesay,
7 Morris Kallon and Mosquito?

8 MR MANLY-SPAIN: May it please, Your Honours, that would
9 definitely be asking this witness to speculate. The witness
10:58:13 10 clearly said that they greeted each other, and that was all.

11 MS PACK: I think the witness can give evidence of this
12 impression on the basis of the communication that he heard in
13 Colonel Eddie Town, Your Honour. That's all I'm asking him to
14 do.

10:58:34 15 MR FOFANAH: If that is the case, Your Honours, I will rise
16 and object on the grounds of foundation on the basis that the
17 question calls for one speculation as averred by my learned
18 colleague as well as a perception that borders on something which
19 is not necessarily within his knowledge.

10:58:58 20 The witness has earlier told this Court that Mosquito, Issa
21 Sesay and Morris Kallon were all members of a different faction,
22 the RUF. For the witness to now come and at least tell us what
23 kind of relationship, in his own opinion, existed between them,
24 in my estimation, would only be within the purvey of an expert,
10:59:24 25 especially since we are talking about military factions. Thank
26 you.

27 PRESIDING JUDGE: Yes, Ms Pack, your reply to that second
28 objection?

29 MS PACK: I repeat what I said before. I'm asking him to

1 give evidence as to the impression he formed from a radio
2 communication that he heard, and that's all.

3 JUDGE SEBUTINDE: Ms Pack, you're saying you want the
4 witness to tell the Court the impression he got from greetings
11:00:02 5 that were exchanged as to a relationship that existed; is that
6 the question?

7 MS PACK: For the sake of expedience, I will withdraw the
8 question and move on.

9 [TB130605C-JM]

11:00:10 10 PRESIDING JUDGE: Ms Pack, just before you move on. I
11 notice it's 5 to 11.00. Are you now approaching another line of
12 evidence?

13 MS PACK: If I can just ask a couple of questions just to
14 finish off what happened before the move from Colonel Eddie Town.

11:00:28 15 PRESIDING JUDGE: Yes, that would be neater.

16 MS PACK:

17 Q. Just to cover, Witness, the period before you left Colonel
18 Eddie Town, you've spoken about a communication between Mosquito
19 and Gullit, and you've spoken about a communication between
11:00:47 20 others with you and Issa Sesay and Morris Kallon. After SAJ Musa
21 arrived in Colonel Eddie Town, were there any radio
22 communications with anyone else that you recall?

23 A. As far as I can recall, the arrival of SAJ Musa, there was
24 no communication because SAJ as he was trying to beef up the
11:01:18 25 troops said all the RUF that were there should be arrested. And
26 these were the ones that I'm going to mention. In his statement,
27 he said the RUF should be arrested.

28 Q. When did he say this?

29 A. This was before the troop left. After that meeting, in

1 which they discussed the administration, they said all the
2 administration should be captured and they should be executed.

3 Q. In the event, were the RUF captured and executed, the RUF
4 men with you?

11:01:59 5 A. Well, at that moment, before SAJ Musa said these words,
6 they only disarmed them, the RUF, because I said Superman
7 attacked him at Koinadugu, and he would not come and see RUF
8 among the squad at Colonel Eddie Town, and that they should get
9 rid of them. But that the whole troops pleaded with him, pleaded
11:02:25 10 with him on behalf of the RUF men.

11 Q. Pause. How do you know that the whole troop pleaded with
12 SAJ Musa?

13 A. Well, as I was telling, the old man was just saying that
14 "Pa, we are begging for these people. These people have no
11:02:52 15 problems with us here. Please leave them." Everybody was giving
16 his own opinion. "Pa, we are begging for these people."

17 JUDGE SEBUTINDE: Ms Pack, did the witness say the old man
18 begged? Was that what I heard the witness say?

19 MS PACK: I thought he said the whole troop.

11:03:18 20 JUDGE SEBUTINDE: No, no, no. He was quoting someone. He
21 said, I stood by and the old man said, Pa, we beg you to spare
22 these men. Witness, is that what you said?

23 THE WITNESS: I said this was what everybody was saying,
24 when SAJ said that the RUF should be executed. So everybody was
11:03:33 25 saying that, because I myself said that "Pa, I would beg. Please
26 forgive them," whilst all the others have been saying the same
27 thing. "Do, Pa, please forgive the RUF. These people have no
28 problems when they were staying with us. "

29 MS PACK:

1 Q. Pause there. Who are you referring to when you say Pa?
2 Who are you addressing?
3 A. SAJ Musa.
4 Q. Witness, that's all I've got to ask on this topic.
11:04:09 5 Your Honours, if that's a convenient moment?
6 PRESIDING JUDGE: Thank you, Ms Pack. We'll adjourn for 15
7 minutes.
8 Mr Court Attendant, please adjourn the Court for 15
9 minutes.
11:04:20 10 [Recess taken at 11.04 a.m.]
11 [On resuming at 11.25 a.m.]
12 PRESIDING JUDGE: Please proceed, Ms Pack.
13 MS PACK: Thank you, Your Honour.
14 Q. Witness, you said earlier that after the meeting with SAJ
11:25:43 15 Musa in Colonel Eddie Town that the troops set off for Freetown.
16 And you said you left for the villages around Mange Bureh.
17 Witness, after Mange Bureh, where did you head to?
18 A. I just want to make a statement, the last statement of SAJ
19 which he gave at Colonel Eddie Town before he left. He said that
11:26:14 20 if the troops reached Freetown, no commander should move with any
21 vehicle and that only support vehicles and medical vehicles,
22 these were the ones that he allowed to pass through.
23 Q. Thank you, Witness. The troops then headed to Mange Bureh.
24 After Mange Bureh, where did they go? Where did you go?
11:26:57 25 A. Well, whilst -- when we crossed the two villages to Mange
26 Bureh and the enemy, the enemy forces attacked our troops --
27 Q. Pause a moment, Witness. Witness, I'm not going to ask you
28 to go into detail about the next portion of your evidence as you
29 headed towards Freetown. So we could just take what happened

1 after Mange Bureh next. Where did you get to after Mange Bureh
2 and the villages around there?
3 A. Well, after Mange Bureh, we headed for one village. The
4 troop headed for one village which was called Maraykula.
11:27:43 5 Q. Would you spell Maraykula, please, for the Chamber.
6 A. As far as I can remember, the spelling, M-A-R-A-Y-K-U-L-A.
7 Q. Did anything happen in Maraykula?
8 A. Yes.
9 Q. What happened in Maraykula?
11:28:14 10 A. In Maraykula, Santigie Borbor Kanu had ordered the burning
11 down of that town.
12 Q. Pause a moment. How did you know that Santigie Borbor Kanu
13 ordered the burning down of that town?
14 A. In fact, it was in front of me that he gave that order,
11:28:34 15 that they burnt Maraykula.
16 Q. After this order was given, was anything done?
17 A. Well, Maraykula was completely burnt down.
18 Q. Who burned Maraykula down?
19 A. Five-five himself was standing there. He set fire on it.
11:29:06 20 Whilst I and the other soldiers who were around also set fire on
21 the village.
22 Q. After Maraykula, where did you go?
23 A. We moved towards Lunsar axis.
24 Q. Pause a moment. Would you spell Lunsar, please, for the
11:29:28 25 Chamber.
26 A. L-U-N-S-A-R.
27 Q. Did you stop anywhere in the Lunsar axis?
28 A. Yes, the troop stopped at one village towards Lunsar.
29 Q. Do you recall the name of the village?

1 A. Mamusa. Mamusa, yes.

2 Q. Would you spell that for the Chamber, please.

3 A. M-A-M-U-S-A.

4 Q. Where did you go after that?

11:30:26 5 A. Well, SAJ Musa ordered that Lunsar town be attacked.

6 Q. Pause a moment. How do you know that SAJ Musa ordered that
7 Lunsar town be attacked?

8 A. Well, at this village, at Mamusa, SAJ Musa called on the
9 operation commander, and he told him to call the mission
11:30:42 10 commander, and they appointed the RDF commander who was
11 Colonel Terminator to lead the troop to Lunsar.

12 Q. Pause. How do you know that he called on the operation
13 commander and the mission commander and called on the RDF
14 commander to lead the troop? How do you know this?

11:31:06 15 A. This was in front of me as I was in the headquarter when
16 Colonel SAJ called this. And I myself went to the operation at
17 Lunsar.

18 Q. What happened on the operation at Lunsar?

19 A. Well, at Lunsar, I and the troop that was there attacked,
11:31:25 20 and we attacked military positions at Lunsar. And the ECOMOG
21 forces withdrew.

22 Q. Pause a moment. How do you know that you attacked ECOMOG
23 forces?

24 A. Well, in fact, from the civilians, one of them that the
11:31:47 25 troop captured, they told us about ECOMOG forces and the uniform
26 and the arms and ammunition that were captured from the ECOMOG at
27 Lunsar, we clearly stated that Nigerian and ECOMOG forces, all
28 the boxes -- on the boxes we had ECOMOG --

29 THE INTERPRETER: Yes, Your Honours, I was not able to get

1 the last bit of what the witness just said.

2 MS PACK:

3 Q. Witness, I'll just ask you to repeat the last bit. You've
4 talked about the uniforms and arms and ammunition. Just tell us
11:32:25 5 what they said they showed to you?

6 A. The boxes of uniforms, they wrote Nigerian and ECOMOG
7 forces. The boxes of ammunition that we captured at Lunsar also
8 indicates that they were Nigerian and ECOMOG forces.

9 Q. What did you do with the boxes of the uniforms and the
11:32:52 10 boxes of arms and ammunitions?

11 A. Well, I and the commander with the troops that went
12 returned with these boxes. We took these boxes and brought them
13 back to the temporal base at Mamusa where SAJ was.

14 Q. Witness, after Lunsar, or after the temporal base by
11:33:22 15 Mamusa, where did you go?

16 A. Well, the troop left towards and went towards Gberi
17 Junction.

18 Q. Please spell Gberi Junction for Their Honours.

19 A. G-B-E-R-I J-U-N-C-T-I-O-N.

11:33:48 20 Q. Did anything happen at Gberi Junction?

21 A. Well, at Gberi Junction, we had resistance from troops that
22 were there, and we pushed them from Gberi Junction.

23 Q. After Gberi Junction, where did you go?

24 A. The troop -- I and the other men, including SAJ, moved
11:34:16 25 towards Masiaka axis.

26 Q. Please spell Masiaka for Their Honours. We've heard it
27 before, but if you would please spell it.

28 A. M-A-S-I-A-K-A.

29 Q. Did anything happen at Masiaka?

1 MR FOFANAH: Objection. The witness has not said that
2 they've arrived at Masiaka. He said they moved in Masiaka axis.

3 PRESIDING JUDGE: Yes, I've got on record they moved
4 towards Masiaka. We haven't got them reaching it yet.

11:34:52 5 MS PACK:

6 Q. Did you reach Masiaka?

7 A. Well, we formed a temporal base at the axis between
8 Masiaka, SAJ ordered that the troops, as we heard an announcement
9 over the international media that Masiaka was -- that the
11:35:14 10 government declared that Masiaka was their strong base. That was
11 their iron gate.

12 Q. Pause. How do you know the announcement was on the radio
13 that the government had declared Masiaka as a strong base?

14 A. Well, this was over the BBC as I and the other men
11:35:40 15 listened, after the attack at Gberi Junction and Lunsar, Lunsar
16 and Gberi Junction, and the correspondent in Freetown went on the
17 air and said that the forces had attacked Lunsar and Gberi
18 Junction. So the government said they had strong manpower and
19 Masiaka was the iron gate.

11:36:07 20 Q. From the temporal base that you were at in the Masiaka
21 axis, did you go anywhere?

22 A. Yes.

23 Q. Where did you go?

24 A. Masiaka. Masiaka village.

11:36:23 25 Q. Did anything happen in Masiaka?

26 A. Yes. I and the other soldiers, including Colonel Papah,
27 attacked Masiaka and we captured some Guineans and executed them
28 --

29 Q. How do you know that the men that you captured were

1 Guineans?

2 A. Well, in fact, all of them were in full Guinea nation and
3 they were speaking French. And the military tank that was there
4 had a Guinean number, and the ammunition boxes that we discovered
11:37:06 5 also contained Guinean contingent. It was clearly a Guinean
6 contingent.

7 Q. Pause a moment. After you came upon the ammunition boxes,
8 what did you do with those?

9 A. After which we took all the ammunitions and went with them
11:37:37 10 to Masiaka, myself and the troops that went there, we took all
11 and returned to the temporal base where he lost the commander
12 we -- who led the troops to Masiaka, Colonel Papah.

13 Q. Is this the same Papah as Hassan Papah Bangura?

14 A. No, no, no. This was one of the commanders that we
11:38:01 15 came -- that came with SAJ called Papah.

16 Q. Can you just spell Papah.

17 A. P-A-P-A-H.

18 Q. Witness, after you returned to Masiaka, did you go anywhere
19 after that?

11:38:20 20 A. Yes.

21 Q. Where did you go?

22 A. SAJ said we should attack the highway to Masi -- the
23 Masiaka Highway, after which Colonel Terminator led the troops to
24 go and ambush the Masiaka Highway.

11:38:38 25 Q. Pause. How do you know that SAJ said you should go and
26 ambush the Masiaka Highway?

27 A. Well, just after the operation at Masiaka, SAJ Musa had to
28 call me where I was standing, and he called the operation
29 commander and called the mission commander where he appointed

1 Colonel Terminator again to lead this troop at the highway.

2 Q. Did the mission take place?

3 A. Yes.

4 Q. How do you know that?

11:39:16 5 A. Well, I myself went to this mission as the troops succeeded
6 ambushing ECOMOG vehicles, Nigerian vehicles.

7 Q. What happened as a result of the ambush?

8 A. Well, the two vehicles left in the ambush. I and the other
9 soldiers were able to get ammunition from the troops but we were
11:39:42 10 not able to capture the soldiers. All of them pulled out of the
11 vehicle.

12 Q. After this ambush operation, where did you go?

13 A. SAJ said the troops should attack Mile 38.

14 Q. How do you know he said this?

11:40:01 15 A. Well, as he took the turn, I was standing and told -- and
16 said that we should go and attack, and the information said that
17 they had a strong base which was a ECOMOG base at Mile 38.

18 Q. Did this attack take place?

19 A. Yes, My Lord.

11:40:21 20 Q. How do you know that?

21 A. It took place. Well, I myself took part in that operation
22 where we went and rescued one of our men that was captured at
23 Masiaka from Mile 38.

24 Q. After the operation at Mile 38, the attack at Mile 38,
11:40:41 25 where did you go?

26 A. Well, at that time, since they fired Colonel Terminator,
27 that operation, they took him back to the temporal base within
28 the Masiaka axis. And later SAJ said the troops should move
29 forward. The whole troop moved towards Mamamah.

1 Q. Pause. Mamamah, would you spell that, please, for Their
2 Honours.
3 A. M-A-M-A-M-A-H.
4 Q. Where did you go after Mamamah?
11:41:45 5 A. Well, whilst the troop, SAJ ordered that we should go
6 further, and we moved to Newton village.
7 Q. Before you got to Newton, did you go anywhere else?
8 A. Um, before the troop left from --
9 MS THOMPSON: [Microphone not activated]
11:42:09 10 MS PACK: My apologies.
11 Q. Please spell Newton for Their Honours.
12 A. N-E-W-T-O-N.
13 Q. Before you got to Newton, did you go anywhere else?
14 A. Yes, just as I said, we moved to RDF Camp.
11:42:32 15 Q. RDF Camp, is that another name for another location?
16 A. Yes, this was the former -- this was the former base of the
17 RSLA.
18 Q. After RDF, did you go anywhere?
19 A. Yes, we moved to Mamamah.
11:43:04 20 Q. And then after Mamamah?
21 A. Well, at Mamamah, the people came between SAJ as Mosquito
22 went over the international media and claimed that these troops
23 that were moving to us from Freetown had attacked the military
24 base at RDF --
11:43:25 25 Q. Pause. How do you know that --
26 PRESIDING JUDGE: Ms Pack, I didn't quite hear the
27 interpretation. Could the witness please repeat it, the bit from
28 after RDF, yes, we moved to Mamamah. Could you please repeat
29 that.

1 MS PACK:

2 Q. Explain, please, what happened. And take it slowly.

3 A. After Mile 38, the troops moved to RDF. From RDF, the
4 troop moved to Mamamah.

11:44:02 5 Q. What happened in Mamamah?

6 A. We were all at Mamamah. We listened to an announcement
7 over the international media in which they interviewed Mosquito.

8 Q. What was said during that interview?

9 A. Well, Mosquito said that the troops moving has attacked the
11:44:28 10 military base at RDF.

11 Q. Did he say anything else apart from saying that there had
12 been an attack at the military base at RDF?

13 A. And he said again that the troops are moving towards
14 Freetown.

11:44:44 15 Q. Whose troops did he say -- was he talking about?

16 A. Well, he said the troops which are under his command.

17 Q. Did anything happen after you heard over the international
18 radio Mosquito saying these things?

19 A. Yes.

11:45:13 20 MR FOFANAH: May it please, Your Honours. I'm sorry for
21 interrupting again. The witness has still not laid a foundation
22 as to how he came by the knowledge that it was Mosquito who was
23 speaking on the radio.

24 PRESIDING JUDGE: Yes, Ms Pack, that's correct.

11:45:28 25 MS PACK:

26 Q. How do you know that the person you heard on the BBC was
27 Mosquito --

28 PRESIDING JUDGE: Was BBC mentioned? I heard international
29 media.

1 MS PACK:

2 Q. How do you know that the person you heard on the
3 international radio was Mosquito?

4 A. Well, as I clearly said it, it was over the British
11:45:51 5 Broadcasting Corporation which was the BBC, and it was Robin
6 White who conducted the interview wherein he asked Mosquito, he
7 asked him -- because he stated that he was part of the field
8 commander of the RUF. He called on their stations. He said that
9 the troops -- his troops have moved towards -- they have captured
11:46:15 10 a strategic base, which is the RDF, and they were moving towards
11 Freetown.

12 Q. Did anything happen after this broadcast on the
13 international media?

14 A. Yes.

11:46:41 15 Q. What happened?

16 A. In this announcement where I stood together with my
17 supervisor who was the former Operation Commander A, SAJ
18 immediately called on the --

19 THE INTERPRETER: Go over that, please. Go over. Called
11:46:56 20 on who?

21 MS PACK:

22 Q. Witness, who did SAJ Musa call on?

23 A. Alfred Brown.

24 Q. How do you know he called on Alfred Brown?

11:47:13 25 A. Well, as I stood there, he ordered the battlefield
26 inspector to call on Alfred Brown.

27 Q. What then happened?

28 A. Alfred Brown, he reported --

29 Q. How do you know he reported?

1 A. Well, I stood there as I was close to my supervisor.
2 Q. What happened after he called him?
3 A. In fact, SAJ directly accused him that he was responsible
4 for -- to give information about how the troops are moving, that
11:47:51 5 he is giving the information to Mosquito.
6 Q. After he said this, did anything happen?
7 A. Well, Alfred Brown denied. He said he had nothing to do
8 with that information, that he had nothing to do with that. So
9 SAJ strictly warned him. And in fact, SAJ ordered that he should
11:48:15 10 not come closer to the radio set as from now.
11 Q. Did anything else happen after the radio announcement and
12 then the incident with Alfred Brown?
13 A. Well, SAJ stopped him. And later we had complete
14 bombardment at that area.
11:48:46 15 Q. Were there any other announcements or communications that
16 you heard?
17 A. Well, the only communication is that SAJ, while they
18 mounted the set, he intercepted Mosquito while he was talking.
19 Q. How do you know that SAJ mounted the set?
11:49:10 20 A. I was there standing when they mounted the set.
21 Q. Did he communicate with anyone?
22 A. He intercepted Mosquito while he was talking. And SAJ told
23 him that, in fact, he -- in fact, he was an SBU. He termed
24 Mosquito as an SBU. That he was a trained military personnel.
11:49:42 25 Mosquito had no right to go over the international media and
26 declare that it was his troops that were moving towards Freetown.
27 Q. Where did this communication take place?
28 A. It was at Mamamah.
29 MS PACK: SBU is the initials that the witness used,

1 Your Honours. SBU.

2 Q. Just perhaps remind Their Honours what SBU stands for.

3 A. Small boys unit. Small boys unit.

4 Q. After Mamamah, where did you go?

11:50:22 5 A. The troop moved towards Newton village.

6 Q. Did you arrive in Newton?

7 A. Yes.

8 Q. What happened in Newton?

9 A. Well, whilst we formed a temporal base at Newton from which

11:50:45 10 we also had some bombardment in Newton.

11 Q. Did anything else happen while you were there?

12 A. Well, yes, later after this bombardment at night, SAJ

13 ordered that the troops move towards Waterloo.

14 Q. Did you arrive at Waterloo?

11:51:06 15 A. Yes, indeed. We arrived in Waterloo.

16 Q. Did anything happen when you got there?

17 A. Yes. In Waterloo, we had face-to-face talk with the

18 civilian populace. We told them that we were SLA. We have come

19 to reinstate the army and we would like the cooperation of the

11:51:39 20 civilian population to join us in the fight as only that we

21 really wanted the SLA to be reinstated. The way they disbanded

22 the SLA, that is the reason why we are fighting to reinstate it.

23 And that was the statement we gave to the civilian population as

24 SAJ had warned us to talk to the civilians.

11:52:00 25 MR FOFANAH: May it please, Your Honours, again the

26 witness -- I think Your Honours had earlier ruled on this. He is

27 again speaking in the plural. He keeps saying we, we did this,

28 we did that. I don't know if he's talking about everyone or only

29 himself.

1 MS PACK: Your Honours, I'll ask him to clarify that.

2 Q. Witness, you're talking about "we" spoke to the civilians.

3 Who spoke to the civilians?

4 A. I said myself and the other soldiers who came to Waterloo,

11:52:32 5 we talked to the civilian population.

6 Q. Did you hear anything else or do anything else when you

7 were in Waterloo?

8 A. Well, whilst the troops captured Waterloo Town, whilst I

9 moved with the supervisor to the locations that SAJ showed that

11:53:03 10 were the roundabout of Waterloo, SAJ called on the BFI, the

11 battlefield inspector, and they called on the Lieutenant Colonel

12 Foday Bah Marah who is also Bulldoze, he told him that he should

13 move the troops towards Benguema.

14 Q. Pause a moment, please. You just spoke about moving using

11:53:37 15 a supervisor. Who were you talking about and use a pseudonym if

16 necessary.

17 A. Former Operation Commander A.

18 Q. Perhaps you can just call him Supervisor A, just so that we

19 know we're talking about the same person you previously called A.

11:53:56 20 A. Okay, Madam.

21 Q. How do you know that SAJ gathered Lieutenant Colonel Foday

22 Bah Marah and the BFI, the battlefield inspector, to move on to

23 Benguema?

24 A. Well, as the troops had captured Waterloo, I moved toward

11:54:15 25 the headquarter where SAJ was and together with Operation

26 Commander A, Supervisor A. And whilst I was standing there, SAJ

27 called on the BFI and said -- and asked Commander Bulldoze to

28 report.

29 Q. Did you in the event go to Benguema?

1 A. Yes.

2 Q. Spell Benguema, please.

3 A. B-E-N-G-U-E-M-A.

4 Q. What happened in Benguema?

11:54:56 5 A. Well, whilst myself, Colonel Bulldoze first moved to
6 Benguema, we tried to test the support fire of the enemy forces
7 there. They retaliated heavily wherein Colonel Bulldoze ordered
8 me to wait on the ground while he was going back for my
9 reinforcements and informed SAJ that --

11:55:20 10 Q. Pause a moment. What is Benguema? What was Benguema at
11 the time?

12 A. It was a military training centre, BTC.

13 Q. Did Foday Bah Marah go and get reinforcements?

14 A. Yes. Whilst I waited with some other men on the ground,
11:55:52 15 Foday Bah Marah went back and brought reinforcements and he came.
16 He met me in the position where I was waiting for him.

17 Q. After you got reinforcements, did you capture Benguema?

18 A. Well, the whole troops, myself and the other reinforcement
19 that came, we continued fighting until SAJ himself arrived. And
11:56:20 20 finally, and we were able to capture Benguema.

21 Q. Did anything happen after you captured Benguema?

22 A. Well, yes.

23 Q. What happened?

24 A. In Benguema, myself and the troops, we discovered a lot of
11:56:43 25 arms and ammunitions. And later whilst myself and Bazzy,
26 together with late Colonel Eddie -- together with Colonel Eddie
27 and also the Operations Commander O-five, we discovered
28 120-millimetre bombs, mortar bombs.

29 Q. Whereabouts did you discover these?

1 A. Well, it was around the --

2 THE INTERPRETER: I did not get the last word. Around
3 where?

4 MS PACK:

11:57:25 5 Q. Witness, can you repeat where you discovered the
6 120-millimetre bombs?

7 A. Not the bomb, but the gun itself, 120 millimetre.

8 Q. Where did you find it?

9 A. Closer towards the training shell and the ammunition dump
11:57:46 10 at Benguema.

11 Q. Was that training shell and dump at Benguema?

12 A. Well, the drill shell is closer to the dump. They are part
13 of the -- where the military do the drill.

14 MR FOFANAH: May it please, Your Honours. We are clearly
11:58:09 15 confused because, firstly, we really do not know whether it is
16 counsel who is saying something or it is the witness. I don't
17 know. But I think I'm speaking on behalf of my colleagues, we
18 clearly do not know what the witness said, the last statement.

19 MS PACK: I'll ask him to repeat because I wasn't sure
11:58:32 20 whether I had heard it properly.

21 Q. Would you please explain, just take it slowly so that we
22 can hear and perhaps it can be interpreted slowly, where were you
23 when you found the 120-millimetre gun? And just take the
24 location slowly that we can all understand whereabouts you were.

11:58:55 25 A. This 120-millimetre gun, it was where -- it was closer to
26 the drill shell in Benguema and the ammunition dump.

27 JUDGE SEBUTINDE: [Microphone not activated]

28 THE INTERPRETER: Drill shell.

29 JUDGE SEBUTINDE: That is the word we want to hear. What

1 is that?

2 THE INTERPRETER: That is the way he called it. Witness,
3 can you please spell the word.

4 MS PACK:

11:59:28 5 Q. Witness, can you just spell drill shell, please.

6 A. D-R-I-L-L S-H-E-L-L.

7 Q. Just explain briefly what a drill shell is.

8 A. The drill shell is where the military do their drills, the
9 parade. That is the area.

11:59:52 10 Q. Did anything happen at the location you were?

11 A. Yes.

12 Q. What happened?

13 A. Whilst myself Bazzy, Colonel Eddie, and Colonel O-Five were
14 trying to plant the mortar gun, and I heard a big sound, a blast
12:00:24 15 around the drill shell -- sorry, around the ammunition dump. So
16 when this blast happened, I was also scared. And later, whilst
17 myself, Bazzy, Colonel Eddie and O-Five stood, then I saw one of
18 the securities who was called Barrie who was a personal security.

19 Q. Pause. Please spell Barrie.

12:01:02 20 A. B-A-R-R-I-E.

21 Q. Who was he personal security to?

22 A. He was a personal security to SAJ.

23 Q. What did you see him do?

24 A. To my surprise, I saw him carry somebody on his shoulder
12:01:21 25 and was moving towards where I and Bazzy and O-Five and Colonel
26 Eddie stood.

27 Q. Did you see subsequently who he was carrying?

28 A. Well, when this man came closer to where we were standing,
29 we said, Oh, Papay - that is called Bazzy - Papay, he said, Here

1 is Eagle.

2 Q. Papay was who?

3 A. He was calling -- this is a name we used to call

4 authorities, that he was referring to Papay, with whom I was

12:02:04 5 standing.

6 Q. And when you say "Eagle was with us," who is he referring
7 to?

8 A. SAJ.

9 Q. What happened then?

12:02:18 10 A. Immediately he took SAJ from his shoulder and laid him on
11 the ground.

12 Q. Was SAJ alive?

13 A. Well, at the moment he laid him down, Gullit came with

14 Woyoh and Five-Five and I, too, came there. They were coming

12:02:39 15 from the ammunition dump towards where I, Bazzy, O-Five and Eddie
16 stood. So immediately Gullit said, "Let them open the door".

17 They removed one of the doors. So they laid him there on the
18 door.

19 Q. Pause. And at this point, was SAJ Musa alive?

12:03:04 20 A. Well, what I observed was that they took pig milk which we
21 said they were going to give SAJ, what I observed. And whilst
22 they opened the pig milk and gave it to him to his mouth, the
23 milk came out of his mouth. The milk came out of his mouth. SAJ
24 was not able to drink it. So the helmet he had on, you will see
12:03:31 25 there was a round hole in the helmet.

26 Q. What happened to the helmet?

27 A. This helmet had a round hole. Even Gullit said, "Oh, it
28 could be that this is the area where the thing passed through."

29 Q. What did you see finally had happened to SAJ Musa?

1 A. Well, what I observed, as immediately the milk was given to
2 SAJ, SAJ was not able to drink it. Immediately I knew that SAJ
3 was dead. So immediately I was afraid. So I stood. I was
4 afraid.

12:04:22 5 Q. What did you do?

6 A. Well, immediately, one of the colonels who was around who
7 was Colonel -- Lieutenant Colonel Kallay, who was one of the
8 commanders --

9 Q. Pause. Spell that, please.

12:04:43 10 A. K-A-L-L-A-Y.

11 Q. Full name?

12 A. Kallay. I know him to be Kallay.

13 Q. Go on. What happened? What did you do after you decided
14 that SAJ was dead?

12:05:06 15 A. Well, Colonel Kallay called me and said, "My
16 brother -- myself, let us move immediately. Let us go towards
17 Macdonald, towards Tombo axis."

18 Q. [Microphone not activated].

19 A. Well, myself and Kallay moved towards Macdonald where the
12:05:29 20 other troops had moved.

21 Q. Pause.

22 MS PACK: You've had these names before, Your Honours.

23 Q. But Tombo, would you spell that, please, Witness.

24 A. T-O-M-B-O.

12:05:44 25 Q. And Macdonald, would you spell that, please.

26 A. M-A-C-D-O-N-A-L-D.

27 Q. How long did you stay in Macdonald?

28 A. Well, whilst I went to Macdonald, I had to inform one of
29 the commanders who was close to me. I said, "Oh, my brother,

1 there's a problem. I said I have seen SAJ; he's dead. And I'm
2 afraid."

3 Q. Pause. How long did you stay in Macdonald?

4 A. Well, in Macdonald, we spent about two days in Macdonald
12:06:24 5 because we were not able to see Gullit and the other troops.

6 Q. Were there others with you there?

7 A. Yes.

8 Q. Were you able to say about how many?

9 A. Well, I could not tell the number. But I know of the
12:06:38 10 senior commanders with whom I was there with.

11 Q. Did you leave Macdonald at one time?

12 A. Well, while we were in Macdonald, no communication was
13 between us -- between myself and the troops there, and the other
14 troops. We were not able to see Gullit, Five-Five, and the
12:07:03 15 others. So later, whilst the troops with whom I was there on
16 foot patrol in search of Gullit, they also organised another
17 patrol and we met.

18 Q. What happened after you met troops on patrol?

19 A. Well, the troops told us that now -- they told myself and
12:07:34 20 the soldiers that we went on finding that they were waiting for
21 Gullit and others waiting for us around Koba Water.

22 Q. Pause. Spell that, please, if you can.

23 A. It's a Krio word. K-O-B-A, Koba; W-A-T-E-R, Water.

24 Q. Who was in Koba Water?

12:08:06 25 A. According to the men, the troop with whom we went to SAJ,
26 that Gullit and others were waiting at Koba Water.

27 Q. Did you go to Koba Water?

28 A. Yes, we later -- myself and the troops who met, we returned
29 to Macdonald where we were based, and we moved the other day to

1 Koba Water.

2 Q. Did anyone stay in Macdonald?

3 A. No. The whole troops.

4 Q. What happened at Koba Water?

12:08:42 5 A. Well, while myself and the troops arrived, to my surprise,
6 what I saw, I saw Gullit was in full uniform of SAJ. He had a
7 helmet -- the helmet which SAJ had on. Then I saw SAJ CSO close
8 to Gullit.

9 Q. Remind us who the CSO was?

12:09:11 10 A. Lieutenant Colonel Alabama.

11 Q. Did you find out then what had happened to SAJ Musa, if he
12 was alive or dead?

13 [TB130605D 12.05 a.m. - AD]

14 MR FOFANAH: The question has been answered before. In
12:09:33 15 fact, he said he knew that SAJ Musa was dead at Benguema. In the
16 question subsequent to that the Prosecutor said, "When you
17 decided that SAJ Musa was dead," blah blah, blah. So I think
18 that question has been -- he said he knew that SAJ Musa was dead.

19 MS PACK: I'll move on.

12:09:58 20 Q. From Koba Water, did you go anywhere?

21 A. From before the troops -- before we left Koba Water there
22 were rumours going around, the soldiers they were grumbling that,
23 as I moved around between the soldiers I heard grumbling that
24 Gullit has killed SAJ Musa because he wanted power. That was
12:10:22 25 what the soldiers said; that was what they said as I went round.
26 "SAJ is dead because Gullit had killed him."

27 Q. Pause. Did you go anywhere from Koba Water?

28 A. Yes, from this point Gullit himself ordered -- he said that
29 the troops should go deep into the jungle within that area.

1 Q. How do you know that Gullit said this?

2 A. In fact, when I came to -- as I and the supervisor came to
3 decide where Gullit had been sitting with the other people, we
4 moved and said this was the festive season. The other time it
12:11:02 5 was the 24th, as far as I can remember. It the 24th of December.

6 Q. You're talking about the time at which these events were
7 taking place, the festive season. Just tell us now, what was the
8 date roughly you are talking about?

9 A. That particular date was on the 24th of December 1998.

12:11:28 10 Q. This was when you were in Cobra Water?

11 A. Yes.

12 Q. You said that Gullit said the troops should go into the
13 jungle. How do you know he said that?

14 A. I was standing with my Supervisor A, and he said now at
12:11:49 15 that time we did not engage any fighting, the troops would not
16 engage any fighting. They said we should go further into the
17 jungle and find a temporal base.

18 Q. Did you do that?

19 A. Yes. The whole troop moved in this temporal base.

12:12:05 20 Q. Did anything happen at the temporal base?

21 A. Yes.

22 Q. What happened?

23 A. Well, at this temporal base, at that moment, we celebrated
24 Christmas Eve. The Christmas at that temporal base, after which
12:12:27 25 Gullit called on the military supervisors.

26 Q. How do you know Gullit called on the military supervisors?

27 A. I myself was there. When he called on the -- he said they
28 should call on the operation commanders and the military
29 supervisors, and the military commanders and battalion commanders

1 to report.

2 Q. Did these individuals report to Gullit?

3 A. Yes.

4 Q. How do you know they reported to Gullit?

12:13:03 5 A. I, myself, was there where Gullit called them, with
6 supervisor A.

7 Q. What was said after Gullit called these individuals?

8 A. Gullit said, "Now, somebody had had a dream", which was one
9 lady.

12:13:35 10 Q. Who did he say this to?

11 A. I and the supervisors and the military commanders that were
12 standing.

13 Q. What did he say the dream was about?

14 A. Gullit said, "Well, now, this woman dreams that SAJ Musa
12:14:00 15 was crying as he was in his grave." He said SAJ was crying that
16 the troops did not relent and that the troops should advance to
17 Freetown.

18 Q. Did anything else happen at this point?

19 A. While he was saying that, he said from now on he was -- he
12:14:30 20 had taken the position of SAJ Musa and that he was lieutenant
21 general and Bazzy would still be brigadier general. While he had
22 appointed Five-Five -- sorry, he had promoted him to brigadier
23 and that he had also promoted Woyoh to brigadier.

24 Q. Pause. Just spell Woyoh; we have heard that lots of times
12:15:09 25 before, but could you spell it please?

26 A. W-O-Y-O-H.

27 Q. You are saying that Gullit promoted these individuals to
28 brigadier and himself to the position of lieutenant general. Now
29 you have identified as Bazzy as being promoted, Five-Five and

1 Woyoh. Was anybody else promoted by Gullit at this meeting you
2 are talking about?

3 A. Yes, My Lord.

4 Q. Who else?

12:15:46 5 A. He promoted the battalion commanders at that time to
6 colonel.

7 Q. Anyone else promoted?

8 A. The only thing -- last thing that he said was that the
9 second lieutenant, he said if the troops moved towards Freetown
12:16:15 10 they would become lieutenants while the lieutenants would become
11 captain and the captains would become majors. This was the
12 promise that he was going to give, but he did not make the
13 announcement for the promotion. He only approved of the senior
14 promotions.

12:16:33 15 Q. You have said that Gullit said he took the position of
16 SAJ Musa. Did he say anything else about positions of men under
17 him?

18 A. Yes, My Lord. He said now he was the chief in command.

19 Q. Did he say whether anyone, or who was directly under him?

12:17:02 20 A. Yes, he said Bazzy was the deputy chief in command.

21 Q. What were the words he used in relation to Bazzy at this
22 meeting by Gullit?

23 A. He said Bazzy was deputy, the second in command, and he was
24 to report to him directly.

12:17:33 25 Q. Did he say anything about who was to be third in command?

26 A. Well, the other appointment that he made, he made
27 Five-Five -- he promoted him, sorry, as Brigadier and chief of
28 staff, and also third in command.

29 Q. What were the words that were used in relation to Five-Five

1 at this meeting by Gullit?

2 A. He said, Five-Five was the chief of staff and he was the
3 third in command and also he had approved of his appointment as a
4 brigadier.

12:18:44 5 Q. Did he say anything about any body that he and the other
6 two you have just talked about were also members of?

7 MR FOFANAH: Your Honours, I object at this stage. It
8 seems our learned colleague has taken a consistent effort at
9 leading this witness throughout. Firstly, the witness has not
12:19:19 10 told this Court about the existence of any body. For my
11 colleague to infer that there was any such body and to invite the
12 witness to name soldiers who are members of this body is clearly
13 leading. That is my objection. At least, we are inviting our
14 colleague to refrain from leading the witness because we observe
12:19:48 15 that she has been doing that for quite some time.

16 PRESIDING JUDGE: Mr Pack, I noted that there was no prior
17 objection to leading questions, but there is an objection now and
18 it is a leading question.

19 MS PACK: Thank you, Your Honour.

12:20:14 20 Q. Witness, did Gullit say anything else about who was to be
21 under the individuals you have already named -- himself, Bazzy
22 and Five-Five -- in the organisation of men?

23 MS THOMPSON: That is leading. There is a better way of
24 framing the question. We don't know whether there were any other
12:20:48 25 people under these people that the witness has named.

26 MS PACK:

27 Q. Witness, I want you to go through each of the appointments,
28 if any, that were made at this meeting with Gullit and the
29 individuals you have identified. Now, you have identified Gullit

1 as the chief in command, you have identified Bazzy as the deputy
2 chief in command and you have identified Five-Five as the third
3 in command and the chief of staff. After those appointments were
4 made, do you recall any other appointments made? Please just go
12:21:24 5 through them one by one as you go down any structure.

6 A. Gullit also appointed Woyoh.

7 MS PACK: Pause. Spelt before, Your Honours, by the
8 witness -- W-O-Y-O-H.

9 Q. What did he appoint him to?

12:21:49 10 A. Director of operations.

11 Q. You have already said that he was also promoted to
12 brigadier?

13 A. Yes.

14 Q. What were the words used by Gullit about Woyoh at this
12:22:10 15 meeting?

16 A. Gullit said -- now, he was going to make a new appointment,
17 which was the D00, the director of operations. And, as I said
18 Woyoh was -- he had promoted him to brigadier and he was to
19 report directly to the chief of staff. He was in charge of all
12:22:37 20 operations.

21 Q. Pause; just remind us who the chief of staff was at this
22 time.

23 A. Brigadier Santigie Borbor Kanu, alias Five-Five.

24 Q. Going on, Witness, was there another appointment that was
12:23:00 25 made after the appointment of Brigadier Woyoh as the director of
26 operations under Five-Five -- another appointment that was made?

27 A. Gullit continued to say that the other appointments he made
28 to be the same. He only appointed the CS0, who was Alabama, to
29 become his new CS0.

1 Q. You have already identified Alabama as being, his full
2 name, Ali Touray.

3 A. Yes. And also the BFI; he said they should continue to
4 report directly to him as they used to report to SAJ.

12:23:53 5 Q. Pause a moment. The BFI -- who was that?

6 A. It was Lieutenant Colonel Konjor, who was promoted by
7 Gullit to a colonel.

8 Q. Now, Konjor; you have talked about him before, but just
9 spell that please for the Court.

12:24:28 10 A. K-O-N-J-O-R.

11 Q. Is this the same Konjor who was the battlefield inspector
12 in the earlier organisation of men under SAJ Musa?

13 A. Yes, My Lord.

14 Q. What was the words used in relation to Lieutenant Colonel
12:24:55 15 Konjor at this meeting by Gullit?

16 A. Gullit said the appointment of the BFI would remain the
17 same and the BFI should report directly to him, but he was
18 subordinate in rank to the deputy chief of command, the chief of
19 staff and the director of operations.

12:25:22 20 Q. Witness, you have said that the appointment remained the
21 same, but I would like you to go through each of them now so that
22 we are clear what each of the appointments are at this stage.
23 Earlier you have spoken about O-Five having a position in the
24 organisation of men. Would you please identify, was anything
12:26:18 25 said about O-Five in this meeting with Gullit?

26 A. As I said earlier on, he said the other appointments
27 remained the same and that O-Five, he was only promoted to
28 colonel and he still held the post of operation commander.
29 Foyoh, who was also appointed -- I mean, he also promoted him to

1 colonel and he still held the position of mission commander.

2 Q. Pause. Just spell Foyoh again, please, for the Chamber.

3 A. F-O-Y-O-H.

4 Q. What were the words used in relation to Foyoh at this
12:27:17 5 meeting?

6 JUDGE LUSSICK: Ms Pack, you have asked that question
7 several times. I think it is a pointless question. Either
8 Gullit is like SAJ Musa, who apparently refers to himself in the
9 third person, or the other alternative is that the words stated
12:27:38 10 by the witness were not in fact said by Gullit. Do you
11 understand what I am saying? Every time you ask him what were
12 the words used, he has Gullit speaking in the third person. So,
13 they weren't the words used. I am wondering the point of asking
14 him that question all the time when you don't insist that he
12:28:05 15 actually uses the words that Gullit used.

16 MS PACK: Well I will ask the witness to endeavour to do
17 so.

18 Q. Just on Foyoh, you have heard what His Honour said. I am
19 going to ask you again in relation to Foyoh if you were able to
12:28:24 20 remember the words used by Gullit please use them in the manner
21 that he spoke them as opposed to describing them in the third
22 person.

23 A. What I heard Gullit said, he said he had promoted Gullit to
24 colonel and that he was working with the operation commander.

12:28:48 25 JUDGE LUSSICK: All right, the Court is entitled to view
26 that type of evidence in two ways: Firstly, that Gullit refers
27 to himself in the third person, or the alternative possibility is
28 that they were not the words used by Gullit.

29 MS PACK:

1 Q. Witness, if you understand what I mean when I am asking you
2 the question, "What did Gullit say?", I am asking you to repeat
3 what he said, whether he used the words "I did this", "I did
4 that", "I appoint", or "I promote", or whether he used the words
12:29:27 5 "He promoted", "He appointed" and so on. Perhaps if I can just
6 ask you to identify what you mean to say. Do you mean to say
7 that he said he had promoted Colonel Foyoh, or did he say "I
8 promote"? Just explain for the Court please.

9 A. Gullit said, "I have promoted", "I have approved the
12:29:54 10 promotion", "I myself have approve the promotion."

11 MS THOMPSON: Your Honour --

12 PRESIDING JUDGE: Sorry, Ms Thompson, I cannot hear two of
13 you at once.

14 MS THOMPSON: Sorry, Your Honour. Before the witness
12:30:06 15 completes the answer, I object. I heard what he said and I heard
16 what the interpreter also said. What he said was in the third
17 person and what the interpreter interpreted in the first person.
18 For the interpreter's purposes, he said "He say", and the
19 interpreter said "I".

12:30:24 20 PRESIDING JUDGE: Mr Witness, repeat exactly what you said,
21 and Mr Interpreter, interpret it exactly as said.

22 THE WITNESS: Gullit said, "I, Gullit have approved the
23 appointment of Foyoh", I mean "The promotion of Foyoh as a
24 colonel and that he still holds the appointment as mission
12:30:59 25 commander."

26 MS PACK:

27 Q. Did he say anything in relation to Foyoh, about whom he was
28 either subordinate or superior to in the organisation of men?

29 A. Yes.

1 Q. Before I ask you to tell us what he said, I would ask you
2 again, Witness, to use the words that he used in the form he used
3 them. Do you understand what I mean by that?
4 A. Yes, My Lord.

12:31:42 5 Q. Go on please, to just tell us what Gullit said in relation
6 to where he was, who was subordinate or superior to him.
7 A. He said, "I, Gullit, have approved the promotion of Foyoh
8 as a colonel and he was to report directly to the operation
9 commander as mission commander."

12:32:13 10 Q. Witness, in relation to Woyoh, who you have identified, the
11 director -- my apologies, you have identified Woyoh as the
12 director of operations; you have identified the battlefield
13 inspector; you have identified O-Five as the operation commander.
14 Now, Witness, I want to ask you in relation to him, what were the
12:33:30 15 words used by Gullit in relation --
16 PRESIDING JUDGE: Ms Pack, who is "him"?
17 MS PACK: O-Five.

18 Q. The words used in relation to O-Five by Gullit at this
19 meeting -- and if you could use the words in fact used by Gullit
12:33:47 20 at this time.
21 A. Gullit said, "I, Gullit, have made the appointment -- have
22 appointed the promotion of O-Five from lieutenant colonel to
23 colonel and he still has the appointment of operation commander."
24 Q. Did he say anything about whether O-Five was subordinate or
12:34:23 25 superior to anyone in the organisation of men?
26 A. Yes.
27 Q. What did he say? And, please, again remember as far as you
28 can to use the words that were used by Gullit on this occasion.
29 A. He said, now as he had appointed Woyoh as the director of

1 operation, Colonel O-Five should report to Woyoh.

2 Q. Now, Witness, you have spoken before about battalions, and
3 I want to go through the battalions at this stage and how they
4 were set up. Was there still a first battalion at this point?

12:35:32 5 A. After the death of SAJ and going into that jungle, Gullit
6 had just said that the battalions remain the same.

7 Q. Gullit said that, did he, at this same meeting that you are
8 talking about?

9 A. Yes.

12:35:50 10 Q. I want to go through the battalions and ask you to identify
11 who was in command of each of them. Was there a 1st Battalion
12 still from before?

13 A. Yes. The first --

14 Q. Do you remember who had been the commander of the 1st
12:36:11 15 Battalion?

16 A. Well, in that place, the commander, who was Lieutenant
17 Colonel Tito, was promoted to colonel and he still remained as
18 the 1st Battalion commander.

19 Q. I am going to ask you to spell Tito. You have before, but
12:36:46 20 please spell it.

21 A. T-I-T-O.

22 Q. Witness, was there still a 2nd Battalion?

23 A. Yes, there was a 2nd Battalion. Gullit --

24 Q. Witness, who was the commander of the 2nd Battalion?

12:37:14 25 A. Lieutenant Colonel Kallay.

26 Q. Spell Kallay. You have done it before, but do it again
27 please.

28 A. K-A-L-L-A-Y.

29 Q. This is another of the battalion commanders you have given

1 evidence already who was promoted to colonel by Gullit.
2 A. Yes, My Lord.
3 Q. Was there a 3rd Battalion?
4 A. Yes.
12:37:46 5 Q. Who was in command of that?
6 A. The commander for the 3rd Battalion was Colonel Osman
7 Sesay, alias Changabulanga.
8 Q. We have already had that, but I am going to ask you to
9 spell "Osman Sesay".
12:38:10 10 A. O-S-M-A-N, Osman; S-E-S-A-Y, Sesay.
11 Q. And Changabulanga? You have spelt it before, but please do
12 it again.
13 A. C-H-A-N-G-A-B-U-L-A-N-G-A.
14 Q. Thank you, Witness. Was there a 4th Battalion?
12:38:52 15 A. Yes.
16 Q. And who was the commander of that?
17 A. Lieutenant Colonel Bulldoze, Foday Marah.
18 Q. Is this the Foday Marah who came with SAJ Musa, or the
19 Foday Marah who was around earlier?
12:39:18 20 A. Yes, My Lord.
21 Q. Which one?
22 A. The one to came with SAJ, Foday Marah.
23 Q. Was there a 5th Battalion still?
24 A. Yes.
12:39:42 25 Q. Who was in command of that?
26 A. Colonel Saidu Kambolai, alias Basky.
27 Q. Now, you have spelt this before, but have another go at
28 spelling that please. Saidu Kambolai, also known as Basky.
29 A. Saidu is S-A-I-D-U; K-A-M-B-O-L-A-I.

1 Q. And Basky?

2 A. It is B-A-S-K-Y.

3 Q. Thank you, Witness. Was there a 6th Battalion at this

4 point?

12:40:42 5 A. Yes. There was a 6th Battalion, but I cannot remember the

6 commander.

7 Q. And did the 6th Battalion remain?

8 A. Yes, it remained.

9 Q. Was there the Red Lion Battalion still?

12:41:16 10 A. Yes, My Lord.

11 Q. Do you remember who the commander of that was?

12 A. Yes, Med Bajehjeh.

13 Q. Would you just spell that? We have had it this morning,

14 but spell that for Their Honours.

12:41:39 15 A. M-E-D B-A-J-E-H-J-E-H.

16 Q. Was there still the RDF Battalion?

17 A. Yes, My Lord.

18 Q. And who was in command of that?

19 A. NPFL. Because they had shot Terminator, so the appointment

12:42:28 20 was given to NPFL.

21 Q. Pause a moment. You have identified NPFL already. Was he,

22 like the other battalion commanders, promoted to colonel on this

23 occasion?

24 A. Yes, My Lord.

12:42:48 25 Q. You have said he was appointed in place of Terminator.

26 When was he appointed?

27 A. Yes. Well, it was Gullit that appointed him.

28 Q. Where?

29 A. At the jungle, just after Koba Wata.

1 Q. Was it the same location you are talking about in relation
2 to the other appointments?
3 A. Yes, My Lord.
4 Q. What were the words used by Gullit in relation to NPFL?
12:43:26 5 And remember, as I said before, to try and use the form of the
6 words by Gullit on this occasion.
7 A. Gullit said, "I, Gullit, have approved the appointment of
8 NPFL as the commander of the RDF Battalion."
9 Q. Did Gullit say anything about who these battalion
12:44:07 10 commanders were subordinate or superior to in the organisation of
11 men at this meeting that you are talking about?
12 A. Before he said that he made another appointment, which was
13 a task force commander, who was Colonel Junior Lion, George
14 Johnson.
12:44:34 15 Q. Pause a moment. Did Junior Lion keep the same rank that he
16 had had previously?
17 A. Yes, he was promoted to colonel.
18 Q. What were the words used in relation to George Johnson,
19 also known as Junior Lion, by Gullit at this meeting?
12:45:03 20 A. Gullit said, "I, Gullit, have appointed Junior Lion to the
21 position of commander of task force."
22 Q. Did he say anything about who Junior Lion, George Johnson,
23 was to be superior to or subordinate to in the organisation of
24 men?
12:45:34 25 A. All he said was that after he had made the appointment, --
26 I would say what he said, it concerned the commanders. Because
27 the last appointment, as far as I can remember, is that the
28 military police division, because since we had lost Colonel
29 King --

1 Q. Pause a moment. Just before we get on to King and the
2 military police division, I just want to ask you in relation to
3 George Johnson, also known as Junior Lion, whether Gullit said
4 anything about whether he was superior or subordinate to anyone
12:46:19 5 in the organisation of men.
6 A. Yes.
7 Q. What did he say -- and please use the form of the words
8 that he used if you can?
9 A. Gullit said, "I, Gullit, have appointed Junior Lion to the
12:46:35 10 position of task force commander," and also that he should report
11 directly to the chief of staff, who was Five-Five.
12 Q. Witness, you started off by telling us something about the
13 military police division. What was said about that at this
14 meeting?
12:47:25 15 A. Gullit said he, Gullit, had approved the appointment of
16 Colonel Ibrahim, alias Road Block.
17 Q. Spell that again. We have had that before, but can you
18 spell "Ibrahim" for the Chamber?
19 A. I-B-R-A-H-I-M, Ibrahim.
12:47:50 20 Q. Also known as Road Block, no need to spell that.
21 A. R-O-A-D, road; B-L-O-C-K, block.
22 Q. Thank you, Witness. Could you tell, please, the Chamber
23 what it is that was said by Gullit in relation to Colonel
24 Ibrahim, also known as Road Block, at this meeting?
12:48:21 25 A. Yes. Gullit said, "I, Gullit, have approved the
26 appointment of Colonel Road Block as the military police
27 commander and he should report to the chief of staff."
28 PRESIDING JUDGE: Who has a mobile phone? Possibly I am
29 hearing the interpreters'; I apologise. Ms Pack, we are

1 approaching the lunchtime adjournment. Have you any more
2 questions in this line of evidence or the witness's evidence?
3 MS PACK: I have on this line, but --
4 THE INTERPRETER: Your microphone is not on.
12:49:33 5 MS PACK: Thank you. I have along this line, but it is on
6 the broad organisation of men, not in relation to this specific
7 individual. So, now would be a convenient time.
8 PRESIDING JUDGE: Thank you, Ms Pack. In light of that, I
9 ask Mr Court Attendant to adjourn Court until 2.15 p.m.
12:50:24 10 [Luncheon recess taken at 12.45 p.m.]
11 [TB130605E-SGH]
12 [Upon commencing at 2.20 p.m.]
PRESIDING JUDGE: MS Pack, I note Mr Hodes is with you this
14 morning. Just for purposes of record, have you taken Ms Taylor's place
14:25:01 15 or is this a temporary arrangement? Or should I amend the record in any
16 way?
17 MR HODES: I have taken Ms Taylor's place, Your Honour.
18 PRESIDING JUDGE: Thank you, I will record that. Ms Pack,
19 please proceed.
14:25:12 20 MS PACK:
21 Q. Witness, before we broke off for lunch, I was asking you
22 about the meeting in which Gullit was identifying various
23 appointments and I was asking you about the battalion commanders.
24 Witness, you told us the battalions remained the same. At this
14:26:07 25 meeting did Gullit say anything about who the battalion
26 commanders were to be subordinate or superior to?
27 A. Yes.
28 Q. What did he say - and if you could use the words that were
29 used by Gullit so far as you remember them?

1 A. He said, "I, Gullit, as I have as I have appointed you to
2 the various battalions, so you should report directly to the
3 operation commander."

4 Q. Just remind us who that was again; the operation commander?

14:27:09 5 A. Colonel O-Five.

6 Q. Do you know, Witness, how many men were in each battalion?

7 A. Well, what I knew before, the battalion had more than 100
8 manpower.

9 Q. How did you know this?

14:27:40 10 A. Well, since the formation which SAJ brought in the
11 battalion, as men were distributed the number of individuals in
12 the various battalions increased.

13 Q. How did you know how many were in each battalion?

14 A. Well, I, myself, served as battalion IO, that is
14:28:13 15 intelligence officer. So I knew about the administration of the
16 battalion.

17 MS PACK: Your Honour, for the sake of caution, I would ask that a
18 certain portion of the transcript be redacted when it comes to releasing
19 the transcripts to the public and that will be the last answer for the
14:28:38 20 witness. I am concerned about his identity being revealed to the
21 public.

22 PRESIDING JUDGE: It is not an application I have head
23 before, Ms Pack, but I have no doubt that the people in the
24 transcript unit would know what to do. But before I actually
14:28:54 25 make any ruling, have the Defence any comment on the application
26 by the Prosecution?

27 MS PACK: It is a redaction from the public record I would
28 be seeking effectively just so that goes in under seal or in
29 closed session.

1 MS THOMPSON: Your Honour, I am not sure what purpose that
2 is going to serve. This is a witness who has told us a lot about
3 himself. Okay, he has identified certain people he works with
4 and I doubt whether that is going to identify him. I am not
14:29:19 5 sure -- it is an unusual application, I am not sure it is in
6 place. He hasn't identified himself and I doubt whether that is
7 going to identify him at all.

8 PRESIDING JUDGE: As Justice Lussick has pointed out, we
9 have not asked what the witness has to say about this either.
14:29:36 10 Ms Pack, is this an application on instruction?

11 MS PACK: Your Honour, if you recall, we were in closed
12 session at the very beginning of this witness's testimony and one
13 of the matters that the witness for security reasons -- that the
14 Prosecution sought to have heard in closed session was the
14:29:56 15 specific job description effectively or role or position held by
16 the witness in various command structures. Now, the witness has
17 just identified a specific position that he held in public and it
18 is the Prosecution who makes an application. This is a common
19 application made in other of the ad hoc tribunals. Just simply,
14:30:20 20 when this transcript is released to the public, as it will be,
21 that this last answer be taken out of the public version of the
22 transcript so that it can't be read over and over again so as to
23 identify this witness because he has identified this specific
24 position. I am making this application because of concerns to
14:30:37 25 protect the witness's identity being revealed to the public.

26 MR FOFANAH: May it please Your Honours, I think the
27 witness has before identified himself in the position of
28 Regimental Sergeant Major and -- yes, I stand guided by the
29 records, RSM, and no such application was made. Especially when

1 he was promoted, he said he was promoted at some point to second
2 lieutenant from RSM.

3 MS PACK: Your Honour, it is not a frivolous application, I
4 make it because I am concerned about the witness.

14:31:13 5 PRESIDING JUDGE: I don't suggest for a moment that it is.

6 MS THOMPSON: Your Honour, if I could just add to what I
7 said earlier. The witness did not specify which battalion, he
8 said a battalion and there are various -- he has named, I think,
9 six battalions. It is very unlikely to identify him.

14:31:26 10 JUDGE LUSSICK: The person to ask whether that is likely to
11 identify him or not is the witness himself. He is the one who
12 gave the evidence.

13 MS PACK: I would be grateful if I could ask him. I am
14 acting -- the Prosecution has to act on any concerns for
14:31:45 15 security, but if I can ask the witness whether he thinks what he
16 just said.

17 Q. Witness, the answer you just gave us to your position
18 held at the time, is that an answer that if known to the
19 public might reveal your identity?

14:32:13 20 A. Well, no. This particular answer -- that's why I have
21 never shown the battalion.

22 MS PACK: I am grateful to the witness for that answer. I can
23 leave it in that case. I am grateful, Your Honours.

24 Q. Witness, the battalion you have identified as Red Lion
14:32:45 25 Battalion, is there anything you can recall specifically about
26 the men who were in that battalion? I am not asking about
27 nationality or which groups they were from, but anything else
28 you recall about them?

29 A. Yes.

1 Q. And what is that, witness?

2 A. This Red Lion Battalion had a piece of cloth they tied on

3 their heads. In some of those cloths they wrote Burkinabe and

4 others NPFL.

14:33:26 5 Q. Pause a moment. Can we just spell Burkinabe, please?

6 A. B-U-R-K-I-N-A-B-E.

7 Q. And NPFL, was that the other?

8 A. Yes, NPFL.

9 Q. Were there any other writings on the tied cloth on their

14:33:53 10 heads?

11 A. Yes, RUF.

12 Q. Anything else?

13 A. As far as I can recall are what they put round their heads

14 with writings that I have explained to you.

14:34:24 15 Q. Witness, you have given evidence before about a deputy

16 operation commander. Was there a deputy operation commander

17 still in this structure under Gullit?

18 A. Yes.

19 Q. Who was that?

14:34:59 20 A. It was -- it was Colonel Sheriff. Junior Sheriff.

21 Q. Was this a new appointment or was it the same as before?

22 A. This was an appointment that was made at Colonel Eddie

23 Town. And it was only -- he did an approval in the jungle.

24 Q. By in the jungle you mean at this location you are talking

14:35:31 25 about?

26 A. Yes.

27 Q. Just remind us where that was near?

28 A. Koba Wata.

29 Q. Now, you spoke earlier this morning about a G4 commander.

1 Was there a G4 commander still?

2 A. Yes, My Lord.

3 Q. Who was that?

4 A. Colonel Foday Bah Marah, also known as Bulldoze.

14:36:23 5 Q. Witness, just remind us again, there are two Foday Bah
6 Marahs. Is this the Foday Bah Marah who came with SAJ Musa or
7 the other one. I am sorry, there is a Foday Marah and a Foday
8 Bah Marah. Is this the Foday Marah who came with SAJ Musa or the
9 other one?

14:36:40 10 MR FOFANAH: Your Honours, I object to that. I think the question
11 should be put who this Foday Bah Marah is because Foday Bah Marah and
12 Foday Marah are not one and the same suggesting variation; it is clearly
13 leading.

14 MS PACK: I am not suggesting they are the same. The
14:36:57 15 witness said earlier there were two; one is called Foday Marah
16 and the other is Foday Bah Marah, and I have asked him before to
17 clarify. There is one that came with SAJ Musa, the other didn't.

18 It is simply just --

19 PRESIDING JUDGE: It is leading, Ms Pack, please re-phrase.

14:37:00 20 MS PACK:

21 Q. Witness, how long had Foday Bah Marah been with you?

22 A. Since the jungle started.

23 Q. And you have spelt this many times, but if you just spell
24 Foday Bah Marah for the Chamber, please.

14:37:33 25 A. F-O-D-A-Y, Foday. B-A-H, Bah. M-A-R-A-H, Marah.

26 Q. Was this appointment, the position of Foday Bah Marah as G4
27 commander, was that a new appointment?

28 A. No. No.

29 Q. When had that appointment been made?

1 A. It was at Colonel Eddie Town this appointment was made.
2 Q. Do you know if the deputy operation commander or to whom
3 the deputy operation commander in the organisation of men was
4 either subordinate or superior?
14:38:48 5 A. Yes.
6 Q. How do you know this?
7 A. Well, as Gullit was making his appointment, he made it
8 clear that the deputy operation commander should report to the
9 deputy commander.
14:39:19 10 Q. What were the actual words used by Gullit, if you could use
11 the actual form of the words used, please, Witness?
12 A. He said, "I, Gullit, as I have appointed Junior Sheriff and
13 promoted him to a colonel and appointed him as the deputy
14 operation commander, he is going to work under the operation
14:39:40 15 commander."
16 Q. Witness, you have spoken before about a brigade
17 administration. Was there still a brigade administration at this
18 point?
19 A. Yes. There was in existence the brigade administration.
14:40:37 20 Q. Were there any changes made to the brigade administration
21 by Gullit at this meeting?
22 A. Well, the only changes that occurred, Colonel Eddie became
23 a commandant, camp commandant. And the brigade IO, had
24 Lieutenant Colonel Sammy --
14:41:12 25 Q. Pause a moment, please. I am going to break that down.
26 You said Colonel Eddie became camp commandant. When did this
27 change occur?
28 A. Well, the appointment happened at Colonel Eddie Town as
29 camp commandant. He continued to hold that position and Gullit

1 approved that as he was announcing his -- members of his
2 administration. The only new appointment was that of the brigade
3 RSM.

4 Q. Witness, tell the Chamber, please, the words that were used
14:42:14 5 by Gullit in relation to Colonel Eddie's appointment or approval
6 of the appointment to camp commandant, please?

7 A. He said, "I, Gullit, have approved of the appointment and
8 promotion of colonel Eddie and he will still continue to hold the
9 position as brigade commandant". Camp commandant, I'm sorry.

14:42:49 10 Q. Now, you also said that another change that was made was
11 that the brigade IO was Lieutenant Colonel Sammy. What does IO
12 stand for?

13 A. The intelligent officer.

14 Q. Would you spell Sammy, please, for the Chamber?

14:43:21 15 A. S-A-M-M-Y.

16 Q. How long had Lieutenant Colonel Sammy been with you?

17 A. Since the start of the jungle.

18 Q. What did Gullit say in relation to Lieutenant Colonel Sammy
19 in the jungle near Koba Wata?

14:44:03 20 A. He said, "I, Gullit, pleased to explain to -- I approve the
21 promotion of Sammy from major to lieutenant colonel and also --
22 and also he shall continue to hold the appointment of the
23 brigade, that is IO."

24 Q. Witness, just so that we are clear, would you name, please,
14:44:45 25 the names of members of the brigade administration at this time?

26 A. Yes. You had brigade adjutant, Lieutenant Colonel Charles.

27 Q. Pause a moment. Who else?

28 A. You had the Brigade Administrator Colonel FAT Sesay.

29 MS PACK: Your Honours have heard that before. It is just the

1 initials F-A-T and then Sesay, S-E-S-A-Y.

2 Q. Who else?

3 A. And you had a brigade RSM.

4 Q. Remind us who that was.

14:45:56 5 A. This was late Fasuluku, but he had died. Another person

6 was appointed, but I have forgot his name. Formerly Fasuluku was

7 the brigade RSM, but he died on the way. So, another person was

8 appointed as brigade RSM, I have forgotten that person's name.

9 Q. Pause. Would you just spell Fasuluku for the record,

14:46:11 10 please.

11 A. F-A-S-U-L-U-K-U.

12 Q. Can you name other members of the brigade administration at

13 this point?

14 A. Gullit himself was there of the brigade administration.

14:46:52 15 Q. How do you know that?

16 A. Well, this was through the appointment that he made and he

17 made it very clear.

18 Q. Do you recall the words used by Gullit in relation to his

19 being head of the brigade administration?

14:47:11 20 A. Yes.

21 Q. What were the words used, and please use the form of the

22 words used?

23 A. He said, "I, Gullit, now -- I am now lieutenant general".

24 He said, "And I am the head of the brigade and I am the chief in

14:47:50 25 command and head of the brigade administration."

26 Q. Who were the other members of the brigade administration?

27 A. You had the Deputy Chief-in-Command Ibrahim Bazy Kamara.

28 Q. How do you know he was a member of the brigade

29 administration?

1 A. Gullit clearly stated it out as he was naming his
2 administration.
3 Q. Were there other members of the brigade administration?
4 A. Yes.
14:48:33 5 Q. Who?
6 A. You had a third in command, Chief-of-Staff Brigadier
7 Santigie Borbor Kanu, alias Five-Five.
8 Q. Who else?
9 A. You had Brigadier Woyoh. He was the director of
14:48:59 10 operations.
11 Q. Who else?
12 A. And you had the military supervisors.
13 Q. Who else?
14 A. You had the head of the military police.
14:49:22 15 Q. Who was that?
16 A. And Colonel Road Block Ibrahim. Alias Road Block.
17 MS PACK: We heard that this morning already, Your Honours.
18 I-B-R-A-H-I-M, Road Block.
19 Q. Anyone else?
14:49:50 20 A. You had the brigade task force commander. He was a member
21 of the brigade administration.
22 Q. Anyone else who you recall?
23 A. These are the people that I know. These are the people I
24 have named.
14:50:47 25 Q. Witness, was anything said by Gullit at this meeting about
26 who the brigade adjutant would be superior or subordinate to in
27 the organisation of men?
28 A. Yes.
29 Q. What was said?

1 A. He said as he, Gullit, had made the appointment -- I mean
2 he had approved the appointment of the adjutant, the adjutant
3 should report to the chief of staff.

4 Q. Was anything said at this meeting about to whom the brigade
14:51:37 5 administrator, Colonel FAT Sesay, was to be subordinate or
6 superior?

7 A. Yes.

8 Q. What was said?

9 A. Gullit also said Colonel FAT should report to the chief of
14:51:58 10 staff.

11 Q. And in relation to the brigade RSM, remind us who that was,
12 please. You have given a name in relation to the brigade RSM,
13 was anything said about to whom he should be either subordinate
14 or superior?

14:52:34 15 A. Yes.

16 Q. What was said?

17 A. Gullit said the brigade RSM should report to the camp
18 commandant.

19 Q. And that is the man you have identified as Colonel Eddie?

14:53:10 20 A. Yes. I just want to include the operation commander. He
21 was also a member of the brigade administration. That is the
22 operation commander.

23 Q. Thank you, Witness. When you were listing the members of
24 the brigade administration you also identified Colonel Ibrahim,
14:53:35 25 alias Road Block, as a member of that administration and head of
26 the military police. Witness, was anything said that you recall
27 about to whom Colonel Ibrahim should be subordinate or superior
28 in the organisation of men?

29 A. Yes.

1 Q. What was said?

2 A. Gullit has approved his appointment, he said he should
3 report to the chief of staff.

4 Q. Witness, you have identified military supervisors as having
14:54:26 5 been in the brigade administration and I would ask you now to
6 identify who they were. The first question, were there any
7 changes in the appointment of military supervisors by Gullit at
8 this meeting?

9 A. Well, yes.

14:54:35 10 Q. What were the changes?

11 A. Since Colonel Terminator was wounded, Gullit also appointed
12 him as military supervisor. And also Colonel Rhino, Gullit also
13 appointed him as a military supervisor.

14 Q. I am just going to ask you about Colonel Terminator. Just
14:55:23 15 remind us again of his full name.

16 A. Lamin Sidique.

17 Q. Would you spell that, please, for the Chamber?

18 A. L-A-M-I-N, Lamin. Sidique. S-I-D-I-Q-U-E.

19 Q. What were the words used in relation to Lamin Sidique,
14:55:56 20 alias Terminator, at this meeting?

21 A. Gullit said he was pleased to appoint Lamin Sidique,
22 Colonel Lamin Sidique, as one of brigade supervisors.

23 Q. What were the words used in relation to Colonel Rhino and
24 his appointment as a military supervisor?

14:56:34 25 A. He said, "I, Gullit, have approved the appointment and I am
26 also pleased to appoint Colonel Rhino to be a military supervisor
27 since Rhino was wounded.

28 Q. Who was wounded?

29 A. Also Colonel Rhino was wounded. He had a serious injury as

1 he was moving to Tombo.

2 Q. Witness, I am going to ask you who the other military
3 supervisors were. Just start with the first one that you
4 remember.

14:57:18 5 A. Super -- colonel, Colonel Supervisor A.

6 Q. This is the man who previously was known as Operation
7 Commander A; is that correct?

8 A. Yes. Yes, My Lord.

9 Q. Any others?

14:57:57 10 A. Colonel Ibrahim Bioh Sesay.

11 Q. That is I B R A H I M, Ibrahim. Bioh, B-I-O-H. Sesay,
12 S-E-S-A-y. Anyone else?

13 A. Colonel Abdul Sesay.

14 MS PACK: That has been spelt before, Your Honours. A-B-D-U-L,
14:58:23 15 Sesay, S-E-S-A-Y. Anyone else, Witness.

16 A. Colonel Gold Teeth.

17 MS PACK: And that has been spelt before, Your Honours.

18 Q. Anyone else?

19 A. Colonel --

14:58:54 20 MS PACK: I am waiting for a translation of that.

21 THE WITNESS: Colonel Adamu, alias Chicken Soup.

22 MS PACK: That was spelt this morning, Your Honours.

23 Q. Did Gullit say anything about to whom these military
24 supervisors were to be either subordinate or superior in the
14:59:23 25 organisation of men?

26 A. Yes.

27 Q. What did he say?

28 A. Gullit said as he Gullit has appointed these supervisors,
29 they should report to him.

1 Q. Witness, after this meeting, what did you do?
2 A. Well, after this meeting and later we -- I and the rest of
3 the troops pushed further into the jungle.
4 Q. Where did you go?
15:00:42 5 A. Well, it was a jungle close to York.
6 Q. Spell York.
7 A. Y-O-R-K.
8 Q. Before you set off to the jungle close to York, did
9 anything else happen in the base you were in near Koba Wata that
15:01:07 10 you recall?
11 A. Yes.
12 Q. What happened?
13 A. Gullit said we should make a sacrifice and sprinkle water
14 on everybody.
15:01:29 15 Q. Did that happen?
16 A. Yes.
17 Q. Did anything else happen round this time when you were
18 still in the jungle around Koba Wata before you set off to York?
19 A. Well, as far as I can remember it was a sacrifice. We
15:02:01 20 don't go further into deep into the jungle closer to York.
21 Q. How many of you -- do you know how many of you set off
22 towards York?
23 A. It was the whole troop.
24 Q. Are you able to estimate how many of you there were?
15:02:28 25 A. Well, when Gullit was speaking he said he had about 1,500
26 manpower. That is what he said, the manpower was 1,500.
27 Q. Did you arrive at York?
28 A. No.
29 Q. What happened?

1 A. Well, as we were in the jungle I, and the remaining troops,
2 were in the jungle Gullit called the director of operations and
3 in turn called the military supervisors and from there he called
4 on the operations commander and said now, as York was closer, the
15:03:28 5 troops should go there and hit York so that we can distract the
6 ECOMOG's attention.

7 Q. Pause a moment. How do you know that Gullit said these
8 things to these people?

9 A. Well, it was right in front of me. I was standing there.
15:03:51 10 I stood there with my Supervisor A.

11 Q. Did anything happen after Gullit said these things?

12 A. Yes.

13 Q. What happened?

14 A. In turn appointed the -- the operations commander called on
15:04:15 15 the deputy operations commander and appointed him to lead the
16 operation to York. In fact, he called the operation food-finding
17 operation.

18 Q. Do you know what happened on that operation?

19 A. Yes.

15:04:31 20 Q. How do you know?

21 A. I myself joined and I went with the operations commander to
22 York.

23 Q. What happened on the operation?

24 A. In that operations it was unsuccessful and we lost. As we
15:04:51 25 went we lost the brigade -- the mortar commander, who was in
26 charge of the artillery -- sorry, the artillery commander who was
27 Major Lagah.

28 Q. We have heard that name before, but please spell it for
29 their Honours.

1 A. L-A-G-A-H. Lagah.

2 Q. After the operation on York, where did you go?

3 A. Well, indeed as -- we tried the enemies and we were

4 unsuccessful and the artillery commander was killed. We

15:05:36 5 retreated back to our temporary base.

6 Q. Where was that?

7 A. Which was closer to York. The jungle inside York.

8 Q. Did you stay there?

9 A. Well, as I and the other troops and the deputy operations

15:06:00 10 commander we are returning, at that time Gullit advised that now

11 that he has located us in that position, the troops should move.

12 We shall move towards Hastings.

13 Q. How do you know he advised this?

14 A. Well, this as the deputy operations commander I came

15:06:23 15 together with him and I heard him giving the report on the

16 operations. Immediately, Gullit said now the position has been

17 located so the troops shall depart towards Hastings.

18 Q. Did you get to -- what happened, did you go to Hastings?

19 A. The entire troop moved towards the jungle at Hastings.

15:06:50 20 Q. When you got there, what did you do?

21 A. Well, whilst the troops were at Hastings there was hunger

22 in the camp because there was no food. There was hunger in the

23 camp. So Gullit called the director -- also the director of

24 operations and the military supervisor, the battalion commanders

15:07:18 25 and told them that now the troops shall go back and hit Waterloo

26 for the second time.

27 Q. How do you know that Gullit said these things to these

28 people?

29 A. This was right in front of me. And, in fact, before we

1 left that jungle -- sorry, towards Hastings Gullit mounted up the
2 set.

3 [TB130605F - EKD]

4 Q. This was before you set off to the jungle outside Hastings,
15:08:24 5 is it?

6 A. Yes.

7 Q. Where were you when Gullit mounted the set?

8 A. I was with Supervisor A and as we came, when deputy
9 operations gave the report, Gullit mounted the set.

15:08:50 10 Q. Was this before or after you set off from Koba Wata, the
11 jungle outside Koba Wata?

12 A. It was after Koba Wata and after the operation in York that
13 Gullit mounted up the set.

14 Q. The temporal base was situated where, near which town or
15:09:20 15 village?

16 A. The temporal base where the set was mounted. Which of the
17 two?

18 Q. Yes, the temporal base where the set was mounted.

19 A. Closer to York village.

15:09:39 20 Q. What happened when Gullit mounted the radio set?

21 A. Immediately Gullit channeled and told the operation to
22 channel Kailahun.

23 Q. What happened?

24 A. And they called on Mosquito through --

15:10:00 25 Q. How do you know they called on Mosquito?

26 A. It was right in my presence with Supervisor A. And as they
27 called the call sign -- Gullit called the call sign, he had an
28 immediate response.

29 Q. What was said, do you recall, during that communication?

1 A. Well, Gullit said now he wanted to head for Freetown but he
2 lacked logistics, he lacked arms and ammunition and he needs a
3 reinforcement to Freetown.

4 Q. Was anything said in reply?

15:10:49 5 A. Well, what I heard, Mosquito stressed on where SAJ was, but
6 later as I and the others were listening to KISS 104 in Bo, they
7 talked about SAJ Musa's death. So this was known to the entire
8 nation that SAJ was dead.

9 Q. Was anything said in reply to what Gullit had said in his
15:11:27 10 radio communication?

11 A. Yes, Mosquito said he is sending a reinforcement to join us
12 to enter in to Freetown.

13 Q. Did Gullit speak to Mosquito again after this on the radio?

14 A. Well he only told him that he will be giving him
15:12:14 15 information as how the troops are faring on. That is what Gullit
16 told Mosquito. And later they put off the set and the troops
17 left for Hastings jungle.

18 Q. Did anyone else speak to Mosquito or anyone else on the
19 radio on this occasion?

15:12:43 20 A. No, it was only Gullit who spoke to him.

21 Q. Now, you said you were at the time in the jungle near York
22 and then you said after that you moved towards Hastings earlier
23 and while you were in the jungle outside Hastings there was no
24 food. What happened after that?

15:13:26 25 A. In fact, immediately Gullit called the director of
26 operations and also he called on the operations commander,
27 military supervisors and battalion commanders, he said, "Now, as
28 we have a shortage of food, the troops should go back and attack
29 Waterloo."

1 Q. Pause. How do you know he said those things to those
2 people?

3 A. It was right in front of me. I was standing there while he
4 was saying this.

15:13:59 5 Q. After Gullit said these things what then happened?

6 A. And the operation took place and this time it was Colonel
7 Basky who led the operation to -- that was the second time in
8 Waterloo.

9 Q. Just spell Basky for us, please, witness.

15:14:24 10 A. B-A-S-K-Y.

11 Q. How do you know that he led the operation?

12 A. I myself went with him cause there was hunger in the camp,
13 especially the fighters. Everybody was hungry.

14 Q. What happened on this operation?

15:14:46 15 A. Well, the second -- that is, I and the troops that went to
16 attack Waterloo and at this time we looted -- we did heavy
17 looting of food and the --

18 Q. What happened after the attack on Waterloo?

19 A. Well, the ECOMOG forces retreated and we returned after
15:15:13 20 we've got enough food and we went back to the temporal base at
21 Hastings jungle.

22 Q. Did anything happen there when you returned there after the
23 attack on Waterloo?

24 A. Yes.

15:15:29 25 Q. What happened?

26 A. The set was mounted up as Basky gave the report to Mosquito
27 and to Gullit. The set was mounted up.

28 Q. Pause. How do you know that the set was mounted up?

29 A. I myself went there where the set was.

1 Q. What happened?

2 A. Well, whilst I was with Supervisor A, Gullit called -- this
3 time he called on Issa Sesay.

4 Q. How do you know he called on Issa Sesay?

15:16:11 5 A. Well, it was through the channeling and the call signs that
6 the radio man used.

7 Q. Did he get through to Issa Sesay?

8 A. Yes.

9 Q. What was said in their communication?

15:16:29 10 A. In fact, Issa said they have captured Kono and they are
11 heading towards Makeni. So they are on their way to reinforce us
12 to head for Freetown.

13 Q. After Issa Sesay said these things did Gullit say anything?

14 A. Well, Gullit said he's waiting on the reinforcement. We
15:16:59 15 were still hanging around for the reinforcement so that the
16 entire troop will enter Freetown.

17 Q. Were there any other radio communications made at this
18 point?

19 A. Yes.

15:17:18 20 Q. Who were they made to?

21 A. Gullit also called on Superman.

22 Q. How do you know he called on Superman?

23 A. Through the channeling and the call sign used -- that
24 Gullit used, sorry.

15:17:43 25 Q. Did he speak to Superman?

26 A. Yes.

27 Q. What was said in that communication?

28 A. Superman said his troops are moving towards Makeni. He
29 said but unfortunately the jet has bombarded some of his men. He

1 said but he promised to reinforce Gullit's position so that they
2 will enter Freetown.

3 Q. From where you were at this point in the jungle outside
4 Hastings where did you go?

15:18:20 5 A. Well, whilst we were in the jungle I and the other soldiers
6 observed that they were airlifting people to Hastings. We saw
7 the helicopter moving to Hastings with men. So Gullit said this
8 is an immediate opportunity to launch an operation at Hastings.

9 Q. Did you see what type of helicopter was moving to Hastings
15:18:49 10 with men?

11 A. Yes, it was clear as we were in the end. It was a combat
12 helicopter. That was the helicopter moving with the troops.

13 Q. As a result of this did you do anything?

14 A. Yes, immediately an operation was set.

15:19:13 15 Q. How do you know an operation was set?

16 A. In fact, this time the fighters were so willing that when
17 Gullit called on the military supervisors, he called on the
18 battalion commanders -- I mean, the men were all willing to
19 fight. So after which he called them and said the troops should
15:19:39 20 attack Hastings so that we can get more arms and ammunitions.

21 Q. How do you know Gullit said these things?

22 A. Well, I stood there, I was standing, I was very close to
23 the Operation Supervisor A while Gullit was saying this. So the
24 operation was planned.

15:20:00 25 Q. Did then an attack on Hastings take place?

26 A. Yes, My Lord.

27 Q. What happened on the attack?

28 A. Well, in Hastings I and the other troops and the men who
29 went, we captured Hastings and got enough arms and ammunitions.

1 And, in fact, the whole helicopter that we met, they were
2 completely burnt down. We set fire on them. We set fire on the
3 whole of Hastings.

4 Q. What happened to the arms and ammunitions that you
15:20:37 5 captured?

6 A. We moved the arms and ammunitions back to the jungle at the
7 position that is the Hastings jungle.

8 Q. Did anything else happen in Hastings on this attack?

9 A. Yes.

15:21:00 10 Q. What happened?

11 A. Well, whilst I and the other troops that were in the jungle
12 were resting, then we had a sudden attack from the enemy forces.

13 Q. And what happened after this sudden attack?

14 A. This attack we lost -- the troop lost senior commanders.
15:21:27 15 This attack we repelled -- the troops repelled the attackers.

16 Q. Did anything happen to Hastings itself?

17 A. Well, later at night, midnight, Gullit said the troops
18 should move direct to Hastings. The whole troop should move.

19 Q. And did the whole troop move to Hastings?

15:21:51 20 A. Yes, indeed, at night we left and captured Hastings.

21 Q. And what happened after you captured Hastings?

22 A. We captured Hastings. At that moment at night, the troop
23 based at Hastings. That was on the 4th of January 1999. We
24 continued to fight --

15:22:22 25 Q. Pause. Witness, I'm going to ask you now what happened
26 after Hastings. After you left Hastings where did you go?

27 A. As the entire troops captured Hastings, whilst I and the
28 task force commander and other soldiers tried to penetrate
29 towards Jui, the enemy forces, they were strong at that point.

1 Q. Pause.

2 A. Wherein --

3 Q. Spell Jui please for Their Honours.

4 A. J-U-I.

15:23:24 5 Q. What happened at Jui?

6 A. Whilst I and the other forces were fighting to capture Jui,

7 and at that moment we were unable. Later we lost some men and

8 this made the task force commander started beating up men, said

9 this particular date we are supposed to sleep in Freetown.

15:23:51 10 Q. Pause. Remind us who the task force commander was at this

11 point.

12 A. Junior Lion.

13 Q. So what happened after Junior Lion, the task force

14 commander, said this?

15:24:10 15 A. Well, later the SPG -- the artillery commander, the deputy

16 artillery commander, came with the operations commander, they

17 came with the SPG with the 1 millimetre mortar --

18 Q. Pause. Explain what's an SPG?

19 A. This is a support propelled grenade.

15:24:47 20 Q. Who came with the support propelled grenade?

21 A. This was the operations commander.

22 Q. Name?

23 A. O-Five, Colonel O-Five.

24 Q. What happened after that?

15:25:02 25 A. Well, since the enemy forces were piling pressure, so we

26 fired the special grenade towards Jui and this made the enemies

27 to retreat.

28 Q. So what did you do after the enemies retreated from Jui?

29 A. Well, I and the other soldiers penetrated and captured Jui,

1 and made a road block at Jui and waited for the other members,
2 for Junior Lion and the other fighters move towards Grafton.

3 Q. Pause. You and some fighters made a road block at Jui.
4 What did Junior Lion do?

15:25:52 5 A. Junior Lion also took some other fighters and used the
6 Grafton highway, the Jui-Grafton highway to pursue the enemies
7 that have retreated that time.

8 Q. Just spell Grafton, please, for Their Honours?

9 A. G-R-A-F-T-O-N.

15:26:18 10 Q. As this was going on, as Junior Lion was engaged at Grafton
11 and you and the men you were with had made a road block at Jui,
12 what happened after that?

13 MR FOFANAH: May it please Your Honours. At this stage I
14 will seek clarification on the former point of Junior Lion

15:26:49 15 heading towards Grafton. The witness has clearly indicated that
16 he and some other soldiers had advanced on Jui but he has not
17 laid any foundation as to how he came by the knowledge that Lion
18 had advanced on Grafton. We are not sure if he was in both
19 places at the same time.

15:27:16 20 MS PACK: I will ask him.

21 Q. How do you know that Junior Lion went with men to Grafton?

22 A. This -- I and Junior Lion and the other forces and the
23 other soldiers that captured the ground, whilst Junior Lion --
24 whilst I and Tito were standing, Junior Lion took the other men
15:27:38 25 and said he's going to use the Jui-Grafton highway whilst I and
26 Tito should block the other highway by Jui, whilst Junior Lion
27 entered the Jui-Grafton highway.

28 MS PACK: Tito has been spelt by the witness before,
29 Your Honour. It's T-I-T-O.

1 Q. And you were where when you heard Junior Lion say this to
2 you and Tito? Where was your location at the time?
3 A. It was I, Junior Lion and the commanders that these were
4 the commanders that captured the ground. I --
15:28:14 5 THE INTERPRETER: Your Honours, can the witness please
6 repeat for interpretation, please.
7 PRESIDING JUDGE: I've got down "I and the other soldiers".
8 Perhaps we could go back a little bit and start again.
9 MS PACK:
15:28:28 10 Q. Where were you when Junior Lion -- you heard Junior Lion
11 say these things. Identify the location, please.
12 A. It was at Jui Junction.
13 Q. You said you had made a road block at Jui. Whereabouts had
14 you made the road block?
15:28:46 15 A. The main junction at Jui.
16 Q. You have said some men went with Junior Lion to Grafton and
17 you were at the main junction at Jui with others. Where was the
18 rest of the troop or were they all with you at the junction at
19 Jui?
15:29:17 20 A. Well, as I stood, Tito said we should move further to
21 capture the Jui bridge with some other men.
22 Q. Did you do that?
23 A. Yes, we captured the bridge. I crossed over and waited.
24 Q. What were you waiting for?
15:29:40 25 A. Well, as we are -- for the family members, including the
26 brigade -- I mean, the head of the brigade administration, Gullit
27 and others.
28 Q. Did they arrive?
29 A. Yes, whilst I and the other soldiers were defending the

1 bridge, Gullit, Bazzy, Five-Five and the military supervisors,
2 all of them arrived and the position where I was just after the
3 bridge.

4 Q. Where did you go after they arrived?

15:30:30 5 A. Well, since the place -- it was almost down, Gullit said we
6 should move. Then we moved to Allen Town and occupied a primary
7 jungle that was there.

8 Q. Pause. Spell Allen Town, please for their Honours?

9 A. A-L-L-E-N T-O-W-N.

15:31:01 10 Q. Did you get to Allen Town?

11 A. Yes, My Lord.

12 Q. What was the date when you got to Allen Town?

13 A. Well, it was January 5th, 1999.

14 Q. Did you stay in Allen Town?

15:31:26 15 A. Yes, My Lord.

16 Q. Did anything happen in Allen Town when you got there?

17 A. Yes.

18 Q. What happened?

19 A. As I and the entire brigade, including the brigade
15:31:49 20 commander, arrived at Allen Town, Gullit ordered that some of the
21 civilians that were with the troops, especially the pregnant
22 women, he said they should follow the people that ran away. Let
23 them go away with them to Freetown. He said we are coming, he
24 will with -- he will come to Freetown; he will come. And

15:32:18 25 later --

26 Q. Pause. Who was he speaking about when he spoke about the
27 people who had run away to Freetown?

28 A. Well, in the morning when I and the other soldiers arrive
29 at Allen Town, the civilian people that we met escaping running

1 away, running away.

2 Q. What else did Gullit say?

3 A. Well, he said we should release the pregnant women so that
4 they can go ahead as he was coming to Freetown.

15:32:56 5 Q. How do you know he said these things?

6 A. He said it in my presence before me.

7 Q. What happened after he said these things?

8 A. Well, the women that were pregnant, they were released as
9 they moved towards Freetown.

15:33:21 10 Q. When you were in Allen Town did anything else happen?

11 A. Yes.

12 Q. What happened?

13 A. Well, the ECOMOG forces noticed our presence within that
14 primary jungle and they bombarded our position, wherein we lost
15:33:51 15 about eight men.

16 Q. How do you know it was ECOMOG who were bombarding your
17 position?

18 A. Well, we saw them. They were at Jui, the base at Jui. We
19 saw them face to face.

15:34:14 20 Q. After this bombardment did anything else happen at Allen
21 Town?

22 MR FOFANAH: Sorry. Your Honours, I think we would like to
23 seek some clarification to this choice of words, "primary
24 jungle", by the witness. This is the second time he is repeating
15:34:32 25 the phrase "primary jungle". We clearly do not know what he
26 means. Especially as Your Honours have earlier ruled that since
27 he is not an expert he cannot make any statement that touches and
28 concerns one of a military knowledge. So if we may only seek
29 clarification to the phrase "primary jungle".

1 MS PACK: I think actually the witness might have explained
2 this before when he was talking about Bombali, but I will ask him
3 what he means by "primary jungle".
4 Q. Witness, explain please for Their Honours what you mean
15:35:13 5 when you say "primary jungle"?
6 A. Well, like, as I said, primary jungle, I'm referring to
7 elephant grass in that area. It wasn't a thick forest, it was
8 sparse. The grass was sparse there.
9 Q. Now witness, I was asking you if anything else happened in
15:35:45 10 Allen Town after the bombardment?
11 A. Yes, the entire troop including Gullit moved to the town
12 itself, Allen Town itself.
13 Q. Had you not been in Allen Town before this?
14 A. We are in the primary jungle. So after the bombardment we
15:36:13 15 move to the town itself.
16 Q. Did anything happen when you got to the town itself?
17 A. Yes.
18 Q. What happened?
19 A. There was a heavy jet raid. It bombarded our position.
15:36:36 20 Q. Did anything happen after that?
21 A. Later -- Junior Lion did not appear. We waited. The
22 entire troop waited for Junior Lion and others to arrive. Later
23 we heard some shooting.
24 Q. Did Junior Lion eventually arrive?
15:37:02 25 A. Yes, Junior Lion arrived.
26 Q. What happened after Junior Lion arrived?
27 A. Well, in fact, it was the more the jet continued raiding.
28 Q. After that what happened?
29 A. Well, in that situation we lost one senior colonel.

1 Q. Did anything else happen in Allen Town apart from the jet
2 raids?
3 A. Well, later we waited till the 5th. We're there until the
4 9th. We continued to base at Allen Town and later at 12 --
15:38:01 5 Q. Pause. Before this did anything happen while you were
6 based there?
7 A. Yes.
8 Q. What happened?
9 A. In fact, Gullit called on the military supervisors,
15:38:19 10 battalion commanders, including --
11 Q. Pause. How do you know he called on these individuals?
12 A. Well, since I was with Operation A -- I mean, Supervisor A,
13 I myself moved with him and went to the position where Gullit
14 was, wherein all the supervisors, the battalion commanders and
15:38:47 15 the other men were.
16 Q. Apart from the military supervisors and the battalion
17 commanders, who else was there with Gullit?
18 A. The deputy chief in command, Bazy; and you had Santigie
19 Borbor Kanu, the chief of staff; you had the operation commander,
15:39:19 20 mission commander; you had the director of operations; the IO;
21 and all the senior officers who were present, including junior
22 military officers.
23 Q. What was said after these men were called to Gullit?
24 A. He said, "Now, gentleman, I Gullit, as I have led the
15:39:56 25 troops from Benguema upwards to this point at Allen Town, now the
26 troop is now leaving for Freetown."
27 Q. Did he say anything else?
28 A. Yes.
29 Q. What did he say?

1 A. He said, "Right now I'm telling you this government, the
2 SLPP government, the troop have travelled through so many areas
3 wherein the government denies that we have not passed through
4 that place." He said, "Now this particular movement, that is
15:40:41 5 this movement that I have ordered the troops to go to Freetown,
6 first and foremost, one, all police stations should be burnt
7 down."
8 Q. Pause. What did he say after that?
9 A. And he said, "Secondly," he said, "Freetown should be burnt
15:41:22 10 down." He said, "This would prove, even if we are repelled from
11 Freetown, that people will know that our troop entered Freetown."
12 Q. Did he say anything else about your aims in Freetown?
13 A. In fact, he did not tell us anything. Just the troop to
14 capture Freetown and we should base in Freetown.
15:42:08 15 Q. Was anything else said at this meeting?
16 A. Yes.
17 Q. What else?
18 A. He gave the password: "Check back", "Back clear".
19 Q. Did he explain what that was for?
15:42:38 20 A. Yes, because as a fighter, any troop that moves had a
21 password. If you say "Check back" and the opponent refuses to
22 respond "Back clear," then he is an enemy. So this was the
23 password which the troop had to come to Freetown.
24 Q. Did Gullit say anything else in this meeting?
15:43:13 25 A. Yes.
26 Q. What else?
27 A. He said anybody that was captured who was a collaborator,
28 he said that person should be executed, and that Pademba Road
29 prison should be opened.

1 Q. Pause. Your Honours are familiar with the spelling of
2 Pademba Road: P-A-D-E-M-B-A Road.
3 PRESIDING JUDGE: Ms Pack, did he say anyone who was a what
4 [indiscernible] to be executed?
15:43:46 5 MS PACK: Collaborator.
6 PRESIDING JUDGE: Thank you.
7 MS PACK:
8 Q. Did he say who he meant by "collaborator"?
9 A. Yes.
15:43:56 10 Q. What did he say?
11 A. He said anybody that was opposing the AFRC was a
12 collaborator.
13 Q. Remind us, what did he say about Pademba Road prison?
14 A. He said he got an information that there were 3500 soldiers
15:44:26 15 prisoned at Pademba Road and that prison should be broken down
16 and those men should be a kind of reinforcement to the troop.
17 Q. Was Pademba Road the only place that you were instructed to
18 break down or capture?
19 A. The State House should be captured, Wilberforce barracks
15:45:04 20 should be captured, 7th Battalion should be captured, and also
21 the ordnance at Murray Town should be captured.
22 Q. Pause. Just spell Murray Town, please.
23 A. M-U-R-R-A-Y T-O-W-N, Murray Town.
24 Q. Do you know what he meant by the ordnance at Murray town?
15:45:40 25 A. Yes, this is a place where military hardwares are kept,
26 including arms and ammunitions.
27 Q. And you said also the 7th Battalion. Do you know what he
28 meant by that?
29 A. Yes.

1 Q. What did he mean by that?

2 A. This is a barracks, a military barracks.

3 Q. Does it go by another name?

4 A. Well, it is 7th Battalion formally. It is at Goderich.

15:46:14 5 Unto this time that is the name it has.

6 Q. How do you know that these locations you have identified

7 were to be captured - 7th Battalion, ordnance and Murray Town,

8 State House and Wilberforce? How do you know that?

9 A. Before that he talked about the key -- what are key and

15:46:45 10 also the radio stations. He said these are key positions that

11 were important for the troop to capture so that the leading troop

12 would have control of the entire city.

13 Q. Was this still at the same meeting where he'd said other

14 things about the aims in Freetown?

15:47:14 15 A. Yes.

16 Q. Did Gullit say anything else at this meeting?

17 A. Yes.

18 Q. What else did he say?

19 A. He said as the troop was advancing towards Freetown, he had

15:47:40 20 nothing to give anybody, so from your pocket to my pocket. That

21 is, what you were able to get from any civilian was yours, but if

22 you had diamonds, dollars, that was government property. That

23 should be reported to the brigade.

24 Q. You said what he said about civilian property. Did he say

15:48:11 25 anything about civilians?

26 A. Yes, he said the ones that were collaborators, that were

27 not supporters to the AFRC, they were to be executed. They

28 should not be spared.

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

1 A. Well, this is -- if I could recall, this is what he said
2 before the troop left Allen Town.
3 Q. Before the troop left Allen Town did anything else happen
4 there?
15:49:05 5 A. Yes.
6 Q. What happened?
7 A. In fact, they order this time not the battalion --
8 THE INTERPRETER: The interpreter is sorry. Could the
9 Court order the witness to go a little bit slower?
15:49:26 10 PRESIDING JUDGE: Actually, it is also maybe an appropriate
11 time for a brief adjournment. Ms Pack, are you at a point where
12 it would be appropriate to adjourn?
13 MS PACK: I will just hold in my memory the last question
14 and that can be asked again after the break, Your Honours, if
15:49:41 15 that would be more convenient.
16 PRESIDING JUDGE: Thank you. We will take 15 minutes,
17 please. Madam Court Attendant, please adjourn court for 15
18 minutes, please.
19 [Break taken at 3.45 p.m.]
16:05:32 20 [TB130605G - SV]
21 [On resuming at 4.05 p.m.]
22 PRESIDING JUDGE: Yes, please proceed, Ms Pack.
23 MS PACK:
24 Q. Witness, just before the break I asked you whether anything
16:05:58 25 else happened in Allen Town apart from the meeting that you have
26 spoken about where Gullit addressed the men.
27 A. Yes.
28 Q. What happened?
29 A. Just as I said earlier, all the soldiers had the LAR rifle

1 and Gullit ordered all the soldiers to go in front.

2 Q. Pause. All the soldiers with what rifles, would you please
3 repeat that?

4 A. LAR rifles. Light automatic rifles.

16:06:50 5 Q. How do you know Gullit ordered all the men with light
6 automatic rifles to go in front?

7 A. This was right in my presence just as he gave the same
8 warning as to what the groups should do before we entered
9 Freetown. Because this weapon was a support weapon.

16:07:21 10 Q. After Gullit had ordered that all the soldiers with light
11 automatic rifles should go in front, did anything happen?

12 A. Yes.

13 Q. What happened?

14 A. Well, in fact the I -- I had an LAR weapon. I was with
16:07:47 15 troops, the troops asked to go in front, and immediately -- that
16 was around 1.00 a.m. in the morning on the 6th of January. I and
17 the other soldiers who were in front started moving to Calaba
18 Town.

19 Q. Pause. Spell Calaba Town, please, for Their Honours.

16:08:51 20 A. C-A-L-A-B-A Calaba. T-O-W-N, Town.

21 Q. Are you able to say approximately how many men were with
22 you in the troops in front?

23 A. The manpower, it was many. We were more than 200. That
24 was the manpower in front with the LAR rifle.

16:08:51 25 Q. Were there any commanders with you?

26 A. Yes, My Lord.

27 Q. Who?

28 A. In fact this time the battalion commanders, they were also
29 there in the front line.

1 Q. Witness, you said that you went to Calaba Town. Did you
2 stay there?

3 A. Well, as I and the troops that were in front moved, the
4 enemy forces attacked us at Calaba Town wherein we pushed them
16:10:03 5 and advanced towards Wellington.

6 Q. Would you spell Wellington, please, for Their Honours?

7 A. W-E-L-L-I-N-G-T-O-N.

8 Q. Did you get to Wellington?

9 A. Yes and we continued to fire heavily as we reached at
16:10:14 10 Wellington. We captured Wellington.

11 Q. What happened at Wellington?

12 A. Well, I and the other soldiers moved towards Berewe and
13 tobacco company and captured the junction, that is, the
14 Wellington old road junction.

16:10:42 15 Q. Would you spell Berewe please for Their Honours?

16 A. B-E-R-E-W-E.

17 Q. After you and the men that you were with went to Berewe and
18 the tobacco company what happened?

19 A. Well, immediately I, as I was with the troops, I and the
16:11:20 20 other soldiers blocked the stop at Berewe as we waited for the
21 senior commanders to come.

22 Q. Did the senior commanders come?

23 A. Yes. Gullit, Bazzy, Five-Five and military supervisors all
24 arrived.

16:11:43 25 Q. What was Berewe? Just explain for Their Honours what
26 Berewe is as a location?

27 A. Berewe, as far as I know, that is where they brew beer,
28 stout and it's a junction at the Wellington area. It is a
29 junction.

1 Q. Did anything happen after Gullit, Bazzy, Five-Five and the
2 military supervisors arrived there?
3 A. Yes.
4 Q. What happened?
16:12:37 5 A. Immediately Gullit said the other men including Commander
6 Pikin and other soldiers should use the Berewe route towards
7 tobacco company and use the new road.
8 Q. You've identified a name there, Pikin. You've identified
9 this individual before. I'll spell it because it's been spelt
16:13:05 10 before P-I-K-I-N. At this point can you remind the Chamber,
11 please, what -- which battalion Pikin was in?
12 A. Yes, Pikin was at the RDF battalion. He was a support
13 firer.
14 Q. So he was to use the new road?
16:13:30 15 A. Yes.
16 Q. What else did Gullit say?
17 A. I, Hassim, NPFL including the operations commander and also
18 the commander that he was with, who was Supervisor A, and the
19 entire brigade administration used the old road.
16:14:04 20 Q. Let's just go through those names. Hassim. If you'd spell
21 that again for Their Honours, please?
22 A. H-A-S-S-I-M.
23 Q. NPFL, you've identified before. The operation commander,
24 just remind us who that was, please?
16:14:28 25 A. Colonel O-Five.
26 Q. And you've said Commander Supervisor A which is the man
27 you've been calling A?
28 A. Yes.
29 Q. The brigade administration, who was included in that? Just

1 a few of the names, remind us?

2 A. Gullit, Bazzy, Five-Five, Woyoh.

3 Q. So after Gullit had instructed some men to go on the new

4 road, others to use the old road, what then happened?

16:15:14 5 A. Well, I and the soldiers that I have named, the commanders

6 that I have already named, with the other troops started moving

7 and advanced at the old road.

8 Q. Where were you positioned in the line of troops moving

9 along the old road?

16:15:39 10 A. I was in front. I was in front.

11 Q. Who was in the front with you?

12 A. The operations commander was there and also Supervisor A

13 was there.

14 Q. Were any other commanders with you in the front line?

16:16:29 15 A. Hassim and also the NPFL.

16 Q. Witness, where did you get to as you proceeded along the

17 old road?

18 A. I and my men continued to move towards the place around the

19 Thunder Hill old road junction.

16:17:11 20 Q. You identified a hill, I think. What was the hill you

21 said?

22 A. Well, this place Brima lane, which captured Brima Lane from

23 which at the junction is called Thunder Hill Junction.

24 Q. Perhaps you could just spell those names you've identified?

16:17:32 25 A. Brima lane, B-R-I-M-A L-A-N-E.

26 Q. So after you captured Brima Lane where did you move to?

27 A. In fact, when I and the other men at the front captured

28 Brima Lane and the operations commander said the troops should

29 come to a halt, we waited, I and the men in front waited and

1 later Gullit, Bazzy, Five-Five and the other military supervisors
2 came and said we should observe the new road. As I and the other
3 soldiers were moving towards the old road we should observe the
4 new road to observe the firepower so that we don't leave them in
16:18:35 5 the back and they said --

6 Q. Pause. How do you know these things were said?

7 A. I said the operations commander halted us whilst Gullit,
8 Bazzy and Five-Five and Woyoh and the military supervisors came
9 and met us at the point at Brima Lane.

16:18:57 10 Q. Witness, go on then. After they said you should observe
11 the new road was anything else said?

12 A. Well, from the side that we stood by the police station,
13 that is Mess Mess, closer to Thunder Hill Junction, so 0-Five
14 told Gullit that this is a police station and so he said we
16:19:25 15 should capture the police station because he has given the order.

16 Then 0-Five said let's move. I and 0-Five and other soldiers
17 moved and captured the Mess Mess police station.

18 Q. Now you've mentioned two other locations. Just the last
19 one, Mess Mess spelt as it sounds, Your Honour. And two other
16:19:55 20 locations you identified was Thunder Hill Junction. Would you
21 spell that please?

22 A. T-H-U-N-D-E-R H-I-L-L. Kissy Mess Mess, K-I-S-S-Y M-E-S-S
23 M-E-S-S.

24 Q. Thank you, Witness. After Gullit said you should capture
16:20:27 25 the police station and 0-Five went with you what happened?

26 A. Well, I and the troops, we were ahead, went with the heavy
27 shooting and captured the police station.

28 Q. After you captured the police station did anything happen?

29 A. Yes. The police station was set on fire and we moved

1 further towards Locus Junction.

2 Q. After Locus Junction where did you go?

3 A. Shell Old Road. Shell Old Road Junction.

4 Q. After Shell Old Road Junction where did you go?

16:21:11 5 A. We advanced towards Saroulla Cinema.

6 Q. Just spell Saroulla for Their Honours please?

7 A. S-A-R-O-U-L-L-A.

8 Q. Remind us, please, what road are you on at this point?

9 A. This is the Kissy Bypass.

16:21:46 10 Q. Is that the same road as the old road?

11 A. Yes.

12 Q. After Saroulla Cinema where did you go?

13 A. Immediately we -- the troops -- I and the other troops

14 moved towards Fisher Lane.

16:22:10 15 Q. After Fisher Lane where did you go?

16 A. Well, in Fisher Lane I and the troops that were advancing

17 met a lot of vehicles that were cut off because the people that

18 were in the vehicles -- as we opened fire, the people came out of

19 the vehicles and ran. So we waited for Gullit to arrive.

16:22:35 20 Q. Did Gullit subsequently arrive?

21 A. Yes.

22 Q. Did anything happen after he arrived?

23 A. All the vehicles that were met within that area were set on

24 fire.

16:22:46 25 Q. Who set them on fire?

26 A. All the commanders were included. The military

27 supervisors, the commanders, everybody was putting on fire whilst

28 we were defending --

29 Q. Why were the vehicles set on fire; do you know this?

1 A. Yes. That was to create an obstacle.

2 Q. How do you know this?

3 A. Well, since -- as and I the troops were advancing mostly we
4 were expecting an attack from the ECOMOG forces with their
16:23:29 5 armoured cars. So by burning these vehicles we will create an
6 obstacle for the armoured car to come to our position with the
7 men where the other soldiers were.

8 Q. Do you know who decided that the vehicles should be burned?

9 A. This was Gullit himself.

16:23:52 10 Q. How do you know that?

11 A. For any advance, as I and the troops advanced, if we met
12 any location that --

13 THE INTERPRETER: Your Honours, can the witness please --

14 MS PACK:

16:24:10 15 Q. Pause, Witness. I think, Witness, you are going to have to
16 slow down and just take the answer to that question slowly just
17 so that the interpreters have time to translate what you're
18 saying. So I asked you how you knew that Gullit decided that the
19 vehicles should be burned. Just take it slowly?

16:24:29 20 A. These vehicles were more than 50 that were in the cut off.
21 As I and the soldiers who were in the advanced stage reach at
22 that point we came to a halt and waited for the brigade to come.
23 The brigade commander -- I mean, the chief in command -- and as
24 he arrived he said these vehicles -- this the best way to create
16:24:56 25 an obstacle. We should set them on fire so that if any attack
26 from the ECOMOG forces with their armoured car this would create
27 an obstacle so that they wouldn't be able to pursue the troops.

28 Q. Who said this?

29 A. Gullit.

1 Q. Where did you go after Fisher Lane?

2 MR FOFANAH: Sorry, Your Honours. At this stage again, the
3 witness started off by saying all the commanders or at least
4 everybody who was with the troops that went along old road were
16:25:33 5 involved in the burning but he has not explained how he came by
6 that knowledge, everybody.

7 PRESIDING JUDGE: Yes, Ms Pack.

8 MS PACK:

9 Q. How do you know who carried out the burning?

16:25:50 10 A. As I said earlier, for any advance area that we reached, I
11 and the soldiers who were in the front line will wait on the
12 brigade and in this brigade there is Gullit, Bazzy, Five-Five,
13 the brigade supervisors are there. And this particular burning
14 of the vehicles, I and the other soldiers will not do anything
16:26:21 15 without the command of Gullit. So whilst I and the other
16 soldiers were waiting, when Gullit came he said we should set
17 them on fire. He himself took part in the burning and the other
18 commanders.

19 Q. Where did you go after Fisher Lane?

16:26:48 20 A. From Fisher Lane I and the troops -- I and the soldiers
21 that were ahead moved towards PWD Junction.

22 MS PACK: PWD, Your Honours.

23 Q. After PWD Junction where did you go?

24 A. We moved towards Mamba Bridge -- Kissy Brook. Sorry, Kissy
16:27:19 25 Brook.

26 Q. Could you spell Kissy Brook, please, Witness?

27 A. K-I-S-S-Y B-R-O-O-K.

28 Q. Which road is Kissy Brook on, do you know?

29 A. Kissy Brook is by the old road, Blackhall Road.

1 Q. Blackhall Road?

2 A. Yeah.

3 Q. Would you spell that please, Witness?

4 A. B-L-A-C-K-H-A-L-L R-O-A-D, Blackhall Road.

16:28:06 5 Q. Witness, you said earlier that you were instructed to
6 observe the new road, to observe the firepower on the new road.
7 At this point had you observed anything on the new road?

8 A. Yes.

9 Q. What did you observe?

16:28:26 10 A. Well, as I and the other soldiers including the operations
11 commander captured PWD Junction -- because if you stand at the
12 junction and you look right down you will see the Ferry Junction.
13 We looked at the firepower from our men. That made us to move
14 further towards Kissy Brook.

16:28:50 15 MS PACK: Pause a moment. You've identified Ferry
16 Junction. I don't think I need to spell that, Your Honours.

17 Q. Where did you go after Kissy Brook?

18 A. Blackhall Road towards Benz Garage.

19 Q. Could you spell the name of the garage?

16:29:18 20 A. Yes. B-E-N-Z G-A-R-A-G-E.

21 Q. After the garage where did you go?

22 A. Well, as we reached at the garage closer towards the Kissy
23 Road cemetery we experienced a heavy firepower from the enemy
24 forces.

16:29:48 25 Q. After that where did you go?

26 A. Well, I and the troops that were ahead, we waited for -- to
27 see how we could push these men from that position where they
28 were.

29 Q. Who were you waiting for?

1 A. Well, we also, as we reached -- I and the soldiers reached
2 at that end, waited to see the firepower from the new road to see
3 how they advanced to the Upgun area.

4 Q. Just spell Upgun, please?

16:30:32 5 A. U-P-G-U-N.

6 Q. Did you get to the Upgun area?

7 A. Well, later as Hassim fired some mortar bombs and also
8 followed by RPG bombs by NPFL then we -- I and the soldiers, as
9 we moved further, we saw the troops that were moving by the new
16:31:05 10 road coming with an AA, that is anti-aircraft weapon, firing
11 towards the new road as they were capturing the Upgun Junction.
12 Q. Did you go to the Upgun Junction?

13 A. Yes. I and the other men moved immediately and captured
14 the junction together with the AA that came with the new road and
16:31:34 15 joined the old road.

16 Q. From Upgun where did you go?

17 A. Well, the AA man that came with the firing, that is our men
18 from the new road, moved towards Ross Road whilst Commander
19 Gunboot also, as we all captured the ground, moved towards Kissy
16:32:10 20 Road cemetery and advanced towards Kissy Road.

21 Q. Pause a moment. Now you've identified the AA man that came
22 with the firing moved towards Ross Road. Would you just spell
23 Ross?

24 A. R-O-S-S R-O-A-D.

16:32:38 25 Q. Now, did the AA man move with the other men who'd been on
26 the new road?

27 A. Yes. Where I stood, they moved -- that was their own task;
28 they should continue by the Fourah Bay Road area whilst we were
29 at the Kissy Road end.

1 Q. You've said they should continue by the Fourah Bay area.
2 Just spell Fourah Bay, please, for Their Honours?
3 A. F-O-U-R-A-H B-A-Y R-O-A-D.
4 Q. Now you've said also that Gunboot moved towards the Kissy
16:33:26 5 Road cemetery. Who was with -- just remind us who Gunboot is or
6 was?
7 A. Gunboot was also a commander that was in the front line.
8 Q. Do you know his full name?
9 A. Alhaji Kamanda.
16:33:47 10 Q. Could you spell that, please?
11 A. A-L-H-A-J-I K-A-M-A-N-D-A.
12 Q. Was this an individual who you'd been with before Freetown?
13 A. Yes.
14 Q. Whereabouts had you come across him before?
16:34:22 15 A. Alhaji Kamanda from Kono Mansofinia who moved towards
16 Freetown.
17 Q. What group had he been part of before, this Alhaji Kamanda?
18 A. A member of the Sierra Leone Army.
19 Q. So who moved with Alhaji Kamanda alias Gunboot towards the
16:34:50 20 Kissy Road cemetery?
21 A. Myself, Hassim, NPFL, Gunboot, operation commander, 0-Five
22 and also with other soldiers moved towards the Kissy Road area.
23 [TB130605-CR]
24 Q. Do you know what happened to the other troop that was on
16:35:31 25 Ross Road; where they were heading to?
26 A. The only thing I knew was they should move towards the
27 Fourah Bay Road while we were moving along the Kissy Road.
28 Q. How did you know they were moving along the Fourah Bay
29 Road?

1 A. Well the troops, I have named the commander, were moving
2 towards Savage Square. This is a junction about Starcco Cinema,
3 you will see right down towards Bishop Johnson School at Fourah
4 Bay Road. It was from there we were able to indicate because
16:36:19 5 when I and the other men captured Savage Square and we watched
6 down, we saw other men waving?
7 Q. Witness, I'm going to ask you to spell a few of the names
8 you've mentioned. Savage Square.
9 A. S-A-V-A-G-E, savage. Square, S-Q-U-A-R-E.
16:36:48 10 Q. You mentioned a cinema, Starcco Cinema. Would you spell
11 that, please?
12 A. S-T-A-R-C-C-O.
13 Q. Finally, Bishop Johnson School. I won't ask you to spell
14 that. Witness, when you moved from Uppgun, just explain, please,
16:37:19 15 for Their Honours where you went immediately after Uppgun.
16 A. From Uppgun, we captured Savage Square. From Savage Square,
17 we moved towards Mountain Cut Junction.
18 Q. What happened at Mountain Cut Junction?
19 A. In fact, at Mountain Cut Junction, we halted - I and the
16:37:49 20 troops that came there - halted. We observed right down the
21 junction towards Guard Street. As we continued observing Fourah
22 Bay Road, Guard Street Junction, we observed our men that were
23 moving along the Fourah Bay Road area and they sent some
24 soldiers.
16:38:12 25 Q. Pause. Now, Mountain Cut Junction. Is that spelt as it
26 sounds, as in mountain and cut? No need to spell it?
27 A. The cut is C-U-T. The mountain is as normal.
28 Q. And Guard, as in a guard?
29 A. Yes, Guard Street.

1 Q. You observed your men moving along the Fourah Bay Road
2 area. Did you see what those men did?
3 A. No, they were only advancing. I never knew what they were
4 doing there, but they were advancing.

16:38:50 5 Q. Where did you go from Mountain Cut Junction?
6 A. Well, at Mountain Cut Junction the troops at Fourah Bay
7 Road, Guard Street sent some men that they were going to use the
8 road at the back of -- they used the Guard Street Road to capture
9 the Eastern Police whilst we are moving towards the clock tower.

16:39:26 10 Q. Pause there, please. Where did you go then after some
11 troops were sent to join you from the new road? Where did you go
12 with the men you were with after that?
13 A. I and the men, we were advancing towards the Eastern Police
14 and we captured with Eastern Police as the other men came from
16:39:55 15 the Guard Street, we completely captured the station.
16 Q. Who came from Guard Street?
17 A. The troops wherein Pikin was in, it was the troops that
18 came from Guard Street and came to the Eastern Police.

19 Q. What time of the day was it that you recall when you came
16:40:22 20 to Eastern Police Station?
21 A. Well, it was around 5.00 a.m. in the morning as I said, and
22 as the troops entered the soldiers shouted, "Allahu Akbar, Allahu
23 Akbar."
24 Q. What happened when you got to Eastern Police Station?

16:40:50 25 A. Eastern Police Station was completely captured.
26 Q. After it was captured, did anything happen?
27 A. In fact, yes, two police officers, they were unfortunate.
28 I and the other soldiers captured them. And this police were
29 executed.

1 Q. How do you know they were executed?
2 A. Well, it was in my presence they were shot.
3 Q. Did you see who shot them?
4 A. I saw the commander that fired them.
16:41:44 5 Q. Who?
6 A. Colonel Gunboot, Commander Gunboot.
7 PRESIDING JUDGE: Could I get the spelling of the words
8 that the soldiers shouted, please?
9 MS PACK:
16:42:01 10 THE WITNESS: It is Allahu Akbar.
11 MS PACK: I don't know that it can be spelt.
12 THE WITNESS: Allahu Akbar, meaning God is great. It is
13 A-L-L-A-H-U.
14 PRESIDING JUDGE: I've understood.
16:42:28 15 MS PACK:
16 Q. Did anything happen at the police station?
17 A. Yes, My Lord. The police station was completely burnt
18 down.
19 Q. How do you know it was burnt down?
16:42:36 20 A. Well, it was in my presence. When the troops set the
21 station on fire. As this was an order given by Gullit before.
22 Q. Who was present at the Eastern Police Station when the
23 station was set on fire?
24 A. The commanders that are at the front line. I was present.
16:43:04 25 Other commanders were present.
26 Q. Where did you go after Eastern Police?
27 A. I and the other soldiers used the Goderich Street whilst
28 Pikin and the other men used Sani Abacha Street.
29 Q. Would you spell Goderich, please, if you can?

1 A. G-O-D-E-R-I-C-H.

2 Q. And Sani Abacha?

3 A. S-A-N-I, Sani; A-B-A-C-H-A.

4 Q. Witness, at this point, where were you heading towards?

16:43:58 5 A. Well, towards State House.

6 Q. Did you get there?

7 A. Yes.

8 Q. Can you remember what time of day it was when you got

9 there?

16:44:12 10 A. Well, it was almost around quarter to 6, quarter to 6 in

11 the morning. Because we met a little bit of resistance from the

12 enemy forces, so we battled it out with them.

13 Q. Was it still dark?

14 A. Well, it was almost dawn, the place was almost getting

16:44:50 15 clear.

16 Q. What happened when you got to State House?

17 A. Well the State House, I and the other -- the soldiers that

18 advanced towards Goderich Street, we captured that area, the

19 library, the vice-president's office, the ammunition dump towards

16:45:11 20 Tower Hill while the men at Goderich Street came back up Cotton

21 Tree, captured the law courthouse building and came upstreet

22 towards State House.

23 Q. Who captured State House?

24 A. Well, the two groups. I and the other men at Goderich

16:45:40 25 Street fired at the Tower Hill area, and the ones that the Sani

26 Abacha Street were advancing firing and put the ECOMOG forces

27 that were at that area.

28 Q. When you got to State House, did others come and join you

29 there, after it was captured?

1 A. Yes.

2 Q. Who came to join you there?

3 A. The brigade administrator from the chief in command,
4 Gullit; the deputy chief in command, Bazzy; and the brigade
16:46:22 5 administrators; and the rest of the families immediately arrived
6 at the State House.

7 Q. By the brigade administrators, just name a few, please, so
8 we know who you are talking about.

9 A. The adjutant, the brigade administrator, the task force
16:46:44 10 commander and military police commander.

11 Q. Witness, I'm going to ask you, please, to have a look at a
12 map.

13 MS PACK: Your Honours, I have a map of Freetown. It has
14 been served on my learned friends and I have copies for
16:47:20 15 Your Honour.

16 PRESIDING JUDGE: Any comment from the Defence?

17 MS THOMPSON: No, Your Honour.

18 MS PACK:

19 Q. Witness, what I'm going to do is ask you to mark the line
16:49:03 20 of troops through Freetown on the old road and the new road as
21 you've described for Their Honours today. I would like you to
22 take one of the coloured highlighter pens that I've given you,
23 one of the colours and I would like you to start at the beginning
24 of the old road and please mark the line of movement of the
16:49:20 25 troops on the old road up to State House. Just mark the line
26 with one of the highlighter pens in front of you.

27 A. But this map that I have, it starts from Kissy mess --
28 Kissy bypass.

29 Q. Yes, you're going to have to use - it's a smaller map of

1 Freetown. We can look at the larger map of it later. But for
2 the moment what I'm going to ask you to do is mark from where
3 this map starts where the line of movement is from the beginning
4 of this map. I appreciate, Witness, it doesn't obviously include
16:50:04 5 the broader line of movement prior to reaching the locations on
6 this map. Start with that colour on the old road, please.
7 Witness, do take your time.

8 Witness, have you marked the line of movement of the troops
9 that you were in to the State House?

16:52:59 10 A. Yes, My Lord.

11 Q. That's with one of the highlighters. I would ask you to
12 take the other highlighter and mark the line of movement of the
13 troop that was going along the other road. The new road, Ross
14 Road, Fourah Bay Road, Guard Street.

16:53:32 15 PRESIDING JUDGE: Ms Pack, there's a map on the screen. I
16 don't know if it's the same map as we have in front of us.

17 MS PACK: I think it is the map in front of my learned
18 friends for the Defence that is being shown on the screen. I'm
19 not sure if it's the same map or a different map. They have been
16:53:59 20 served with copies of both of the Freetown maps. There's a
21 larger scale one and a smaller scale one. For their assistance,
22 one is marked "Freetown and environs" and the other one is marked
23 just "Freetown".

24 Q. Witness, when you've done that I would like you to mark
16:56:36 25 with a number one with the black biro that has been handed to
26 you, the location of the State House. Witness, have you marked
27 the two lines of movement to State House and "State House" on the
28 map?

29 A. Yes, My Lord.

1 MS PACK: Your Honours, I would like to tender the map with
2 the witness's markings on it.

3 PRESIDING JUDGE: Has anybody got any reply to that
4 application?

16:58:01 5 MR MANLY-SPAIN: We would like to see the map.

6 PRESIDING JUDGE: Yes, I think that is proper. Madam Court
7 Attendant, please show the map firstly to counsel for the
8 Prosecution and then counsel for the Defence.

9 MR MANLY-SPAIN: I'm objecting to the tender the map --
17:01:45 10 although we're not objecting to the tender of the map, we just
11 think it would be right for the Prosecution to lead a little bit
12 of evidence on CLF promotions, which is part of the map.

13 PRESIDING JUDGE: Can we clarify how this map was produced?
14 There appears to be a name, I notice, on the corner. Actually, I
17:02:12 15 suspect it may not be within the knowledge of this witness.

16 MS PACK: I doubt it, because the map was provided by the
17 Prosecution and it's a map that was, as I understand it, it's one
18 of the maps that can be purchased in Freetown from quite a number
19 of vendors. It's a standard map of Freetown. I have not with
17:03:01 20 me, but I can provide for my learned friends the original map
21 which is in a fold-up form and obviously, therefore less
22 convenient for use in Court. What this is is just a colour copy
23 of one of these fold-up maps; both of the Freetown parts on the
24 map, on the rear of the map is a map of the whole of Sierra
17:03:01 25 Leone. We haven't used the map with the whole of Sierra Leone
26 for this witness, but with the Freetown map, we have used this
27 fold-up map. If my learned friends want to see an example of the
28 original, then I can hope to provide that tomorrow morning.

29 PRESIDING JUDGE: I note it is very close to 5.00 p.m.

1 Perhaps in the light of that reply by counsel for the
2 Prosecution, Mr Manly-Spain, if the original is produced tomorrow
3 morning, allow you to consider it and then you can then indicate
4 to the Court whether you wish to pursue that particular point, or
17:03:41 5 what your view is in the light of the original.

6 MR MANLY-SPAIN: Your Honour, I can see right now that the
7 problem would be cross-examination of the witness as to the
8 veracity of the map.

9 MS PACK: He's not a cartographer and he's not going to be
17:04:21 10 able to testify as to the veracity of the map.

11 MR MANLY-SPAIN: We do not think that in those
12 circumstances the map could be tendered by him.

13 MS PACK: Your Honour, I wish my friend had raised this
14 before we spent 25 minutes marking locations on the map. There
17:04:24 15 have been a number of maps through this witness and in other
16 proceedings maps admitted in this Court, although not in this
17 Chamber, this map was admitted in the other trial, the
18 Sesay/Kallon/Gbao trial, this precise map in the same -- I'm not
19 sure if it was in the same form, but certainly the Freetown pages
17:04:48 20 were admitted.

21 JUDGE SEBUTINDE: Ms Pack, did you not say before you
22 handed the map to the witness that you did in fact circulate this
23 to the Defence?

24 MS PACK: It was circulated a good time ago, at least four
17:05:00 25 weeks. I can't put the date on it now. I don't remember the
26 dates specifically. I'll find out but it has been at least three
27 or four weeks, well before the witness started to testify. That
28 was three weeks ago now. It was at least one or two weeks before
29 he started testifying.

1 JUDGE SEBUTINDE: Which would bring me to the question,
2 Mr Manly-Spain, do you have objections to the veracity of this
3 map? You are familiar with Freetown, and do you have objections
4 that this is not an accurate reflection of the map of Freetown?

17:05:33 5 MR MANLY-SPAIN: Your Honour, apart from that, that is
6 exactly the point. Apart from that, we do not think that this
7 witness can answer questions on the veracity of the correctness
8 of the map. But apart from that, when these maps were served on
9 us, no one indicated the purpose for why they were served. We
17:05:54 10 have so many maps. Today, learned counsel just said, "I'm going
11 to pass a map to the witness." The witness, do this, and that
12 and that. I do not think it is wrong for us to object at this
13 moment, just because we were served four weeks ago.

14 JUDGE SEBUTINDE: Mr Manly-Spain, I'm not suggesting that
17:06:41 15 it is wrong. I just wish to understand what the point at issue
16 is.

17 MS PACK: To respond to my learned friend's point about not
18 knowing the purpose for which these maps were served, as I
19 recall, they were served with an indication saying, "We are
17:06:41 20 providing you with this material now as a courtesy as it relates
21 to Prosecution witness TF1-334." Then there are those maps
22 listed and identified and by the case manager for the
23 Prosecution, that is on 22 April 2005. So it was clearly stated
24 that these maps were to be used with this witness.

17:06:50 25 Your Honour, I should further state that this witness,
26 whilst not a cartographer, has given testimony that he is from
27 Freetown and of course has given testimony now about the movement
28 through Freetown. To that extent, he is able to say whether or
29 not the map represents true representation of Freetown as he

1 knows it. In any event, 22 April is when these maps were served.
2 It was clearly stated it was in relation to this witness's
3 testimony.

4 MR FOFANAH: Your Honours, just on that last point and to
17:07:27 5 add to what Mr Manly-Spain told the Court, we were in fact
6 looking at a different map at a time when the Prosecutor had
7 introduced another map to the witness. We were not clearly sure
8 which map of Freetown the Prosecutor was showing to the witness.
9 In fact, it was only later when Your Honour realised that our map
17:07:45 10 was shown on the screen that you indicated that you were looking
11 at a different map. Had the Prosecution shown us what map she
12 was going to put to the witness, we'll have been clear as to what
13 map she was referring to. I think it was proper for us to have
14 raised this objection at this stage since we did not know what
17:08:08 15 particular map the witness was marking at that material time. In
16 addition to that, Your Honours, on the issue of objection as to
17 this witness not being the proper person to tender that map, we
18 are clearly reliant on the foundation, foundation and the fact
19 that he is not an expert cartographer. And if we are contesting
17:08:34 20 the accuracy of the map, then it would be clearly difficult for
21 us to cross-examine him on the map as it is put. We can
22 cross-examine him on his knowledge as indicated through his
23 testimony in chief without the map. He has already indicated to
24 us the routes that they used without the aid of any map. We can
17:08:53 25 cross-examine him accurately on that. To introduce a map on
26 which the witness is clearly -- not an expert, he is not
27 knowledgeable enough to read the map as a cartographer, I think
28 it would be onerous on us to conduct our case properly. That is
29 why we are objecting. Thank you.

1 PRESIDING JUDGE: Sorry, Ms Pack. I note the Defence seems
2 to have moved away from the original objection to a new
3 objection. Are you saying, Mr Fofanah, that it needs a qualified
4 cartographer to read a map?

17:10:11 5 MR FOFANAH: No, we are saying it would need a qualified
6 cartographer to tell us how accurate that map is as it is
7 presented on that paper, because if we were going to
8 cross-examine him on streets that he has rightly drawn, or at
9 least indicated with a marker, then one of the things that we'll
17:10:11 10 be trying to establish is how accurate those streets are as they
11 are shown on the map, and he's not a cartographer to accurately
12 tell us the information that we will seek under
13 cross-examination.

14 JUDGE LUSSICK: Mr Fofanah, suppose instead of tendering
17:10:52 15 this map the Prosecution had asked him to draw a free-hand
16 diagram of his journey through Freetown, that would be
17 unobjectionable. It wouldn't be to scale and it wouldn't be done
18 by a cartographer.

19 MR FOFANAH: Certainly we wouldn't have objected to that,
17:10:52 20 Your Honour. The only difference between a free sketch and the
21 map is that the map is really the handy work of a cartographer.
22 Any effort by this witness to sketch out his route on that map
23 will kind of indicate he was following the route of the
24 cartographer as indicated on the map. His free sketch would be
17:10:56 25 otherwise. It would be entirely of his own knowledge and design,
26 therefore, he can be cross-examined on that. Other than that, it
27 would be absolutely difficult and onerous on us to conduct a
28 proper cross-examination using the map as it is without
29 foundation whether he is an expert to tell us the accuracy of the

1 map.

2 JUDGE LUSSICK: I see. So if somebody took your
3 photograph, it wouldn't be your work, and you're not an expert
4 photographer, but would you be able to look at that photograph
17:11:29 5 and say, "Yes, that's an accurate depiction of myself"?

6 MR FOFANAH: I think that would boil Your Honour to
7 perception?

8 JUDGE LUSSICK: The Defence would object to that
9 photograph, I know that Mr Fofanah.

17:11:53 10 JUDGE SEBUTINDE: Mr Fofanah, are you saying that the
11 Defence was not in fact served with this version of the Freetown
12 map, but, rather, a different version?

13 MR FOFANAH: No, Your Honour, I am not saying that. We
14 have been served with all the maps we rightly indicated to the
17:12:10 15 Court --

16 JUDGE SEBUTINDE: Including the one in question?

17 MR FOFANAH: Yes, when we realised it was that map of
18 Freetown and not the earlier map of Freetown we were referring
19 to, it was then that we raised the objection, because my learned
17:12:24 20 colleague had earlier indicated to the Court that we have wasted
21 25 minutes trying to raise an objection.

22 JUDGE SEBUTINDE: What is your objection with regard to
23 this map of Freetown? Is it an inaccurate reflection of
24 Freetown?

17:12:41 25 MR FOFANAH: That is it, Your Honours. We have looked at
26 it. We were all born here. We know where the routes are and we
27 think that map is inaccurate.

28 JUDGE SEBUTINDE: I suppose we'll take it up from here
29 tomorrow.

1 MS PACK: Can I just reply?

2 PRESIDING JUDGE: Counsel for the Prosecution has a right
3 of reply because these were issues that were not raised in the
4 original objection. Ms Pack please reply.

17:13:07 5 MS PACK: If I might deal firstly with what my learned
6 friend is saying about they are looking at a different map. The
7 maps were provided. If they didn't bring them both to Court,
8 then so be it. Both of the Freetown maps were provided. What my
9 learned friends are looking at was a larger scale version of the
17:13:28 10 map. There is a smaller box which is then cut out so that one
11 can then look at this in the closer scale, the ones that Your
12 Honour has in front of you. There is a large scale map with a
13 box marked within it plus a smaller scale map which is the one
14 the witness was using.

17:13:46 15 Your Honours, it is a little disingenuous in my submission
16 to say therefore the objection is only made now because my
17 learned friends were looking at a different map and it is a
18 little disingenuous to say this witness cannot read the map
19 because he's not an expert and he's not a cartographer. It's not
17:14:03 20 onerous to conduct cross-examination of a route that the witness
21 has talked about orally and which he has now sought to mark on a
22 map which he can answer a question, Your Honours, which I can put
23 to him tomorrow morning or this afternoon as to whether or not he
24 thinks the map represents an accurate reflection of the Freetown
17:14:21 25 streets that he has marked on it.

26 PRESIDING JUDGE: Thank you, Ms Pack.

27 [Trial Chamber confers]

28 PRESIDING JUDGE: Could we have the map that has been
29 marked by the witness? The actual matter is whose tender is now

1 being objected to?

2 MS PACK: Your Honour, might I ask that my learned friends
3 clarify one issue for the sake of your deliberations, which is to
4 identify how it is contended that the map is inaccurate? Maybe
17:16:32 5 that is something that the witness can deal with. My learned
6 friend has now said that the map is inaccurate. If he can
7 identify how, then maybe the witness can respond to that.

8 [TB130605I-JM]

9 [The Trial Chamber deliberates]

17:19:07 10 PRESIDING JUDGE: The decision on this objection is as
11 follows: The Trial Chamber is of the unanimous view that this
12 proposed exhibit shows a route followed as described in oral
13 evidence and, as such, is admissible and is now admitted as P18.

14 Is that the correct next exhibit number, Madam Court
17:19:30 15 Attendant?

16 MS EDMONDS: That's correct, yes.

17 PRESIDING JUDGE: Thank you. P18.

18 [Exhibit No. P18 was admitted]

19 MS THOMPSON: Your Honour, in that case, may I ask through
17:19:36 20 you for my learned friend to kindly bring the originals of this
21 and all other maps that she intends to rely on. That way, we'll
22 be able to compare them.

23 PRESIDING JUDGE: Indeed. And to avoid any future exchange
24 of this nature. And also, counsel should be provided at some
17:19:53 25 point, allowed to look at this, in order to mark up their own
26 maps in accordance with the way the witness has described. At
27 the convenience of the Court Management.

28 First of all, we're over our usual time, and this appears
29 to be an appropriate time to adjourn. So we will adjourn until

1 tomorrow morning.

2 Madam Court Attendant, please adjourn Court to tomorrow
3 morning.

4 Indeed, my Learned Sister has just reminded me that I have
17:20:40 5 not informed the witness that the witness is under oath and, as
6 such, should not discuss his evidence until all of his evidence
7 is finished. Mr Witness, you remember me telling you this
8 before? And I tell you again today. Are you clear on this
9 point?

17:20:56 10 THE WITNESS: Yes, My Lord.

11 PRESIDING JUDGE: Thank you.

12 [Whereupon the hearing adjourned at 5.21 p.m.,
13 to be reconvened on Tuesday, the 14th of June,
14 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P18	129
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334	2
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EXAMINED BY MS PACK	2
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