

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

TUESDAY, 14 JUNE 2005
9.18 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg Mr James Kamara
For the Registry:	Ms Maureen Edmonds
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 Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Justin Ledden
For the accused Santigie Borbor Kan:	Mr Ajibola E Manly-Spain Ms Viola Trebicka

1 [TB140605A-SGH]

2 Tuesday 14th June 2005

3 [Open Session]

4 [The Accused not present]

09:16:32 5 [Witness entered court]

6 [Upon commencing at 9.18 a.m.]

PRESIDING JUDGE: Good morning. We appear to be missing
8 some defence counsel. Is there any explanation?

9 MR GRAHAM: With your leave, My Lord, they are within the
09:22:58 10 precincts of the Court, My Lord. May I just go around and get
11 them?

12 PRESIDING JUDGE: The Court cannot proceed without someone
13 at the Bar table on the side of counsel for the Defence. So you
14 will have to remain and let them turn up in due course or I will
09:23:13 15 ask the Court Attendant to make -- if there is anyone can be
16 telephoned.

17 I will remind the witness -- I also note the absence of the
18 accused. Am I to take that the situation prevailing yesterday
19 and previously still prevails?

09:23:35 20 MR GRAHAM: My Lord, the lead counsel will give an
21 explanation to that when they are here.

22 PRESIDING JUDGE: Thank you. Mr Witness, you recall
23 that -- Ms Thompson, Mr Manly-Spain, you are aware of the time
24 this Court starts. What has happened to you?

09:24:36 25 MS THOMPSON: I am sorry, Your Honour [Microphone not
26 activated]

27 THE INTERPRETER: Your mic is not on.

28 MS THOMPSON: Your Honour, I do beg your pardon. I was
29 actually in the Court when I had to pop out. My stuff all here.

1 PRESIDING JUDGE: Your junior or co-counsel did inform us
2 of that.

3 MS THOMPSON: Yes, I'm sorry.

4 PRESIDING JUDGE: Very well. Mr Manly-Spain, what is your
09:24:52 5 explanation this morning?

6 MR MANLY-SPAIN: I'm sorry, Your Honour.

7 PRESIDING JUDGE: I didn't say to apologise, I said
8 explanation.

9 MR MANLY-SPAIN: I wasn't hearing, I didn't have my
09:25:08 10 earphone. I had to attend nature.

11 PRESIDING JUDGE: It must be the oldest excuse in the book.
12 Can anyone explain the absence of Mr Fofanah, he is usually on
13 time.

14 MS THOMPSON: Your Honour, he is actually in the Court
09:25:21 15 precincts, he is coming in.

16 PRESIDING JUDGE: Very well. I will proceed now to remind
17 the witness of his oath, unless there are other matters that
18 counsel wish to bring to the Court's attention. No.

19 Mr Witness, you recall that you took the oath and promised
09:25:44 20 to tell the truth. As I have told you before, that promise is
21 still binding on you and you must continue to answer questions
22 truthfully. Do you understand this?

23 THE WITNESS: Yes, My Lord.

24 PRESIDING JUDGE: Thank you, Mr Witness. Ms Pack, please
09:26:00 25 proceed.

26 MS PACK: Thank you, Your Honour.

27 WITNESS TF1-334: [Continued]
28 [The witness answered through interpreter]
29 EXAMINED BY MS PACK: [Continued]

1 Q. Good morning, witness.

2 A. Good morning, My Lord.

3 Q. Witness, when we broke off yesterday afternoon you had
4 testified that the State House was captured and that you were at
09:26:26 5 State House at around 5.45 in the morning. Quarter to 6.00 in
6 the morning. Witness, where did you go after State House?

7 A. Whilst myself and the other soldiers captured the State
8 House, we moved to -- as the commanders including Gullit, Bazzy,
9 Five-Five and others, we and others came to the State House, that
09:27:09 10 was around 6.00 to 6.30 in the morning. Myself, together with
11 xx and other commanders, we moved as Gullit came and said CID
12 and the police station should be burnt down.

13 Q. Pause, Witness, pause. Now, you have just said that when
14 Gullit came --

09:27:30 15 PRESIDING JUDGE: Pause, Ms Pack. Mr Fofanah.

16 MR FOFANAH: I am sorry Your Honours for coming late. I
17 actually had a slight breakdown coming. I had a tyre puncture.
18 I couldn't communicate that to my colleague because, Your Honour,
19 unfortunately I didn't have my cell phone with me. I am sorry
09:27:58 20 about that.

21 PRESIDING JUDGE: Very well.

22 MR FOFANAH: I will try very hard not to repeat such
23 conduct.

24 PRESIDING JUDGE: We will note that. Thank you.

09:28:08 25 Ms Pack, I didn't intend to interrupt you completely, but I
26 had to put it on record. Please proceed, Ms Pack, you were
27 asking a question.

28 MS PACK: Thank you, Your Honour.

29 Q. Witness, you said that Gullit came and said that CID should

1 be burnt down. I just want to break that down. How do you know
2 he said that CID should be burnt down?
3 A. Gullit met me and the other commanders in the State House.
4 And when he arrived later he said the troops should advance
09:28:43 5 towards the Pademba Road prisons and that --
6 PRESIDING JUDGE: Just a minute. Counsel, do not walk
7 across the front of the Bar again, and do not wave at me. This
8 is a court. Get on your feet when I am speaking to you.
9 MR LEDDEN: I apologise.
09:29:02 10 PRESIDING JUDGE: Pardon? Put the microphone on. Put your
11 microphone on and speak properly.
12 MR LEDDEN: I apologise, Your Honour.
13 PRESIDING JUDGE: On your feet.
14 MR LEDDEN: I apologise, Your Honour.
09:29:14 15 PRESIDING JUDGE: Do not walk across the Bar again, and do
16 not walk across in front of a sworn witness.
17 I apologise for the interruption. Mr Witness, I apologise
18 for the interruption. Please repeat what you were just saying.
19 I have recorded that you Gullit met with you.
09:29:31 20 MS PACK:
21 Q. You were saying that Gullit met in the State House, met you
22 in the State House. Go on, please, to say what happened then.
23 A. Immediately myself and the other commanders who were there
24 at the State House, including Colonel Tito and others, Gullit
09:29:57 25 said we -- the troops should immediately move towards Pademba
26 Road and capture the Pademba Road prisons. And in fact before
27 the troops moved to the Pademba Road prison, the CID station
28 should be burnt down.
29 Q. Pause. You stated a name there, Tito. It has been spelt

1 before, T-I-T-O. Who else was with you when Gullit said that you
2 should move and capture Pademba Road and before you do that burn
3 the CID?

4 A. Commander **xx**, **xxx** and the Operation **xxx**,
09:30:47 5 including -- and **xxx** was there. Five-Five, **xx** and the other
6 military supervisors.

7 Q. Pause, please.

8 MS PACK: The witness has spelt these names before, Your
9 Honour. **xxx** is spelt **xx**. **xx** was spelt **xx**.

09:31:11 10 And **xxx** is spelt **xxx** and the others were A, **xx** and
11 Five-Five.

12 Q. After this was said by Gullit, what did you do?

13 A. Myself, **xxxx** and **xxxx**, and
14 Supervisor A, and the other military personnel, moved towards the
09:31:46 15 CID whilst Major Minas set the CID on fire and we moved directly
16 to -- while the CID was burning down, we moved directly to the
17 Pademba Road prisons.

18 Q. Pause, please. You have mentioned a name there Major
19 **xxx**, would you spell that, please, for their Honours?

09:32:11 20 A. **xxxxx**. That was his popular name.

21 Q. Do you know his full name?

22 A. No, this was his popular name.

23 Q. Who was he?

24 A. Well, he was -- he too was a military commander. He was a
09:32:31 25 major, he was with the troops.

26 Q. Do you know which group he had been in before?

27 A. Yes.

28 Q. Which group?

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

1 Q. I am just going to ask you something, you have referred to
2 someone as Operational Commander A and Supervisor A. Would you
3 clarify who you are talking about at this point?

4 A. I am talking about the Supervisor A.

09:33:06 5 Q. Now, you said you moved to CID and xxx burnt CID.
6 How do you know that?

7 A. Well, xxxx moved with the troops among which I was
8 there. We moved together towards the CID and he -- it was he who
9 set the CID on fire. We stood there while he put the troops on
09:33:31 10 fire. Then the troops moved towards Pademba prisons.

11 Q. Did you get to Pademba Road prison?

12 A. Yes, My Lord.

13 Q. What happened there?

14 A. Well, at the Pademba Road prison we met -- we met with
09:33:52 15 little resistance from the guards who were within the prisons.
16 We pushed them and we succeeded in opening the prisons. Myself
17 and the other commanders who went with me, including xxx, we
18 succeeded in opening the prisons.

19 Q. After you opened the prison, what happened?

09:34:10 20 A. Well, as soon as xxx and the other -- xxxx and
21 the other commanders opened the prisons, all the politicians, the
22 soldiers and we met there, including some prominent lawyers, we
23 told them to go back to the State House. They should go to --
24 they were to stay -- they were to report at the State House
09:34:36 25 immediately.

26 Q. Are you able to estimate approximately how many people were
27 released from Pademba Road prison?

28 A. The number was large. Many, many people. In fact, some
29 were in uniforms, others were in civilian clothes, but the number

1 was large.

2 Q. Did you do anything else while you were at Pademba Road
3 prison?

4 A. Well, the only thing, we ordered the men to report to the
09:35:15 5 State House for further instructions.

6 Q. Where did you go after Pademba Road prison?

7 JUDGE LUSSICK: Just before you leave Pademba Road,
8 Ms Pack, getting back to the guards, the witness said he, "We
9 pushed them". What exactly happened to the guards?

09:35:32 10 MS PACK:

11 Q. Witness, His Honour Judge Lussick's question was what
12 happened to the guards at Pademba Road prison?

13 A. They retreated and in fact they left their arms and
14 ammunitions in the place.

09:36:02 15 Q. Was anything done with the arms and ammunition that they
16 left?

17 A. Yes, immediately as myself and the troops reached there, we
18 captured the arms and the ammunition and we made use of them
19 immediately, with the support weapons which we captured, together
09:36:16 20 with others, including GBMG and other anti-aircraft weapons.

21 Q. Pause. GBMG, would you just give a full name for that,
22 please?

23 A. Yes. General purpose machine gun.

24 Q. Witness, where did you go after Pademba Road prison?

09:36:47 25 A. After Pademba Road prisons xxx, xx
26 xx, xxxx, moved towards the radio station in
27 the New England and captured the station. Moved further to
28 Brookfields.

29 Q. Pause. Just spell Brookfields, please.

1 A. B-R-O-O-K-F-I-E-L-D-S.

2 Q. Did anything happen at Brookfields?

3 A. Well, in Brookfields xxx and the advancing troops, we

4 met some resistance from the forces who were within the area.

09:37:33 5 But as we used our support weapons myself and the troops when we

6 got there they retreated from Brookfields.

7 Q. Where did you go after Brookfields?

8 A. After Brookfields we moved towards Hill Cot.

9 Q. Did anything happen at Hill Cot?

09:37:51 10 A. Well, in Hill Cot Road the other men continued.

11 JUDGE SEBUTINDE: I am sorry to interrupt. You are rushing

12 and you are forgetting to spell certain names.

13 MS PACK: My apologies, Your Honour.

14 JUDGE SEBUTINDE: So we have records that have gaps, so if

09:38:11 15 you could please focus on some of these things.

16 MS PACK:

17 Q. Witness, will you spell Hill Cot, please?

18 A. H-I-L-L-C-U-T [sic].

19 Q. And that is in which area in Freetown?

09:38:21 20 A. It is within the New England.

21 Q. Did anything happen at Hill Cot Road?

22 A. Well, in that junction.

23 JUDGE LUSSICK: This witness continually, when he is

24 describing the movement of the troops, he continually uses the

09:38:51 25 expression, "We moved towards". Now, quite often I think he

26 means, "We went to", because moving towards, as you know, does

27 not mean we actually got there. And now the evidence, as it

28 stands in this particular instance, is he moved towards Hill Cot.

29 And now you are saying what happened when you got there. He

1 hasn't even got there yet. But I really do think he intends to
2 say, "We went there," but he keeps using the expression, "We
3 moved towards," which has a totally different meaning.

4 MS PACK: I will make sure that I ask the necessary
09:39:27 5 question.

6 JUDGE SEBUTINDE: And, Ms Pack, before I interrupt you
7 further. Your witness, you know, taking on yesterday's Defence
8 objection to the use of term "we", you ask the right question,
9 "Where did you go next?" Or, "What did you do?" And this
09:39:45 10 witness keeps saying, "We did this," and "We ordered them to do
11 that," and "We ordered them to do the other". Could you also
12 ensure that he understands the difference between the two. We
13 are interested in his own evidence, not what the others did.

14 MS PACK: Yes, Your Honour.

09:40:02 15 Q. Witness, did you get to Hill Cot Road?

16 A. Myself and the soldiers and the troops that moved captured
17 Brookfields and captured the junction at Hill Cot.

18 Q. Pause a moment, please. You were moving with whom apart
19 from Tito?

09:40:33 20 A. The xx commanders with whom I know xxx,
21 xxx.

22 Q. Were there other men with you apart from these commanders
23 xxxx; were there other men?

24 A. Yes. There were other junior officers.

09:40:50 25 Q. Are you able to estimate about how many other men were with
26 you?

27 A. Well, we were about 80 manpower at the time we moved to
28 that area.

29 Q. Was this the same group that was with you at Pademba Road

1 prison, then the radio station, then Brookfields, and finally at
2 Hill Cot?

3 A. Yes. This was part of the group.

4 Q. And just going back to Pademba Road, you gave evidence that
09:41:29 5 orders were given to the men there who were held in detention to
6 report to State House. Who gave the orders?

7 A. Well, at this time xxx, he was -- who was the commander
8 who was moving with us. And Supervisor A asked the men to report
9 immediately at the State House for further instructions.

09:41:55 10 Q. How do you know that they gave these orders?

11 A. I came together with them and captured the ground and they
12 said this in my presence. They told the people that everybody
13 should move to the State House. They were to go. They told them
14 go to State House, go to State House for further instructions.

09:42:18 15 Q. Witness, going back to Hill Cot Road, after you got there
16 did anything happen there?

17 MS THOMPSON: Your Honour, the evidence so far has been
18 Hill Cot. The witness has not said Hill Cot Road, this is the
19 second time the counsel as said Hill Cot Road. The witness has
09:42:37 20 not told us anything about a road.

21 PRESIDING JUDGE: I have down the spelling, C-U-T, which is
22 what the witness spelt, which is not the place I know --

23 MS THOMPSON: The witness has given us --

24 PRESIDING JUDGE: -- and he did not use the word "road",
09:42:47 25 that is quite correct. He did not.

26 MS PACK:

27 Q. Witness, after you got to Hill Cot, what happened? Did
28 anything happen there?

29 A. Well, in this junction while myself and the other troops

1 and other men advanced to that junction, xxxmoved -- xxx and
2 the other men moved towards Tengbeh Town, down Tengbeh Town.
3 Q. Pause, please. Would you spell Tengbeh Town for their
4 Honours?

09:43:24 5 A. T-E-N-G-B-E-H. T-O-W-N.
6 Q. Where is the junction, the Hill Cot Junction? It is a
7 junction with which roads?
8 A. The junction I referred to is this -- the New England.
9 There is a junction just after Brookfields. There is a junction
09:44:00 10 leading towards Tengbeh Town. That was the junction which xx,
11 xx and the other officers captured. And while Tito and
12 others stayed at the junction, we moved ahead towards Tengbeh
13 town.
14 Q. Who did you move towards Tengbeh Town with?

09:44:29 15 A. xxxxx and xx moved down Tengbeh
16 Town.
17 Q. Did you get to Tengbeh Town?
18 A. xx, My Lord.
19 Q. Where did you go after that?

09:44:52 20 A. In Tengbeh Town xxx and the troops -- xxx
21 xxx, we moved whilst Tito said he was going
22 to capture Brookfields we moved towards the stadium. Siaka
23 Stevens stadium or the national stadium.
24 Q. Pause. Tito said he was going to capture where?

09:45:17 25 A. Tito said he was going to capture -- he was going to
26 Brookfields and capture Brookfields, whilst xxx, xxx,
27 xxx and some other soldiers moved to the national stadium.
28 Q. And you have also called it the Siaka Stevens stadium.
29 A. It was formerly, but now it is national stadium.

1 Q. Did you get to the national stadium?
2 A. Yes, My Lord.
3 Q. Did anything happen there?
4 A. Yes, My Lord.
09:46:05 5 Q. What happened there?
6 A. In the national stadium xx discovered, xx xxxx
7 xxx that there were lots of other soldiers in the
8 stadium.
9 Q. So what happened?
09:46:23 10 A. xxxx and other soldiers, forced our way
11 into the stadium and opened the gates and called on the soldiers
12 to come out and join the force.
13 Q. Did you or anyone say anything, apart from that, to these
14 soldiers?
09:46:51 15 A. Yes, at first they were afraid when the soldiers saw xx
16 xxxx and other soldiers. They were afraid, but we
17 called them that, "It was we, the SLA, that have come and we
18 asked you to join us".
19 Q. Who said these things?
09:47:15 20 A. xxx. Even xxx spoke to them to join us.
21 Q. Do you know where these men went after you had met them at
22 the stadium?
23 A. Yes, the men came closer to us, to xxand xx
24 and the other men.
09:47:27 25 Q. And where did they go?
26 A. xxxx told them that they should go and
27 report to the State House. They moved to the State House.
28 Q. Are you able to say approximately how many men were in the
29 stadium?

1 A. Well, the number I saw, there were more than 100.

2 Q. After the stadium where did you go?

3 A. After the stadium xxxx, came back to the

4 Youyi building. The junction at the Youyi building.

09:48:22 5 Q. Pause. Spell Youyi building for their Honours.

6 A. Y-O-U-Y-I.

7 Q. Did anything happen at the Youyi building.

8 A. Well, while xxxx and the other soldiers

9 stood at the Youyi building we noticed two convoys, two jeeps,

09:48:57 10 coming towards our direction. So xxxx and other

11 soldiers, tried to stop this vehicle, but the vehicle -- they

12 passed, they did not stop. They moved further.

13 Q. Pause. Did anything happen after that?

14 A. Yes, My Lord.

09:49:19 15 Q. What happened?

16 A. Whilst these two vehicles moved, xxxxx stood

17 at the Youyi building, we heard -- we heard a blast, a heavy

18 blast.

19 Q. Were you able to estimate where that blast had come from?

09:49:51 20 A. Well, immediately, xxx and the other

21 soldiers heard the blast, xxx and the other

22 soldiers moved towards the direction. That is towards the Congo

23 Cross bridge.

24 Q. Spell Congo Cross bridge for their Honours.

09:50:08 25 A. C-O-N-G-O C-R-O-S-S.

26 Q. Did you get to Congo Cross bridge?

27 A. xxxxxx and the other soldiers

28 moved towards the bridge, but we met that the two vehicles they

29 were on fire. The two vehicles were on fire. While we tried to

1 exchange firing. We were not able to rescue the men within --
2 who were in the vehicles.

3 Q. What did you do after that?

4 A. From there the fire power of the enemy was too heavy so
09:50:57 5 xxx, we retreated to the Youyi building.

6 Q. Where did you go after the xx building?

7 A. After the xxx, we came back. xxxx

8 A returned to the State House.

9 Q. Pause, please. Witness, you gave evidence yesterday about
09:51:16 10 Gullit giving an instruction about Wilberforce barracks. Did
11 anything happen at Wilberforce barracks?

12 MR FOFANAH: Objection, Your Honours. The witness has not
13 told this Court that they went to Wilberforce barracks.

14 MS PACK: Your Honour, that is no grounds for objecting to
09:51:44 15 my asking this question. There was evidence given yesterday
16 about Gullit giving instructions, various instructions while they
17 were at xxx and one of the those instructions related to
18 Wilberforce barracks. And so my question is consequent upon that
19 instruction. Was anything done at Wilberforce barracks?

09:52:01 20 JUDGE SEBUTINDE: Ms Pack, I think the objection was that
21 you were leading the witness. You have not laid the foundation
22 for him to even be at Wilberforce barracks yet.

23 PRESIDING JUDGE: I am just looking for the record.

24 MS PACK: Your Honour, I can just proceed with asking a
09:53:12 25 question having my learned friend's objection in mind.

26 PRESIDING JUDGE: Very well, Ms Pack. [Microphone not
27 activated]

THE INTERPRETER: Your mic is not on, My Lord.

29 PRESIDING JUDGE: I am sorry. I said if that overcomes the

1 objection, please proceed and I have no doubt that counsel for
2 the Defence will renew their objection if it does not succeed in
3 overcoming their objection.

4 MS PACK:

09:53:32 5 Q. Witness, did you go to Wilberforce barracks?

6 A. No.

7 Q. Did you hear anything about Wilberforce barracks?

8 A. **xxxx** returned to the State House

9 one civilian, who was in Wilberforce, said that he escaped from
09:53:56 10 there.

11 Q. How do you know the civilian said this?

12 A. Well, he said this in front of **xx** and **xxx** and
13 **xx** was standing there together with **xx** while this boy was
14 explaining.

09:54:09 15 Q. What did the civilian say?

16 A. The civilian boy said the ECOMOG soldiers, the Nigerian
17 soldiers have -- I'm sorry let the witness --

18 Q. Pause a moment.

19 PRESIDING JUDGE: Mr Witness, a little bit slower to allow
09:54:32 20 the interpreter, please. A little bit slower.

21 MS PACK:

22 Q. Go on, Witness, back to the beginning of your answer,
23 taking it slowly.

24 A. The civilian said the ECOMOG soldiers have captured the
09:55:01 25 families of the soldiers in Wilberforce.

26 Q. Did he say anything else?

27 A. Yes, he said if the troops attempt to go there or to send
28 any bomb to Wilberforce, they will execute the families.

29 MR FOFANAH: Your Honours -- I'm sorry, I will withdraw

1 that.

2 MS PACK:

3 Q. Did anyone else say anything else at this point?

4 A. Yes. In fact, Gullit ordered that the troops -- the troops
09:55:56 5 should not go come by Wilberforce barracks. From that time no
6 movement -- no troop movements went towards the Wilberforce
7 barracks.

8 Q. Now, Witness, you said you returned then to State House. I
9 am going to ask to show you a map.

09:56:15 10 MS PACK: Your Honours, with your permission I will show
11 the witness a different map. It is the enlarged scale map that
12 my learned friends had before them yesterday of Freetown. The
13 same map, but a larger scale to yesterday's map. If I could pass
14 that to the witness.

09:56:31 15 PRESIDING JUDGE: Do Defence counsel know the map that is being
16 referred to? Please do so.

17 MS PACK: Perhaps on this occasion I can raise the map so
18 that my learned friends know which one I am looking at.

19 Q. Now, Witness, I am going to ask you to look at this map and
09:57:42 20 firstly I would like you to identify, if you can see, Pademba
21 Road prison on the map and if you can then encircle it with that
22 black pen that I passed you and mark it number one.

23 JUDGE SEBUTINDE: Sorry, counsel, did you say Pademba Road
24 or Pademba Road prison?

09:58:21 25 MS PACK: Pademba Road prison.

26 Q. Witness, have you done that?

27 A. Yes, My Lord.

28 Q. I would like you, please, to identify the radio station
29 that you spoke about and I would like you to encircle that and

1 mark it two. Have you done that, witness?

2 A. Yes, My Lord.

3 Q. I would like you now, please, to identify the location you

4 have called Brookfields and to encircle that and mark it three.

09:59:47 5 Have you done that, witness?

6 A. Yes, My Lord.

7 Q. Witness, if you are able I would like you to identify the

8 junction, Hill Cot Junction that you spoke about, encircle that

9 junction, please, and mark it with a four. Have you done that,

10:00:13 10 Witness?

11 A. Yes, My Lord.

12 Q. I would like you, please, to find the location you have

13 identified as Youyi and encircle that and mark that with a five,

14 please.

10:00:51 15 JUDGE SEBUTINDE: Ms Pack, was the evidence Youyi or Youyi

16 building. I think it was Youyi building.

17 MS PACK: I think Your Honour is right.

18 JUDGE SEBUTINDE: Is that a place? Is there a place?

19 MS PACK: I think it is Youyi building that the witness

10:01:17 20 said in evidence, yes.

21 Q. Witness, have you done that?

22 A. Yes, My Lord.

23 Q. Finally, I would like you to find the national stadium that

24 you referred to and if you could encircle that and mark that with

10:02:14 25 the number six. Have you done that, witness?

26 A. Yes, My Lord.

27 MS PACK: Your Honour, I would seek to tender at this time

28 the map as marked by the witness in evidence.

29 PRESIDING JUDGE: Before I hear that application, the map

1 should first be shown to yourself and to counsel for the Defence
2 and I will then consider that application.

3 Now, counsel for the Defence, you have heard the
4 application to tender.

10:05:09 5 MR MANLY-SPAIN: No objection.

6 PRESIDING JUDGE: Thank you. We note there is no
7 objection. That will be P19, I think.

8 MS EDMONDS: Yes, P19.

9 PRESIDING JUDGE: Can we see the map, please? Madam Court
10 Attendant, we marked the exhibit. Please mark it.

11 [Exhibit No. P19 was admitted]

12 PRESIDING JUDGE: Ms Pack, please proceed.

13 MS PACK: Thank you, Your Honour.

14 Q. Witness, you have testified that you returned to State
10:07:53 15 House. Did you hear anything that you recall on the first day in
16 Freetown whilst you were at State House?

17 A. Yes, My Lord.

18 Q. What did you hear?

19 A. Well, whilst I was at the State House I heard an
10:08:18 20 announcement from one of the radio stations, the local radio
21 stations, in which Five-Five -- the person speaking at that time
22 was Five-Five and he said -- he said he was the chief of staff
23 who had come and right now the army had taken over the reigns of
24 government of President Ahmed Tejan Kabbah and said, as of now,
10:08:50 25 the commander that came with him, that is the commander of the
26 troops, that was Lieutenant General Tamba Alex Brima.

27 Q. How did you know it was Five-Five who came up on the radio?

28 A. Well, this was an announcement which I heard myself whilst
29 I and the other soldiers at the State House listened. Everybody

1 was happy as Five-Five gave this announcement.

2 Q. Did you hear any other announcements on the radio on that

3 first day in Freetown?

4 A. Yes.

10:09:38 5 Q. What did you hear?

6 A. Later in the day over the RFI.

7 Q. Pause. RFI, please state what that stands for, please?

8 A. Radio France International.

9 Q. Go on, please.

10:10:00 10 A. RFI, we also heard when Mosquito was speaking saying that

11 the troops, which was commanded by Alex Tamba Brima, had captured

12 Freetown and in fact had captured the State House. He said that

13 they will continue to defend Freetown.

14 Q. How did you know it was Mosquito who gave this

10:10:26 15 announcement?

16 A. Well, he identified himself through the person that

17 interviewed him.

18 Q. Witness, on that first day in Freetown did you hear any

19 other announcements on the radio?

10:10:43 20 A. Yes, My Lord.

21 Q. What did you hear?

22 A. Later in the day Colonel FAT Sesay.

23 Q. Pause a moment. Just remind us what position FAT Sesay

24 held.

10:11:13 25 A. FAT Sesay was the brigade administrator.

26 MS PACK: Your Honours, that has been spelt before, as it

27 sounds F-A-T Sesay. S-E-S-A-Y.

28 Q. Go on, witness, what happened in relation to FAT Sesay?

29 A. FAT Sesay talked over the BBC about 3.00 p.m. and said the

1 army had taken over the government of Ahmed Tejan Kabbah and as
2 of now their leader -- the leader that he came with, Tamba Alex
3 Brima, who is the present commander, and is assuring the Sierra
4 Leoneans of their safety and that they will get further
10:12:08 5 announcement as time went by.
6 Q. How did you know it was Colonel FAT Sesay that gave this
7 announcement?
8 A. In fact, when he talked over the BBC, the first question
9 that they asked him -- the person that asked him asked him, "Who
10:12:28 10 is speaking? Who are you? From which group?" So FAT clearly
11 identified himself.
12 Q. Witness, at the State House was there anyone in command
13 there?
14 A. Yes, My Lord.
10:12:50 15 Q. Who was in command at the State House?
16 A. Gullit, Tamba Alex Brima. He was the overall commander for
17 xxx that came.
18 Q. Were there other commanders at State House?
19 A. Yes.
10:13:11 20 Q. Who?
21 A. Ibrahim Bazzy Kamara was the deputy chief in command. We
22 had the chief of staff.
23 Q. Name him.
24 A. Santigie Borbor Kanu.
10:13:30 25 Q. Anyone else?
26 A. And the director of operations.
27 Q. Name?
28 A. Brigadier Woyoh.
29 Q. Your Honours have had that W-O-Y-O-H. Go on.

1 A. The military Supervisor and the operation commander,
2 Supervisor A, all of them were present.
3 Q. Just remind us who the operation commander was?
4 A. Colonel O-Five.
10:14:05 5 Q. And were you talking about one military Supervisor or more
6 than one?
7 A. The military supervisors.
8 Q. Do you know what State House was being used as at this
9 time?
10:14:22 10 A. Yes.
11 Q. What was it being used as?
12 A. The State House it was -- it was the Defence headquarters.
13 Q. On your first day in Freetown, did you see anything happen
14 at State House?
10:14:50 15 A. Yes, My Lord.
16 Q. What did you see happen at State House?
17 A. Well, the first thing I saw to my surprise was one soldier,
18 who was a fighter, who was among the members of the group that I
19 came with in Freetown. This soldier's wife, the wife he had in
10:15:22 20 the jungle, she dressed neatly and lived in the State House
21 compound. To my surprise Gullit called the lady and fired her in
22 xxx. That was the first thing I saw which Gullit did in
23 the State House. That is, she shot and killed the girl. Pardon,
24 he shot and killed the girl.
10:15:44 25 Q. Witness, did anything else happen after Gullit shot and
26 killed this girl?
27 A. Yes, after this had happened nobody questioned, nobody
28 talked and another ECOMOG that was captured, a Nigerian soldier
29 was brought. They came with them at the State House, about 14 of

1 them.

2 Q. How do you know that 14 ECOMOG soldiers were brought to
3 State House?

4 A. In fact, it was in my presence in front of me they came
10:16:26 5 with them. They were in their uniforms. They had their ID cards
6 that identified them as ECOMOG soldiers. It was clear. They
7 spoke in Nigerian language.

8 Q. Who brought them to State House?

9 A. Well, it was Tito that came with them, Colonel Tito.

10:16:47 10 Q. Did anything happen to the 14 ECOMOG soldiers who were
11 brought to State House?

12 A. Yes.

13 Q. What happened?

14 A. In fact, Gullit questioned them and asked them about their
10:17:06 15 present commander and their strengths. And where they had their
16 military hardware.

17 Q. How do you know that Gullit questioned them?

18 A. It was xx. xx Gullit was
19 questioning them.

10:17:23 20 Q. Did anything happen after Gullit questioned them?

21 A. Yes.

22 Q. What happened?

23 A. These soldiers did not give any appropriate reply to
24 Gullit's questions. So that made Gullit annoyed. He took a
10:17:43 25 pistol and shot two of the two of the police -- two of these
26 soldiers. And after that he ordered that the remaining should be
27 executed.

28 Q. Do you know if the others were then executed?

29 A. Yes.

1 Q. How do you know?

2 A. Well, he told Tito. He said, "Tito, these men should be
3 executed". Tito said they should be removed and they were taken
4 out the back of the State House where he shot them. It was Tito
10:18:17 5 and his soldiers that shoot -- shot the remaining 12.

6 Q. How do you know that Tito and his soldiers shot the
7 remaining 12?

8 A. ~~xxx~~ them at the area where these soldiers
9 were shot.

10:18:41 10 [TB140605B - EKD]

11 Q. Witness, did anything else happen in Freetown that you're
12 aware of on the 6th of January 1999?

13 A. Yes.

14 Q. What else happened?

10:19:38 15 A. That particular day Gullit said he needed vehicles. So he
16 ordered the operation commander to go to the UN house and collect
17 vehicles, the jeeps that parked around there. So the operation
18 commander went there and came with jeeps and other vehicles --

19 Q. Pause.

10:20:00 20 A. -- at the State House.

21 Q. How do you know that Gullit gave these orders?

22 A. As I said, I was part of the group at that time and I was
23 there when he called the operation commander at the State House,
24 when he told him that he needed vehicles. He needed vehicles to
10:20:21 25 move in the vehicle -- in the city. So the operation commander
26 went and collected the vehicles, came with them back.

27 Q. What sort of vehicles were brought back?

28 A. Jeeps, Toyota Land Cruiser.

29 Q. Did anything else happen on the 6th of January in Freetown

1 that you're able to recall?

2 A. That particular --

3 JUDGE SEBUTINDE: Excuse, Ms Pack, I am sorry to interrupt.

4 You keep referring to 6th of January without giving us the year.

10:21:03 5 Are we to assume the year?

6 MS PACK: I gave it last question but one. It was 1999,

7 Your Honour.

8 Q. Did anything else happen on 6th of January 1999 in

9 Freetown?

10:21:14 10 A. Yes.

11 Q. What else happened?

12 A. That day what I saw with my naked eyes a lot of things I

13 saw, because abduction took place, raping, looting, killings.

14 Q. Pause, witness. I would like to break that down.

10:21:49 15 Whereabouts did you see abductions taking place?

16 A. In part when I was at the State House. The soldiers that

17 came, that went and came back, they came with women, new women

18 this time.

19 Q. Raping, witness; where did you see raping going on?

10:22:20 20 A. Within State House itself. The soldiers that came with the

21 women, I saw them using them in the rooms at the State House.

22 Q. Looting, witness.

23 JUDGE SEBUTINDE: Ms Pack, you have to do better than that.

24 I don't understand "I saw the men using the women."

10:22:57 25 MS PACK:

26 Q. When you use the words "using women," what are you talking

27 about? And please be precise.

28 A. Sexual intercourse.

29 JUDGE SEBUTINDE: You do of course realise, Ms Pack, that

1 that is not rape per se.

2 MS PACK:

3 Q. When you use the word "rape," what do you mean?

4 A. That is forceful sexual intercourse without the willingness
10:23:34 5 of the women.

6 Q. So why do you use the word "rape" in this context?

7 A. Because the women did not do it at their free will. They
8 were captured and were forced to get sexual intercourse with
9 them.

10:24:08 10 Q. How do you know these women were captured and forced to get
11 sexual intercourse with these men?

12 A. Well, mostly whilst I was at the State House, even the
13 commanders themselves, women were brought for them. The most
14 beautiful ones from Bazzy, Gullit, Five-Five. All of them had
10:24:39 15 new women that day.

16 Q. Looting, witness; where did you see looting take place on
17 this day, 6th of January 1999?

18 A. Even the State House itself there was looting in there,
19 from the presidential office that very day. It was completely
10:25:19 20 vandalised. Other offices in the State House, looting occurred
21 there.

22 Q. Killing, witness; where did you see killing take place on
23 the 6th of January 1999 in Freetown?

24 A. As I said earlier, even the soldiers that were killed in
10:26:05 25 the State House, that's one of the areas that I saw killings.
26 And also if you move out of State House you see corpses all
27 around, littering all around.

28 JUDGE SEBUTINDE: Ms Pack, I am sorry to keep interrupting.
29 All this is very interesting but we as the judges remain in doubt

1 as to who did all these things. It is very well for the witness
2 to tell us what he saw, but we don't know who was behind it so
3 far.

4 MS PACK:

10:26:47 5 Q. Witness, apart from seeing Gullit kill the woman, the young
6 girl at State House and Gullit kill the ECOMOG soldiers at State
7 House and Tito and his men kill the ECOMOG soldiers at State
8 House, did you yourself see any further killings on the 6th of
9 January in Freetown?

10:27:09 10 MR MANLY-SPAIN: May it please Your Honour. I think my
11 records show that Gullit shot, not Gullit killed two ECOMOG
12 soldiers.

13 JUDGE SEBUTINDE: I think it was executed. Executed was
14 the word.

10:27:24 15 MR MANLY-SPAIN: Gullit shot two and said the others should
16 be executed.

17 MS PACK: My learned friend is quite right.

18 PRESIDING JUDGE: That is the record, yes. I have recorded
19 "he took a pistol and shot two of them."

10:27:37 20 MS PACK:

21 Q. Witness, just going back to the shooting of the two ECOMOG
22 soldiers by Gullit, do you know after they were shot what
23 happened to them?

24 A. They were shot to death. They died. Immediately Gullit
10:27:53 25 shot them, they fell and died.

26 Q. Now, witness, apart from these killings that you saw at
27 State House, of the ECOMOG soldiers and the girl, did you
28 yourself see any other killings at State House or anywhere else
29 on the 6th of January?

1 A. Yes.

2 Q. Where did you see killings take place?

3 A. Well, whilst I moved out of State House, within its
4 surroundings, I saw a lot of corpses. And the other area I saw
10:28:34 5 corpses was some civilians, one of the commanders, Commander
6 Kido, he said the civilians had overlooked him. So this was the
7 word that was used wherein civilians were killed. That's
8 overlooking.

9 Q. Pause, witness. I am going to ask you to break that down.
10:28:58 10 You said you saw a lot of dead bodies within the surrounding area
11 of State House. Did you see who had killed the people you saw as
12 dead?

13 A. The other corpses, I don't know the one that killed them.
14 But this man that I'm talking about, that Kido, killed; I saw.
10:29:20 15 He said the civilians were overlooking him.

16 Q. Pause there. Just spell Kido please for Their Honours.

17 A. K-I-D-O.

18 Q. Who was he?

19 A. He was one of the commanders that came to Freetown.

10:29:47 20 Q. Did he have a rank that you were aware of?

21 A. Yes, he was a lieutenant colonel.

22 Q. Do you know which group he had been part of?

23 A. Yes, he was a member of the Sierra Leone Army.

24 Q. Witness, you were telling the Chamber about what Lieutenant
10:30:10 25 Colonel Kido did. Go on, please.

26 A. Well, these civilians, about six of them, he said they
27 overlooked him. Whilst I was standing by him, he fired. He shot
28 them and killed them at the spot, he said for overlooking.

29 Q. Pause. Do you know how many civilians he shot and killed?

1 A. There were six and it was around Garrison Street.
2 Q. Witness, spell Garrison Street, please, for Their Honours.
3 A. G-A-R-R-I-S-O-N.
4 Q. Witness, is there anything else that happened in Freetown
10:31:13 5 on the 6th of January 1999 that you recall?
6 A. Yes, as far as I can recall that day, everybody, especially
7 the commanders, they were with vehicles, patrolling the city.
8 Patrolling was on while the civilians were singing, saying "These
9 are our brothers, we want peace." This was the song that was
10:31:47 10 sung by the people in the streets.
11 Q. Witness, you gave evidence yesterday about Gullit saying
12 something about the police in Freetown?
13 A. Yes, My Lord.
14 Q. You have given evidence yesterday about the burning of
10:32:27 15 Eastern Police Station and today about the burning of CID. Do
16 you know if anything else happened in Freetown in relation to the
17 instructions about police?
18 A. Yes, My Lord.
19 Q. What else happened?
10:32:54 20 A. The Central Police Station was burnt down.
21 Q. Pause, witness. How do you know that the Central Police
22 Station was burned down?
23 A. It was Gullit who gave the order that it should be burnt
24 down.
10:33:11 25 Q. How do you know that he gave the order that it should be
26 burnt down?
27 A. It was at the State House where xxx. He called
28 the Operation Commander O-Five and he had a soldier called
29 Putfire. Putfire was the one that was called to burn the Central

1 Police.

2 Q. Pause. I am going to ask you to spell the last name that
3 you mentioned for the Chamber.

4 A. Putfire?

10:33:47 5 Q. Yes, please, witness.

6 A. P-U-T-F-I-R-E.

7 Q. Who was this man, Putfire?

8 A. He was a member of the fighting force that came.

9 Q. Do you know which group he had been in before?

10:34:13 10 A. No, he was a civilian, but he was with the group.

11 Q. What did Gullit say about Central Police Station?

12 A. Gullit said the Central Police Station should be burnt
13 down.

14 Q. Do you know if that was then done?

10:34:41 15 A. Yes.

16 Q. How do you know that that was then done?

17 A. Whilst Operation Commander O-Five and Putfire went to the
18 station while we move round that area, we ourselves put fire on
19 it.

10:35:06 20 Q. When you're talking about "we," who are you talking about,
21 witness?

22 A. I said myself, xxxx moved towards Central Police
23 and observed when Putfire and O-Five put the station on fire.

24 Q. Now, witness, you have given evidence about Central Police
10:35:37 25 Station, Eastern Police Station, CID and also yesterday Kissy
26 Mess-Mess. Was there anything else that you recall happening in
27 relation to police stations on this day, 6th of January 1999?

28 A. Yes.

29 Q. Go on.

1 A. While ~~xxxx~~, Five-Five and other
2 senior commanders were at the State House, Gullit called the
3 director of operations, Woyoh, and that he had got an information
4 that the Water Quay -- a lot of valuables were at the quay.

10:36:39 5 Q. Pause.

6 MS PACK: The names have all been spelt before,
7 Your Honours. One of them, the last one, Woyoh, I will spell
8 again: W-O-Y-O-H.

9 Q. How do you know that Gullit said these things to these
10:36:52 10 people?

11 A. I said whilst myself, Supervisor A and Gullit, Bazzy,
12 Five-Five were at the State House, Gullit had to call them and
13 told them that he had an information that Water Quay had a lot of
14 valuable property including vehicles and others.

10:37:20 15 Q. What else did he say?

16 A. He said this team should go there. He himself went with a
17 team down to the quay.

18 Q. How do you know he went with the team down to the quay?

19 A. Myself was one of the people that escorted Supervisor A and
10:37:43 20 Gullit down to the quay.

21 JUDGE SEBUTINDE: Ms Pack, is there a place called Water
22 Quay that this witness named?

23 MS PACK: Let me clarify with the witness, Your Honour.

24 Q. Water Quay, the place you're naming, whereabouts is it
10:38:00 25 situated in Freetown?

26 A. It is at Cline Town.

27 Q. Spell Cline Town, please.

28 A. C-L-I-N-E T-O-W-N.

29 Q. Is Water Quay the name of the location or is there another

1 name that it goes by?

2 A. Well, this is the popular name it is known, but it is

3 sometimes called Queen Elizabeth Quay, that is Water Quay.

4 Q. Witness --

10:38:44 5 JUDGE SEBUTINDE: We haven't had a spelling of Water Quay.

6 MS PACK:

7 Q. Will you spell Water Quay please, witness?

8 A. W-A-T-E-R Q-U-A-Y.

9 Q. And sometimes known as Queen Elizabeth Quay. Witness, did

10:39:14 10 you get to Queen Elizabeth Quay, Water Quay?

11 A. xxxx, Gullit, Bazzy, Woyoh, Supervisor

12 Abdul Sesay, Supervisor Bioh reach to the quay and reach there.

13 Q. What happened when xxxx got there?

14 A. In fact, xxx and Supervisor A, Gullit and others arrive

10:39:50 15 at the quay, Gullit surprised to see that the Harbour Police

16 Station was still standing erect. He called Operation

17 Commander --

18 Q. Pause. Would you spell Harbour, please?

19 A. H-A-R-B-O-U-R.

10:40:14 20 Q. Witness, you said that Gullit said he was surprised to see

21 Harbour Police Station. Go on, what else did he say?

22 A. In fact, he called the Operation Commander O-Five and told

23 him that, "Now as you are here, that station should be burnt

24 down." And O-Five put fire on the station.

10:40:38 25 Q. How do you know that Gullit called O-Five and that O-Five

26 put the police station on fire?

27 A. xxx Gullit came with the convoy. xxx was with the convoy

28 that came. So it was in my presence when he gave the order, when

29 O-Five himself moved and put the police station on fire.

1 Q. Witness, I am going to ask you to look at one of the maps
2 again.

3 MS PACK: It is Exhibit P18, Your Honours. If that could
4 be passed back to the witness I would like to ask him to make
10:41:26 5 some further markings on it. And just to remind my learned
6 friends, P18 is the close, larger scale map of Freetown.

7 Q. Witness, have you got a pen in front of you still?

8 A. Yes, My Lord.

9 Q. Witness, I would like you to mark on this map -- I would
10:42:13 10 like you to find Central Police Station. I would like you to
11 encircle it and number it 2.

12 JUDGE SEBUTINDE: Ms Pack, did you ask the witness to
13 number this place 2.

14 MS PACK: Yes.

10:42:43 15 JUDGE SEBUTINDE: Because there is already a 2, isn't
16 there?

17 MS PACK: No, there is a number 2 on the other map. On the
18 Freetown environs map there is numbered 1 to 6, I think. This is
19 the first map --

10:42:54 20 JUDGE SEBUTINDE: Exhibit 18?

21 MS PACK: Yes, Your Honour. And there is a number 1 that
22 is State House and we are on number 2 now. Thank you,
23 Your Honour.

24 Q. Witness, have you done that?

10:43:26 25 A. Yes, My Lord.

26 Q. I would like you to identify Eastern Police Station,
27 please, and I would like you to encircle that and mark it 3.
28 Have you done that, witness?

29 A. Yes, My Lord.

1 Q. I would like you to identify, please, CID and I would like
2 you to mark that 4.

3 THE INTERPRETER: My Lord, you have left your mic on.

4 MS PACK:

10:44:39 5 Q. Have you done that, witness?

6 A. No, no.

7 Q. Just take your time.

8 A. The CID is between the Ministry of Defence. It's closer to
9 the Ministry of Defence. It is not on the map here. Where the
10:45:44 10 Ministry of Defence is part of the CID.

11 Q. What I would like you to do then is just encircle the
12 approximate area in which the CID is located, please, and mark
13 that with a number 4. And witness, you were saying it is located
14 within the Ministry of Defence area?

10:46:14 15 A. This is the Defence building. Just about some metres off,
16 then there the CID is located.

17 Q. Is it a separate building, the CID?

18 A. Yes, it's a separate building.

19 Q. Now, witness, have you marked that 4?

10:46:34 20 A. Yes, My Lord.

21 Q. What I would like you to do now is to find Harbour Police
22 Station and I would like you to mark that 5, please.

23 JUDGE SEBUTINDE: Sorry, Ms Pack, we didn't catch that.
24 What police station?

10:47:02 25 MS PACK: Harbour Police Station.

26 Q. Have you done that, witness?

27 A. Yes, My Lord.

28 MS PACK: Your Honours, that was all I was going to ask --

29 JUDGE LUSSICK: You mean that is all you are going to ask

1 of this witness or on that particular point?

2 MS PACK: No, Your Honour, I stopped my comment because I
3 noticed the Bench was deliberating.

4 JUDGE LUSSICK: I see.

10:48:59 5 PRESIDING JUDGE: Ms Pack, has this freshly marked exhibit
6 been shown to counsel for the Defence and have you seen it?

7 MS PACK: Not yet, no.

8 PRESIDING JUDGE: You have indicated to Justice Lussick, my
9 learned brother here, that that is all you are asking this
10:49:18 10 witness.

11 MS PACK: No, that is all I am asking him about this map
12 but not the end of my questions of this witness. There's a lot
13 more.

14 PRESIDING JUDGE: I am only referring to the map at this
10:49:26 15 point, to Exhibit P18. If that is all he is being asked to mark
16 it should be shown to yourself and shown to counsel for the
17 Defence.

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

19 PRESIDING JUDGE: Ms Pack, this has been passed up to us.

10:53:09 20 MS PACK: It is a tendered exhibit, Your Honour, and I
21 would like it to remain as a tendered exhibit with the additional
22 markings by the witness on it. I will be asking the witness in
23 relation to both the maps to make further markings in due course
24 as we go through the testimony in Freetown. But it is more
10:53:31 25 logical if I break it up and allow him to look at the map as I go
26 through various portions of the testimony.

27 PRESIDING JUDGE: Very well. Any response to that
28 submission by counsel for the Defence?

29 MS THOMPSON: No, Your Honour, no.

1 PRESIDING JUDGE: I note that Exhibit P18 had one mark on
2 it and now we have an Exhibit P18 presumably with new marks. I
3 think in the circumstances I will take judicial notice that
4 Exhibit P18 has fresh markings on it and has now become an
10:54:22 5 amended document.

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

7 PRESIDING JUDGE: I also note it is ten to eleven, a little
8 bit later than we normally have a break. Would this be an
9 appropriate time in the course of the witness's evidence to have
10:54:36 10 a brief 15 minute adjournment?

11 MS PACK: Yes, Your Honour.

12 PRESIDING JUDGE: In those circumstances, Madam Court
13 Attendant, please adjourn court for 15 minutes.

14 [Break taken at 10.50 a.m.]

11:08:53 15 [Upon resuming at 11.10 a.m.]

16 PRESIDING JUDGE: Please proceed, Ms Pack.

17 MS PACK: Thank you, Your Honour.

18 Q. Witness, before the break you were talking about events on
19 the 6th of January 1999 in Freetown. I am going to ask you about
11:15:07 20 the 7th of January 1999. Do you recall what happened in Freetown
21 on the 7th of January 1999?

22 A. Yes, My Lord.

23 Q. What do you recall happening?

24 A. Well, on that day the civilian population rallied in town
11:15:32 25 saying that they needed peace. And while I was at the State
26 House, people rallying in town, the jet raided.

27 Q. And what happened after that?

28 A. Well, whilst I was at the State House, the jet bombarded
29 around the PZ.

1 Q. PZ, is that a specific location?

2 A. It is the PZ Junction, it was at the junction.

3 Q. Whereabouts, which area?

4 A. Around Sani Abacha Street.

11:16:19 5 MS PACK: Sani Abacha Street was referred to by the witness

6 yesterday, Your Honour.

7 JUDGE SEBUTINDE: Sorry, Ms Pack, was that BZ or PZ?

8 MS PACK: P.

9 Q. Did anything happen after the jets raided?

11:16:43 10 A. ~~xx~~ moved towards that position, and a lot

11 of corpses were there.

12 Q. At which location?

13 A. PZ.

14 Q. Did you hear anything said on this occasion in the PZ area?

11:17:10 15 A. Well, the only thing is that the people were demonstrating

16 that they wanted peace because we were their brothers.

17 Q. Did anyone speak to the civilians either at PZ or

18 elsewhere?

19 A. Well, at that moment ~~xx~~ talked to them.

11:17:45 20 Q. Witness, I am going to ask you about other events on the

21 7th of January that you recall. Do you recall hearing anything

22 on the 7th of January?

23 A. Well, I can't remember, but life was going on normally at

24 that time.

11:18:07 25 Q. You have spoken earlier on in the morning about Mosquito

26 making announcement on the radio on the 6th of January 1999. Did

27 you hear Mosquito say anything else when you were in Freetown?

28 A. That was later that Mosquito said something. It was later

29 whilst we were in Freetown.

1 Q. When?

2 A. Well, that was around the second or third week. It was
3 around that time that Mosquito came up on the air again.

4 Q. We will deal with that later. Now, witness, within the
11:19:04 5 first week that you were in Freetown, apart from the events you
6 have described on the 6th and 7th of January, what was going on
7 in Freetown?

8 A. Well, whilst myself and the entire troops were in Freetown,
9 Gullit said that the G4 should move back to Kissy Brook, around
11:19:37 10 the Mamba Bridge.

11 Q. Pause. You have testified yesterday about the spelling of
12 Kissy Brook. Just repeat that, please, for Their Honours.

13 A. K-I-S-S-Y B-R-O-O-K.

14 Q. And Mamba Bridge?

11:19:59 15 A. M-A-M-B-A B-R-I-D-G-E.

16 Q. Was anyone in command of the G4?

17 A. Yes.

18 Q. Who?

19 A. Colonel Foday Bah Marah.

11:20:19 20 Q. Who went back to Kissy Brook?

21 A. In fact, Woyoh, the director of operations, and Supervisor
22 A and also with the G4 commander moved the G4 to Mamba Bridge,
23 around Moyiba Town.

24 Q. I would like you to spell Moyiba Town, please?

11:20:46 25 A. M-O-Y-I-B-A.

26 Q. How do you know they went to move the G4 to around Mamba
27 Bridge in Moyiba Town?

28 A. xx, xxx, G4 Commander Foday Bah Marah and the
29 director of operations Woyoh, and escorted by other soldiers, xx

1 moved the G4 to Moyiba.

2 Q. Did you stay in Moyiba?

3 A. We only took the ammunitions to Moyiba and later myself,
4 xxxxx moved back to the State House.

11:21:48 5 Q. Witness, yesterday you spoke about an instruction given by
6 Gullit in Allen Town about collaborators in Freetown. Do you
7 know if anything happened in relation to that instruction in
8 Freetown?

9 A. Yes.

11:22:15 10 Q. What happened?

11 A. Well, later Gullit came out with his own interpretation
12 which he gave to the troops about these people.

13 Q. Where did he come out with his own interpretation?

14 A. Well, that was the time when the ECOMOG forces started
11:22:36 15 pushing the entire troops from the State House and moved back
16 towards the Eastern Police.

17 Q. How do you know that Gullit did this?

18 A. Gullit came and said that the people have changed their
19 language. They sing -- they sung that we were their brothers and
11:23:00 20 they wanted peace. That people changed their language from that
21 they were our brothers; they've come to steal.

22 Q. How do you know Gullit said this?

23 A. This, he did it before me in my presence, as I was there
24 with xxx when he said that the people, they are very bad
11:23:20 25 and they have changed their song to the troop.

26 Q. About how long after you got to Freetown on the 6th of
27 January did Gullit say these things?

28 A. It was after the troops had totally lost the State House.

29 Q. In terms of time, the time period, how long, if you are

1 able to say, after you arrived in Freetown on the 6th of January
2 did Gullit say these things?
3 A. Well, it was towards the third week.
4 Q. We will come back to that later in that case. In this
11:24:12 5 early period within the first week was anything said in relation
6 to collaborators or done in relation to collaborators in
7 Freetown?
8 A. Well, in the first week the only thing was that the troops,
9 there was normalcy in the troops. There was a cordial
11:24:35 10 relationship between the civilian population and the troops that
11 came at first.
12 Q. Witness, in the second week that you were in Freetown did
13 anything happen?
14 A. Yes, My Lord.
11:25:10 15 Q. What happened?
16 A. The ECOMOG forces pushed -- they took over Kingtom.
17 Q. Spell Kingtom, please.
18 A. K-I-N-G-T-O-M.
19 Q. What else did they do?
11:25:34 20 A. The commander who was in the area, Commander Basky, he came
21 and reported to the State House that he needed reinforcement to
22 go back to Kingtom.
23 Q. Basky, just remind us what position he held?
24 A. He was a battalion commander, the 5th Battalion commander.
11:25:53 25 Q. Remind us how Basky is spelt, please.
26 A. B-A-S-K-Y.
27 Q. And his full name?
28 A. Saidu Kambolai.
29 Q. Remind us of the spelling of that, please.

1 A. S-A-I-D-U, Saidu; K-A-B-O -- K-A-M, sorry, B-O-L-A-I.

2 Q. How do you know that Basky - Saidu Kambolai known as

3 Basky - came to State House and asked for reinforcements?

4 A. Well, xx at the State House with the xx while

11:26:40 5 Gullit was there, Bazzy was there, Woyoh was there, Santigie

6 Borbor Kanu himself was there and other military supervisors.

7 Q. Did anything happen when Basky came and said these things

8 at State House in your presence?

9 A. Yes. Since at that time when the troops came to Freetown

11:27:10 10 everybody was just moving about. xx the other soldiers

11 who were with the xxx, they use most of xx to

12 move on reinforcement to Supervisor A and also to Basky with the

13 Operation Commander O-Five, Mission Commander Foyoh, moved around

14 and got some men and moved.

11:27:32 15 Q. You say "they" used most of xx. Who is they? Who are you

16 talking about who used these men to go back as reinforcements?

17 A. I said xx -- since xx was mostly with the

18 xx when we came to Freetown, the troops were

19 all scattered, everybody was just about. But xxx and the

11:27:58 20 others who were with the brigade commanders at the brigade were

21 always engaged at the State House, and at any time they need a

22 reinforcement xxx and the others were taken to go on the

23 battle.

24 Q. And on this occasion who took xxx?

11:28:19 25 A. It was xx and xx that moved.

26 Q. Where did xx go?

27 A. Together with xx xx went around, xx moved around and got

28 some soldiers. A sort of raising soldiers to go to the frontline

29 to fight.

1 Q. Did you say "sort of raising soldiers to go to the
2 frontline to fight"?

3 A. Yes.

4 Q. And after you had done that what then happened?

11:28:51 5 A. Well, x and Operation Commander xx-- Commander
6 xx, the xx moved; we were able to sum up manpower,
7 including Foyoh, to move to Kingtom to repel the troops who had
8 come there, the enemy troops who had come there.

9 Q. Did xx get to Kingtom?

11:29:17 10 A. Yeah, after the manpower. After xx've had the manpower xx
11 moved to State House and xx introduced the men to Gullit and xx
12 made sure that the ground was captured. In front of -- xx x
13 xxx Gullit told xx that he needed the ground, that
14 the ground should be completely captured.

11:29:38 15 Q. After Gullit had said these things, what then happened?

16 A. xxx and the commanders whom I have named, xx moved to
17 Kingtom.

18 Q. Did anything happen at Kingtom?

19 A. Yes.

11:29:53 20 Q. What happened at Kingtom?

21 A. Well, in Kingtom xx tried all possible ways to capture the
22 grounds. And, indeed, xxx and the commanders who went there,
23 we pushed the ECOMOG forces and, in fact, that day some police --
24 places were set on fire.

11:30:16 25 Q. Pause. When you said xx pushed the ECOMOG forces, what do
26 you mean?

27 A. They retreated from the ground, from Kingtom.

28 Q. What do you say was set on fire?

29 A. Some houses in Kingtom.

1 Q. What is Kingtom? What is that location?

2 A. It is an area around Ascension Town.

3 Q. Just spell Ascension Town for Their Honours, please.

4 A. A-S-C-E-N-S-I-O-N.

11:31:00 5 Q. Apart from the burning at Kingtom did anything else happen
6 there?

7 A. Well, at that moment it was just looting. We were able to
8 get what we wanted because we suspected that the ECOMOG

9 firepower, even though they retreated, it was higher. So we set
11:31:28 10 the place on fire.

11 Q. Were there any civilians at Kingtom?

12 A. At that moment the civilians were indoors. Myself and the
13 soldiers and the commanders that went, we were to capture the
14 place, the civilians were indoors.

11:31:48 15 Q. Did you see any of the civilians?

16 A. At that moment they did not come out. Because it was while
17 myself and the other men were certain break into their house to
18 get what we wanted, it was then we saw --

19 THE INTERPRETER: Get the last bit, please.

11:32:09 20 MS PACK:

21 Q. Repeat the last bit of your evidence; the interpreter I
22 don't think caught it.

23 A. I said it was while xx and the other commanders went to
24 capture the ground, xx broke into the doors that had the houses
11:32:27 25 and we were able to see the civilians in.

26 Q. Did anything happen to the civilians whom you saw?

27 A. Well, at that moment xx and the xxx that went,
28 they termed them as betrayers, as traitors, because they called
29 the ECOMOG to come to that place. So when xx opened xx fired.

1 JUDGE SEBUTINDE: I'm sorry, I didn't catch -- who acted as
2 betrayers? I haven't quite understood that bit.

3 MS PACK:

4 Q. You have said that some persons were termed as betrayers.
11:33:05 5 Who was termed as a betrayer?

6 A. The civilian population that was in Kingtom, that they were
7 the betrayers. They called the ECOMOG to come and take over the
8 grounds.

9 Q. And who was terming these civilians as betrayers?

11:33:23 10 A. **xx** and the commanders who went. That was the word we
11 used.

12 Q. You said you fired at them after you broke down. Just
13 describe what happened, please.

14 A. Well, some places that were open, especially if we knock
11:33:53 15 and they did not open, so we force the door to open. Then we
16 fire and some people died.

17 Q. Are you able to estimate how many houses were broken into
18 in this way?

19 A. Well, since the manpower was really large, those that I
11:34:16 20 saw, these are the ones that I am talking about.

21 Q. How many homes -- houses did you see being broken into in
22 this way?

23 A. The reinforcement was large, so they were doing it
24 indiscriminately.

11:34:37 25 Q. How many of you were in the group that was the
26 reinforcement; are you able to estimate that?

27 A. Yes, we were over 200 that went to Kingtom to capture
28 there.

29 Q. Are you able to say how many houses the men you were with

1 broke into -- broke the doors down?

2 A. Well, what I saw is that the area that I was supervised, so
3 I was there and I saw the houses around. People were knocking at
4 the doors and if they did not -- they refuse to open they will

11:35:19 5 force them open. I could not tell the number of houses. But
6 where I stood I saw soldiers breaking into the houses open.

7 Q. And how do you know the firing took place when the houses
8 were broken into?

9 A. Especially in my area, the area I was standing, the houses
11:35:39 10 that I saw, myself and the other people knocked. When they could
11 not open, we forced them open. We fired. The first person that
12 came out was a dead person.

13 Q. Witness, I am going to ask you to look at a map.

14 MS PACK: Exhibit P19, Your Honours, Freetown and its
11:36:09 15 environs. I am holding up the map for my learned friends. If
16 the witness could be shown that map I would just like him to mark
17 one thing on it.

18 PRESIDING JUDGE: Madam Court Attendant.

19 MS PACK: I'm grateful.

11:36:27 20 Q. Witness, would you look at that map and would you identify,
21 please, the location of Kingtom. I would like you to encircle it
22 and mark it 7, please, if you still have the pen. Thank you,
23 witness.

24 MS PACK: Perhaps, Your Honour, if I and my learned friends
11:37:07 25 for the Defence might be permitted to look at the map and then I
26 would like to keep it as tendered with the amendment that has
27 been made.

28 PRESIDING JUDGE: Counsel for the Defence, any comment?

29 MS THOMPSON: None, Your Honour.

1 PRESIDING JUDGE: Thank you. Please take that as marked,
2 Madam Court Attendant. Please proceed, Ms Pack.
3 MS PACK: Thank you, Your Honour.
4 Q. Witness, after the events that you have described in
11:39:15 5 Kingtom did anything happen at State House?
6 A. Well, after Kingtom, xxx and xxx returned to
7 the State House and we were based at the State House. But whilst
8 xx A, together with Gullit, Bazzy, Five-Five,
9 Woyoh were in the State House, later the ECOMOG forces advanced
11:39:55 10 towards the State House.
11 Q. What happened as a result of the ECOMOG advance?
12 A. xx, Gullit and the others retreated from
13 the State House.
14 Q. Where did you retreat to?
11:40:14 15 A. Well, we retreated as far as the Eastern Police while
16 Gullit, Bazzy, Five-Five, Woyoh moved to the rear. Supervisor A
17 stayed in the east -- at the Eastern Police.
18 Q. When you say "moved to the rear," which location are you
19 talking about?
11:40:40 20 A. Well, at that moment, when Gullit -- what Gullit said they
21 were going as far as PWD, that they were going to make a block at
22 the PWD.
23 MS PACK: That's P-W-D, Your Honour.
24 Q. When you got to Eastern Police did anything happen from
11:41:10 25 there?
26 A. Oh, yes.
27 Q. What happened?
28 A. While xx and other commanders including
29 the operation commander, the mission commander and other

1 commanders, were at the Eastern Police, then Gullit, Five-Five,
2 Woyoh, Bazzy brought reinforcement for xx to go and recapture the
3 State House.

4 Q. What happened after reinforcements were brought?

11:41:51 5 A. Well, the troops moved towards the State House.

6 Q. Did they get there?

7 A. Yes, we captured the ground. Myself and the xx
8 xxx and the reinforcement that came to capture the State
9 House. But just for the night.

11:42:20 10 Q. Did anything happen that night in State House after you
11 recaptured it?

12 A. Whilst we captured the State House, myself and the
13 reinforcement commanders continued to defend the State House
14 until later in the morning when the ECOMOG forces advanced again
11:42:47 15 to the State House.

16 Q. As a result of the ECOMOG advance did anything happen?

17 A. Yes.

18 Q. What happened?

19 A. At that time Gullit came, he came with reinforcement and we
11:43:09 20 captured State House. Gullit said that, "Well, now it looks as
21 if the ground -- we are going to lose the ground totally." So
22 Bazzy was there, Supervisor A too was there, the Director of
23 Operations and the other military supervisors including
24 commanders, battalion commanders. Gullit said, "Well, you have
11:43:35 25 seen that from that time the burning should start."

26 Q. Pause. How do you know that Gullit said this, that the
27 burning should start?

28 A. As I have said, myself, xxx and the reinforcement
29 that they brought to capture the State House, and it was in my

1 presence, as I was there with xxx, when Gullit said
2 these words.
3 Q. Before Gullit said these words did you hear anything else
4 when you were at State House this time when you recaptured it?
11:44:33 5 A. Yes.
6 Q. What did you hear?
7 A. This time we got an announcement over the international
8 media, the BBC.
9 Q. What was that announcement?
11:44:49 10 A. This time, according to the interviewer, he asked who was
11 calling, and Mosquito responded saying that he was making the
12 call.
13 Q. What did you hear Mosquito say on this announcement on the
14 BBC?
11:45:11 15 A. He said now he is reinforcing the commander in Freetown and
16 ordered that strategic positions, including government buildings,
17 commercial buildings, including banks, should be completely burnt
18 down.
19 Q. Before this announcement by Mosquito on the international
11:45:36 20 media, on the BBC, did you hear Mosquito say anything else about
21 burning in Freetown?
22 A. Yes, he said he had told the commander that they should
23 start burning Freetown.
24 Q. Do you know if Mosquito had told the commander that he
11:46:02 25 should start burning Freetown?
26 A. Yes.
27 Q. What do you know?
28 A. Well, later in that call, as Gullit mounted the shot -- the
29 set, he had a talk with Mosquito.

1 Q. Pause. How do you know that Gullit mounted the set?

2 A. Well, when State House was captured, he mounted the set.

3 He called Mosquito and said now, as he was waiting for the
4 reinforcement, up to now he had not seen the reinforcement and

11:46:43 5 the ECOMOG forces started penetrating. And he heard that the
6 government had made -- talking about the ceasefire, ceasefire,
7 and Mosquito responded by saying that the government is saying a
8 lie. He said, "Let him begin to burn some areas, especially the
9 important areas."

11:47:10 10 Q. Now, you say this communication was made after State House
11 was captured. Is this after State House was captured for the
12 first time or after State House was captured for the second time?

13 A. This was the first time when we captured State House.

14 Q. What was the date?

11:47:31 15 A. It was around the second -- the third -- the second week.

16 [TB140605C - SV]

17 Q. So just to get that in terms of time, it was after you had
18 retreated to Eastern Police, been reinforced and returned to
19 State House?

11:48:04 20 MR FOFANAH: Objection. Objection. Your Honours, we think
21 the answer is clear enough. Any attempt by my learned colleague
22 to expand that would be adding on the evidence.

23 PRESIDING JUDGE: Ms Pack, I have noted the witness said
24 this was the first time we captured, it was around the second
11:48:24 25 week.

26 MS PACK: Yes, Your Honour. But Your Honours may recall
27 the witness giving evidence that on the 6th of January State
28 House was captured and then he has given evidence about a
29 recapturing in this period in the second week after the retreat

1 to Eastern Police. I just want to clarify if he's talking about
2 the time after the retreat to Eastern Police Station.

3 PRESIDING JUDGE: Well, you may clarify but you must not
4 lead.

11:48:42 5 MR FOFANAH: Your Honours, with your leave if I may reply.

6 Yes, Your Honours, the question was asked in a very clear and
7 succinct way. Was it on the first capture of State House or was
8 it on the second? The question to which the witness gave the
9 answer that it was the first time that we attacked State House

11:49:09 10 and it was the second week of the first capture of State House.

11 The question which my learned colleague put to the witness was
12 clear, was to clarify the two captures. I mean, the first
13 capture and the recapture, and the witness was very clear in his
14 answer. He said it was during the first capture, the second week

11:49:30 15 of the first capture. So any attempt by my learned colleague,
16 with respect, to put that question again will be reopening the
17 issue. That is our objection.

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

19 MS PACK: I think my learned friend was replying to my
11:49:56 20 response to his objection.

21 JUDGE SEBUTINDE: Ms Pack, I'm sorry, but I am going to
22 have to ask this question for my own education. You have led the
23 witness so far. He has given evidence regarding Mosquito
24 speaking on the BBC and then you asked him and he gave evidence
11:50:24 25 relating to Gullit mounting the radio set to speak to Mosquito in
26 this witness's presence and he's led evidence as to the content
27 of that speech or that conversation between the two. Then your
28 next question was around when was this. Would I be right?

29 MS PACK: Yes, Your Honour.

1 JUDGE SEBUTINDE: And the witness then answered this was
2 around the second week after our initial capture; is that
3 correct?

4 MS PACK: Yes, Your Honour.

11:52:48 5 PRESIDING JUDGE: We've considered the objection and we
6 restate that counsel for the Prosecution may clarify but may not
7 lead the witness -- excuse me, may not put leading questions.

8 MS PACK:

9 Q. Witness, I want to clarify with you one thing and that is
11:53:13 10 the timing of this communication with Mosquito and Gullit at
11 State House. You said that it occurred in the second week that
12 you were in Freetown. Would you identify, please, for the
13 Chamber, what it was that had happened immediately preceding this
14 communication?

11:53:28 15 A. This was the time when the ECOMOG forces penetrated State
16 House and I --

17 THE INTERPRETER: The interpreter is sorry. Can the
18 witness come back.

19 MS PACK:

11:53:49 20 Q. Pause, witness. The interpreter has lost you so I am going
21 to have to ask you to repeat that answer and just take it slowly.
22 Do you remember the question?

23 A. Ask the question again.

24 Q. You've spoken about the radio communication with Mosquito
11:54:12 25 and Gullit in the second week that you were in Freetown. I'd
26 like you to identify for the Chamber what it was that had
27 happened immediately before that communication?

28 A. That was after the troop had lost State House, the
29 recapturing of State House.

1 Q. Thank you, witness. That was all I wanted to clarify, Your
2 Honour. Now, witness, dealing with this communication, how do
3 you know that there was a communication between Mosquito and
4 Gullit?

11:54:57 5 A. After the recapturing of State House, when Gullit mounted
6 up the set and called on Mosquito and told him exactly how the
7 troop was moving, especially on the grounds that the ECOMOG
8 forces had started penetrating, he said --

9 Q. Pause. How do you know that this was the communication
11:55:23 10 that occurred? How do you know that this communication occurred?

11 A. It was in my presence. It was in my presence that he set
12 the set and channeled it.

13 Q. How do you know that it was Mosquito whom Gullit spoke to
14 and Mosquito who spoke and said these things?

11:55:46 15 A. Well, it was through the channeling and the call sign of
16 Mosquito.

17 Q. Now you've explained what was said; that Gullit said he was
18 waiting for reinforcements, that he'd heard the government were
19 talking about peace talks and you'd heard that Mosquito had said
11:56:08 20 the government was lying, let them begin to burn. Was anything
21 else said during that communication that you recall?

22 A. Yes. The only thing that I can recall is when Mosquito
23 told him that he should not listen to that, that communication,
24 that the government needed ceasefire or peace.

11:56:34 25 Q. After this communication what happened?

26 MS THOMPSON: Your Honours, sorry. Before my learned
27 friend goes ahead my note was that the witness had said that
28 Gullit's communication with Mosquito was about the government
29 saying they wanted a ceasefire and my learned friend has just

1 said peace talks. I would like to clarify, I think the witness
2 said ceasefire as opposed to peace talks.

3 MS PACK: I'm grateful to my learned friend for her notes.
4 It's probably better than mine.

11:57:08 5 PRESIDING JUDGE: He did say ceasefire.

6 MS PACK:

7 Q. After this communication between Gullit and Mosquito did
8 anything happen?

9 A. The only thing that happened was after the communication
11:57:21 10 Gullit in fact ordered the D00, director of operations, to come
11 with petrol, were in search of petrol.

12 Q. Just remind us who the director of operations was?

13 A. It was Woyoh. Woyoh.

14 Q. Did the director of operations return with any petrol?

11:57:49 15 A. Yes. He came with a gallon. He came with petrol that was
16 in five gallon rubbers, that's jerry cans.

17 Q. Now you've given evidence about Gullit making an
18 announcement in your presence that the burning should start. Was
19 that announcement by Gullit made before or after the
11:58:23 20 communication with Mosquito?

21 A. It was after Mosquito had spoken over the air. That was
22 the time he said -- it was the time Mosquito ordered the D00 to
23 go and bring some fuel.

24 Q. I'm just going to ask for clarification. Mosquito ordered
11:58:49 25 the D00 or someone else? You just said Mosquito ordered the D00?

26 A. I said after he had -- after he had talked over the air and
27 Gullit talked to him over the radio set it was the time when
28 Gullit ordered the D00 to go in search of fuel. That's petrol.

29 Q. What happened after fuel was brought?

1 A. In fact, Gullit said the fuel should be distributed to
2 commanders per gallon, the commanders at the State House.
3 Q. Do you know if that in fact happened?
4 A. Yes.
11:59:38 5 Q. Did anything happen after the fuel was distributed to the
6 commanders?
7 A. Yes.
8 Q. What happened?
9 A. That particular day the Deputy Operation Commander Colonel
11:59:55 10 Sherrif, operation commander and the Supervisor A, as Gullit said
11 big market. That they should burn down the big market that
12 particular day. ~~xxxxx~~, deputy operation commander
13 moved towards that position, the big market, and set the market
14 on fire.
12:00:26 15 Q. Do you know if anywhere else was set on fire after Gullit
16 had said these things and after canisters of petrol were
17 distributed, fuel was distributed?
18 A. Well, later as I and the men, Supervisor A and the deputy
19 operation commander returned at the State House, not long after
12:00:52 20 the ECOMOG forces pushed us out of the State House for the second
21 time.
22 Q. Was there any other burning that occurred in Freetown after
23 Gullit had said that it should start?
24 A. Well, the only thing, we retreated and stopped at Eastern
12:01:22 25 Police.
26 Q. What happened there?
27 A. Well, at Eastern Police Gullit left ~~xxx~~,
28 operation commander, deputy operation commander. Bazzy,
29 Five-Five, Woyoh, they went to the rear.

1 Q. I'm not sure if that was a response to my question which
2 was were any other buildings burned, to your knowledge, in
3 Freetown apart from the big market after Gullit had given the
4 instruction for burning to begin?

12:02:02 5 A. Well, it was later. Later. After. Later there were
6 burnings.

7 Q. You went to Eastern Police and where did others go?

8 A. Well, xxx, operation commander, deputy
9 operation commander, Mission Commander Foyoh, made a defensive at
12:02:44 10 Eastern Police.

11 Q. Was everyone based at Eastern Police?

12 A. No. Gullit, Bazzy, Five-Five said they were going for more
13 reinforcement.

14 Q. Do you know where they went?

12:03:00 15 A. It was at the PWD Junction.

16 Q. How do you know they went there?

17 A. Well, later as we are at that defensive xx and xxx
18 went to PWD. We met Gullit together with Bazzy and Five-Five and
19 the DO, director of operations. In fact, they mounted a set and
12:03:34 20 said reinforcement was coming.

21 Q. Pause. About when was it that Gullit, Bazzy, Five-Five and
22 others went to PWD? What week after you got to Freetown on the
23 6th of January?

24 A. Well, this was almost -- it was progressing towards the
12:04:07 25 third week.

26 Q. Now you've said there was a communication that you heard, a
27 set was mounted. What happened after the set was mounted?

28 A. Well, in this set we got -- as I stood listening, Rambo for
29 the RUF said he was at Waterloo and that he was sending a

1 reinforcement.

2 Q. How do you know it was Rambo for the RUF who was speaking?

3 A. It was through his call sign and he was the operation
4 commander at that area and it was through his call sign.

12:04:57 5 Q. Was anything said in response to Rambo of RUF saying that
6 he was sending reinforcements and that he was at Waterloo?

7 A. Yes. Rambo said he had fear. That they would have already
8 reinforced the troop in Freetown but they had fear that SAJ Musa
9 was alive. That was why they did not send reinforcement.

12:05:29 10 Q. And who was Rambo speaking to at your end of the set?

11 A. It was Gullit that he was speaking to directly.

12 Q. Did Gullit say anything?

13 A. Well, Gullit said -- he only responded that he was waiting
14 for the reinforcement. That he was in command, that he was in

12:05:55 15 control and that he was waiting for reinforcement.

16 Q. Who was located at PWD apart from Gullit, Buzzy, Five-Five
17 at this time?

18 A. xx was there. The D00 was there and other
19 commanders including Buzzy, Five-Five.

12:06:28 20 Q. You've earlier said that the G4 was located in a specific
21 area of Freetown. Whereabouts was that in relation to the PWD?

22 A. Well, from PWD it was not too far. It was just a stone's
23 throw. You go up the hill. It was -- Mamba Bridge is a junction
24 that leads to a hill area called Moyiba. That was where the G4

12:06:59 25 was.

26 Q. Now after this radio communication did you remain at PWD?

27 A. Well, later while I and Supervisor A were at PWD, Gullit
28 had a call. Rambo, SLA Rambo, Red Goat.

29 Q. How do you know he had a call from Rambo SLA Red Goat?

1 A. Well, Red Goat himself had a set that he mounted and called
2 that he was coming with the reinforcement to Freetown.
3 Q. How do you know this communication was made?
4 A. It was at the time I was at the xx with xxx when
12:07:58 5 Rambo called.
6 Q. Just explain to us, please, we've heard evidence about a
7 few individuals called Rambo. This Rambo Red Goat, do you know
8 what his full name is?
9 A. No. Rambo. I don't know, but his call sign is Red Goat.
12:08:42 10 That is his call sign. That is his popular name, Red Goat.
11 Q. And you've said he was an SLA?
12 A. Yes. He was a member of the Sierra Leone Army.
13 Q. It's not the same as Rambo RUF who you talked about
14 earlier?
12:08:42 15 A. No.
16 Q. And is it the same as Honourable Rambo who you spoke about
17 much earlier in your evidence?
18 A. No, no.
19 Q. What was said during this communication with Rambo Red
12:09:22 20 Goat?
21 MR FOFANAH: May it please Your Honours - before the
22 witness answers the question - the witness had said that the
23 Rambo in question mounted a set and we don't know how he came by
24 that. It seems that Rambo was merely calling.
12:09:22 25 MS PACK: I'll clarify, Your Honours.
26 Q. Witness, how do you know that a set was mounted by Rambo
27 Red Goat?
28 A. Well, even later when we received him, he came with a set.
29 It was through the set that he spoke, calling that he was on the

1 way, he was closer to Jui so that we should send a team ahead to
2 receive him.

3 Q. How do you know that this communication took place at the
4 time that it took place?

12:10:02 5 A. In fact, when Gullit received a call, as he watched -- he
6 was talking, he was so happy. He said, "Now I think
7 reinforcement is coming. Now it is Rambo Red Goat that is coming
8 with reinforcement to Freetown".

9 Q. Were you present during the communication?

12:10:42 10 A. Yes, I was. I was with xx at xxx.

11 Q. And just remind us what was said?

12 A. Rambo said he was on his way. To send a team -- that we
13 should send a team that was going to receive him as he was very
14 close to Jui.

12:10:42 15 MS PACK: You've had Jui before, Your Honours. J-U-I.

16 Q. Now, witness, do you know what happened after this
17 communication with Rambo Red Goat?

18 A. Yes.

19 Q. What then happened?

12:11:42 20 A. In fact, Gullit called Colonel Eddie, the camp commandant.
21 Said he should go ahead and he selected xx with xxx
22 xx to go and receive Rambo from Jui.

23 Q. Just remind us what position Colonel Eddie held at the
24 time?

12:11:42 25 A. Well, he was still the camp commandant.

26 Q. What happened after the instruction was issued?

27 A. xx, with other soldiers that were assigned to
28 him moved to that Jui area and --

29 Q. Did anything happen?

1 A. Yes. Yes, and received Rambo.
2 Q. Was he with anyone?
3 A. Yes. Rambo came with about 50 men.
4 Q. Do you know what these men were, what group they were from?
12:12:32 5 A. Well, some that I knew, they were SLA.
6 Q. After the arrival of Rambo and these men did anything
7 happen?
8 A. xxand xxx moved them back to xx to Gullit and
9 Gullit was so happy and he received them and said in fact, this
12:12:41 10 reinforcement was going to boost the men at Eastern Police to go
11 and capture the State House.
12 Q. After Gullit had said this did anything happen?
13 A. Yes.
14 Q. What happened?
12:12:54 15 A. Gullit, Bazzy, Woyoh, Colonel Eddie, Rambo and
16 reinforcement, with Supervisor A, moved to Eastern Police.
17 Q. How do you know they moved there?
18 A. xxx xxx with them to Eastern Police.
19 Q. Did anything happen at Eastern Police?
12:13:20 20 A. Yes. In fact, the arrival of these reinforcement boosted
21 the morale of the men at Eastern Police and said xx should move
22 immediately to the State House.
23 Q. Did you get to State House?
24 A. We moved as far as Garrison Street but State House at this
12:13:48 25 time, it wasn't easy. There indeed we must Woyoh, Brigadier
26 Woyoh, at that moment.
27 Q. Did you recapture State House?
28 A. No, no.
29 MS PACK: Garrison Street has been spelt before Your

1 Honours, G-A-R-R-I-S-O-N. Woyoh, W-O-Y-O-H.

2 Q. After you lost Woyoh and failed to recapture State House
3 where did you go?

4 A. Well, the troop retreated to Eastern Police.

12:14:28 5 Q. Did the whole troop retreat to Eastern Police?

6 A. Yes, the entire troop retreated to Eastern Police after
7 which we never knew the whereabouts of Woyoh.

8 Q. After the whole troop retreated to Eastern Police did the
9 whole troop remain at Eastern Police?

12:14:50 10 A. Five-Five, Bazzy, Gullit moved back while Operation A,
11 Rambo -- I mean xxx, Rambo, operation commander, mission
12 commander, stayed back at xxx together with xx.

13 Q. Pause. I'd just like you to take slowly who it was you
14 stayed with at xx, please. A?

12:15:22 15 A. xx, xx, the Operation Commander Colonel O-Five,
16 the Mission Commander O-Five -- I mean, the Mission Commander
17 Foyoh, the deputy operation --

18 Q. Name?

19 A. Junior Sheriff.

12:15:50 20 Q. Were there other men with you apart from these commanders?

21 A. Yes, there were men.

22 Q. Where did Bazzy, Five-Five and Gullit move back to?

23 A. Well, to their normal position. As far as I knew, they
24 said they were going back to PWD. They said they were going back
12:16:11 25 to PWD.

26 Q. After they moved back to PWD or after they'd said they'd
27 moved back there do you know if anything happened at PWD?

28 A. Well, at that moment I was still at the xx with
29 xxxx.

1 Q. Did you yourself ever go back to xx during this period?
2 A. Yes. xx and xxx used to go at xxx and got some
3 information, come back to the front line.
4 Q. The front line being where?
12:16:59 5 A. Eastern Police.
6 Q. Do you recall anything specific being said at xx when you
7 went back there on any occasion?
8 A. The only thing that I can recollect, when I went to xx it
9 was when finally Gullit said the people had changed their word
12:17:30 10 and when he was -- when they were lighting fire that our brother
11 said that they wanted peace, they have changed that. They now
12 want -- came to steal.
13 Q. How do you know -- let's just clarify what Gullit said. I
14 think you said he said that people had changed their words.
12:17:59 15 Would you just take that slowly, what did he say?
16 A. Well, normally when the troop entered Freetown people were
17 singing we wanted peace and they're our brothers.
18 JUDGE SEBUTINDE: Ms Pack, could I just interrupt. May I
19 request that you put to the witness the question. We do not want
12:18:28 20 his interpretation of what was said. We do not want to go
21 through this trouble again. We want the witness to tell us what
22 he heard Gullit say.
23 JUDGE LUSSICK: Ms Pack, haven't we covered this evidence
24 already?
12:18:41 25 MS PACK: Yes, we did. It was earlier on and then the
26 witness identified that it was later on in the third week. So
27 just putting it in the chronology you're hearing it again. But I
28 can just ask the witness to go over it very quickly. He did say
29 earlier on that there was an announcement by Gullit at one point

1 that civilians had changed the words of a song. But if Her
2 Honour Justice Sebutinde would prefer me to reframe the question
3 in terms of what actually was said then I'll go ahead and do
4 that.

12:19:11 5 JUDGE LUSSICK: It's just that we've covered the evidence
6 already. I can't imagine he's going to say anything different
7 from what we heard before. Why go over it again?

8 MS PACK: Absolutely, Your Honour.

9 Q. Witness, I'm not going to ask you to go over again what
12:19:25 10 Gullit said. What I'm going to ask you is if anything happened
11 after Gullit said these things at this time at PWD?

12 A. Well, yes. It was later that something happened.

13 Q. What?

14 A. Well, in fact, Gullit said that anywhere that we saw
12:19:50 15 civilians gathering at night and burning tyres and singing that
16 we were their brothers and they wanted peace, it was a lie. They
17 meant that they are brothers, they've come to steal, that we
18 should open fire, we should shoot at them. And these people, as
19 he had understood them, they located the position where the
12:20:11 20 troops were.

21 Q. Who was present when Gullit said these things about
22 shooting at civilians who were burning -- gathering with tyres?

23 A. Bazzy was there, Five-Five was there, xxx was
24 standing there, the camp commandants, Eddie and some other
12:20:40 25 battalion commanders as well as supervisors.

26 Q. Did Gullit in this period say anything else about
27 civilians?

28 A. Well, he later -- it was later that he said something that
29 the troops should start to abduct civilians from Freetown so that

1 to draw the attention of the international community.

2 Q. About when after you got to Freetown did Gullit say this
3 about abducting civilians?

4 A. Well, it was finally when we lost the Eastern Police at the
12:21:25 5 Cline Town. It was around that time.

6 Q. How do you know that Gullit said this about abducting
7 civilians?

8 A. Well, this was after the troops totally lost the Eastern
9 Police and they came up as far as Uppgun.

12:21:54 10 Q. Was that where Gullit said these things, at Uppgun?

11 A. Well, no. It was at the xx that he said these words.

12 Q. Were you present?

13 A. Yes. It was just after we've lost the Eastern Police.

14 xx and the xx went back to the rear, we met Gullit
12:22:18 15 at the xx.

16 Q. Who else apart from Gullit was present and A was present
17 when Gullit said these things about abducting civilians?

18 A. Camp commandant was there, Bazzy was there, Five-Five was
19 there. We had other military supervisors who were present.

12:23:01 20 Q. After Gullit had said these things about abducting
21 civilians did anything happen in Freetown?

22 A. Yes. It was at that time we -- abductions started taking
23 place in Freetown.

24 Q. How do you know that abductions started taking place in
12:23:21 25 Freetown?

26 A. Well, when finally when the troops lost Uppgun then
27 immediately the abductions started.

28 Q. How do you know that abductions started at this time after
29 you lost Uppgun?

1 A. Well, I saw this myself with my own eyes. They broke into
2 houses. Civilians, especially young girls, young children, were
3 taken to the headquarters.

4 Q. And the headquarters were where at this point?

12:24:07 5 A. The headquarter was at the PWD.

6 Q. Witness, you've spoken about what happened after you
7 withdrew from Eastern Police, after you lost Eastern Police. I'd
8 like you just to focus back to Eastern Police Station. Before
9 you withdrew from that location do you recall anything happening

12:24:38 10 in Freetown?

11 A. Well, while we were at the Eastern Police we heard an
12 announcement over the international media that the government had
13 called for a ceasefire. So whilst we were at Eastern Police two
14 jeeps --

12:25:02 15 Q. Yes, go on. What happened whilst you were at Eastern
16 Police?

17 A. Well, two jeeps loaded of government forces came towards --
18 to our position at the Eastern Police as this announcement was
19 heard over the air.

12:25:25 20 Q. Pause. How do you know they were government forces in
21 these jeeps, in these two jeeps?

22 A. Well, in fact, they fell into an ambush and we captured
23 them. Those were the ones that were in the vehicles.

24 Q. Who captured them?

12:25:50 25 A. Well, xx and the deputy commander xx and the
26 operation commander who held on to Eastern Police and xx
27 questioned two of the big people inside there.

28 Q. What happened to the people inside the vehicles after the
29 vehicles were captured and after xx questioned two of them?

1 A. In fact, one person who I could remember was Dr Sesay, MB
2 Sesay or so. That was his name. He was a minister.
3 Q. Pause. Just give us the initials again so that we can have
4 them clearly?

12:26:36 5 A. As far as I could remember he said he was Dr MB Sesay.
6 Q. MB?
7 A. MB Sesay. Yes, MB Sesay.
8 Q. Do you know what happened to him?
9 A. Well, the operation commander handed him over -- handed
12:26:59 10 these two people over who were big people, who were ministers.
11 He said we were to take them to the PWD to Gullit and the Deputy
12 Commander Sheriff moved with them to the PWD.
13 Q. Do you know if he got there?
14 A. Well, later when xxx and xxx went to the area,
12:27:26 15 we reached there, we heard that they were executed.
16 Q. And the other man you've described as a big man or a
17 minister, do you know who he was?
18 A. I could not recall his name.
19 Q. Now, just still whilst you were -- the front line was at
12:27:55 20 Eastern Police, I want to ask you about anything else that
21 happened in Freetown. Not necessarily at Eastern Police but in
22 Freetown?
23 A. Well, while -- when these people fell into the ambush later
24 the ECOMOG forces pushed the troops. We moved back as far as the
12:28:19 25 Savage Square. I'm sorry, Mountain Cut and later to Savage
26 Square.
27 Q. I want to ask you about before the time you got to Mountain
28 Cut and before the time you withdrew to Savage Square, when you
29 were still based at Eastern Police. Was there any other area in

1 Freetown that was attacked in this period?

2 A. Well, whilst we were as far as Savage Square the only thing
3 I remember, Gullit, Five-Five, Bazzy, they came and met the
4 troops there and they said that they've heard information that
12:28:57 5 they have killed one soldier.

6 THE INTERPRETER: Excuse me.

7 MS PACK:

8 Q. Pause, witness. I think there's again a problem with the
9 interpreter.

12:29:08 10 THE INTERPRETER: You're going too fast.

11 MS PACK:

12 Q. I just want you to take this again slowly. You said whilst
13 you were at Savage Square, Gullit said something about someone
14 being attacked; is that correct?

12:29:21 15 A. Yes. Whilst Gullit came to the front line troops at the
16 Savage Square he said he had received an information that the
17 people of Fourah Bay had killed one soldier.

18 Q. Pause. Just spell Fourah Bay again for Their Honours?

19 A. F-O-U-R-A-H B-A-Y.

12:29:50 20 Q. Did he say anything else after telling you that the people
21 at Fourah Bay had killed one soldier?

22 A. He said, in fact, he himself will lead the troops to go to
23 Fourah Bay and to burn down Fourah Bay and to kill people in
24 Fourah Bay.

12:30:16 25 Q. Do you know if this did in fact happen?

26 A. Yes. Gullit, Bazzy, Five-Five, operation commander, deputy
27 operation commander, xx xx and other soldiers
28 moved to Fourah Bay.

29 Q. Did xx arrive at Fourah Bay?

1 A. Yes. It was just a stone's throw. Savage Square to Fourah
2 Bay is just a stone's throw. So from there Gullit himself
3 partook. Five-Five partook. Everybody who went there partook in
4 the burning.

12:31:04 5 Q. Apart from burning did anything else happen at Fourah Bay?
6 A. Well, in fact the civilians -- the civilians were killed.
7 Q. How do you know that civilians were killed at Fourah Bay?
8 A. I myself saw some of the civilians who came out. We fired
9 them. They fell down and died.

12:31:47 10 Q. Just to clarify with Fourah Bay, where are you talking
11 about? Is it a road, is it an area or what?
12 A. Fourah Bay is an area between -- in the east. Savage
13 Square is an area and they speak the Fourah Bay language.

14 JUDGE SEBUTINDE: Excuse me, Ms Pack. You keep calling it
12:32:19 15 Savage Bay.

16 MS PACK: No, Fourah Bay and Savage Square.

17 JUDGE SEBUTINDE: Savage Square, but the interpreter keeps
18 saying Service Square. Is it Savage or service?
19 THE INTERPRETER: Savage Square. Savage.

12:32:30 20 JUDGE SEBUTINDE: Could we have a spelling?
21 MS PACK:
22 Q. Witness, would you spell Savage Square, please?
23 A. S-A-V-A-G-E S-Q-U-A-R-E.
24 Q. Now Fourah Bay, where is that in relation to Savage Square?
12:32:56 25 A. Savage Square is in the Fourah Bay Road. Savage Square is
26 just a stone's throw to Fourah Bay.
27 Q. Apart from what happened at Fourah Bay at this time did
28 anything else happen in any other area of Freetown at this time
29 when you were based at Savage Square?

1 A. The only thing I could remember, the things that happened,
2 it was when the ECOMOG push us out of Savage Square and we moved
3 up to Upgun.

4 Q. What happened there?

12:33:37 5 A. Well, in Upgun **xx**, the operation commander, the
6 deputy operation commander, **xxx** were at Upgun Five-Five
7 came with Major Mines, Captain Kabila.

8 Q. Pause. Just spell Major Mines, please. We've had it
9 before but spell it?

12:34:07 10 A. M-I-N-E-S.

11 Q. And Kabila, Captain Kabila, could you spell that?

12 A. K-A-B-I-L-A.

13 Q. Can you just tell us who is Captain Kabila. Who was
14 Captain Kabila?

12:34:26 15 A. Kabila was a bodyguard to the Operation Commander 0-Five.

16 Q. And remind us who Mines was?

17 A. Mines also was working with the operations commander.

18 Q. Now what happened when Five-Five came to Upgun with these
19 two individuals?

12:34:50 20 A. In fact, when Five-Five came he met myself and the
21 commanders which I have named. He said now amputations should
22 start and he was going to make the first demonstration. That day
23 two civilians were passing whom Five-Five called, brought, and he
24 himself amputated the two civilians at Upgun.

12:35:17 25 Q. How do you know he amputated two civilians at Upgun?

26 A. The man said it and he demonstrated it for me to see. I
27 saw it with my eyes and he made sure that -- since he was going
28 to carry out, he made sure that everybody -- he set an example
29 for others to see and to carry on with that.

1 Q. After Five-Five set this example by amputating two
2 civilians did anything else happen?

3 JUDGE LUSSICK: Just don't leave it there. Amputation
4 could mean just cutting a lock of their hair off.

12:35:56 5 MS PACK:

6 Q. Witness, I'm going to ask you about the amputation of these
7 two people. What was amputated?

8 A. In fact, Five-Five, he had what they called a short sleeve
9 and a long sleeve. When the wrist is cut from the arm and from
12:36:17 10 the arm -- the two of them, the wrists on this side. And the
11 long sleeve was from this point. The short sleeve was from this
12 point [indicates].

13 Q. Okay, you're demonstrating with reference to your arm and
14 I'm just going to ask you to just explain that in words. You've
12:36:40 15 demonstrated a short sleeve amputation as being an amputation at
16 the wrist?

17 JUDGE LUSSICK: Look, I'm asking what happened to these two
18 civilians, not a general expose on amputations.

19 MS PACK:

12:36:54 20 Q. What happened to these two civilians specifically?

21 A. Five-Five, he gave them the short sleeve. He cut this part
22 of the hand [indicates].

23 Q. You're pointing to the wrists?

24 A. Yes, the wrists. This is short sleeve.

12:37:14 25 Q. Did he cut one or two hands of the civilians?

26 A. The two civilians whom Five-Five came with.

27 Q. Did he cut one of their hands or both of their hands?

28 A. Both hands. He cut the two wrists.

29 Q. Did you see what he cut their wrists with?

1 A. Yes. He had a machete which he carried.

2 Q. Were these civilians men, women, children?

3 A. They were two men.

4 Q. Did anything happen to these two men after their hands were

12:38:09 5 amputated?

6 A. He only told them that since they voted for Pa Kabbah let

7 them go to Pa Kabbah, he had hands to give to them.

8 Q. After Five-Five had done this and said this did anything

9 else happen?

12:38:42 10 A. Yes.

11 Q. What happened?

12 A. In fact, at that moment they rounded up ten civilians whom

13 Kabila and Mines, in my presence, amputated these civilians.

14 Q. What did they amputate?

12:39:07 15 A. They amputated their hands. They gave them short sleeves.

16 Cut it from this end, from the elbow part [indicates].

17 Q. Sorry, you're pointing to where? You say they were

18 given --

19 A. From the elbow. From the elbow.

12:39:27 20 Q. And that was called what?

21 A. Short sleeve.

22 Q. Did this happen to all of the ten civilians?

23 A. Yes.

24 Q. Did anything happen to these ten civilians after they were

12:39:47 25 amputated?

26 A. He told them to go to Pa Kabbah. Let them go to the ECOMOG

27 and tell them.

28 Q. Who told them to go to Pa Kabbah, ECOMOG?

29 A. Five-Five was standing there. Mines said the same words

1 which Five-Five -- repeated the same words of Five-Five.
2 Q. After these ten civilians were amputated did anything else
3 happen in Freetown?
4 A. Well, later after the ECOMOG had penetrated towards Upgun
12:40:36 5 we retreated from Upgun and went to Ferry Junction. At Ferry
6 Junction --
7 Q. Pause there. Pause a moment, we'll get there. Now
8 witness, just roughly when did this occur, these amputations at
9 Upgun? Roughly when in relation to when you arrived in Freetown
12:41:02 10 if you're able to say?
11 A. My Lord, presently I'm pressed.
12 PRESIDING JUDGE: I noticed the witness doesn't look too
13 well. [Microphone not activated]
14 THE WITNESS: I'm pressed.
12:41:19 15 MS PACK: I think he would just like a comfort break.
16 PRESIDING JUDGE: I see. I think maybe it's appropriate in
17 the circumstances that we take an early lunch break. It's only a
18 few minutes to our usual closing time. Madam Court Attendant,
19 please adjourn court until 2.15 p.m.
12:42:03 20 [Luncheon recess taken at 12.38 p.m.]
21 [TB140605D-SGH]
22 [On resuming at 2.15 p.m.]
 PRESIDING JUDGE: Yes, Ms Pack, please proceed.
24 MS PACK: Thank you, Your Honour.
14:20:35 25 Q. Witness, before the break I was asking you about events
26 that occurred on the retreat from Freetown. Witness, did
27 anything happen at a location called xx?
28 A. Yes.
29 Q. What happened at xxxx?

1 A. Well, at the time I went to xxx to visit, but I
2 will not say the person. While this happened.
3 Q. Yes, go on, what happened?
4 A. To my surprise I met one of the Bazzy's bodyguards called
14:21:36 5 Captain Blood.
6 Q. Pause a moment. Let's just spell please xxx.
7 Would you spell that?
8 A. xxx.
9 Q. And would you also spell Captain Blood?
14:22:02 10 A. C-A-P-T-A-I-N B-L-O-O-D, blood.
11 Q. What happened when you went there?
12 A. In fact, on my arrival at xxxx their family house
13 was burnt down. Immediately I questioned xxx about the
14 person who did the burning and they told me it was one Captain
14:22:39 15 Blood. So, xx and the friend who xxx to the area had
16 to make a trace. As I moved towards the xxx then I met
17 Captain Blood had captured seven men.
18 Q. Pause a moment. Just remind --
19 A. Seven new young men.
14:23:06 20 Q. Just remind us of Captain Blood and who he was?
21 A. Captain Blood was a -- he is a personal bodyguard, personal
22 security to Ibrahim Bazzy. He was a deputy chief in command.
23 Q. Of what? I am sorry, I withdraw that. Do you know
24 formerly what group Captain Blood had been part of?
14:23:37 25 A. Captain blood was a civilian.
26 Q. Go on, witness, what happened when you saw Captain Blood
27 with seven civilians?
28 A. To my surprise Captain Blood executed these civilians.
29 Q. How do you know he had executed these civilians?

1 A. Well, I myself was standing by when he shot the three
2 before he could use the machete to cut their throats.
3 Q. You will have to explain that. He shot how many?
4 A. He shot three to death and he used a machete to kill the
14:24:26 5 other four.
6 Q. Did you see this?
7 A. Yes, I saw this with my own eyes.
8 Q. Were the civilians men, women or children?
9 A. Seven young men.
14:24:51 10 Q. Did anything happen after you saw this?
11 A. In fact, xxx, xx asked him -- xx xx,
12 "Captain Blood, xx made to understand that xxx that
13 place," and he told me I should not ask him because it was an
14 order. It was an order that was there. So I should not talk
14:25:12 15 about any xx. He had done what he was supposed to
16 do. So I was not able to do anything to him. I did not say
17 anything.
18 Q. When you said to him, "Captain Blood, I heard you had xx
19 xxx." What place were you referring to?
14:25:37 20 A. I was referring to xxx.
21 Q. Whereabouts did the executions take place; the killings?
22 A. It was the same xxx, but it was about xx metres
23 out from xxx.
24 Q. Now, witness, you have given evidence before we broke for
14:26:20 25 lunch that you ended up at Ferry Junction after moving off from
26 Uppun. Do you recall that?
27 A. Yes, My Lord.
28 MS PACK: Your Honours, what I am now going to ask the
29 witness to do is to mark again on a map the locations to which he

1 referred in the last portion of his testimony. If he may be
2 handed P18, which was the Freetown map.

3 [Exhibit No. P18 shown to witness]

MS PACK: It's the scaled version of the Freetown map.

14:27:29 5 Q. Witness, I would like, you, please, to mark firstly on that
6 map a location that you have identified as PWD. If you would
7 circle the area you have identified as PWD and mark it with a
8 six. Have you still got a pen?

9 A. Yes, My Lord.

14:28:46 10 Q. Have you done that, Witness?

11 A. Yes, My Lord.

12 Q. Witness, you have also testified about an area where the G4
13 was located. Are you able to identify that area on this map?

14 A. Well, here is an access road from PWD Junction to the route
14:29:39 15 towards the Brook.

16 Q. So, is it the case then that the actual location of the G4
17 is not on the map, it is off the map? Is that what you are
18 saying?

19 A. Yes, it is not on the map. My [indiscernible] is not on
14:30:03 20 this one, but it should be along this access road just -- just
21 around PWD Junction, right down to the access road.

22 Q. If you just mark the access road with an arrow pointing to
23 the direction of the G4 and just put next to that seven.

24 MS PACK: And that, Your Honours, would represent the arrow
14:30:36 25 pointing to the direction of the G4.

26 Q. Have you done that, witness?

27 A. Yes, My Lord.

28 Q. What I would ask you to do now is to identify the area that
29 you have called Fourah Bay and to mark or encircle the area and

1 mark that with an 8. Have you done that, Witness?

2 A. Yes, My Lord.

3 Q. Now, what I would like you to do is to identify the street,

4 xxxxx, where you saw -- and encircle, if you would, so far

14:32:17 5 as you are able, the area where you saw the killings take place

6 on xx. And when you have encircled the area if you

7 could mark that with a 9. Have you done that, Witness?

8 A. Yes.

9 Q. Now, witness, you gave evidence that you withdrew from

14:33:22 10 Eastern Police to Mountain Cut Junction. Would you encircle that

11 junction, please, on the map and mark it with a 10? Have you

12 done that, Witness?

13 A. Yes, My Lord.

14 Q. You also gave evidence that you went from Mountain Cut to

14:34:18 15 Savage Square. Would you mark -- encircle Savage Square where

16 you withdrew to on Savage Square, encircle that and mark it with

17 a number 11? Have you done that, Witness?

18 A. Yes, My Lord.

19 Q. Witness, you also gave evidence that you went from Savage

14:35:53 20 Square to Upgun. Would you encircle the area that you went to

21 Upgun and mark that 12? Have you done that, Witness?

22 A. Yes, My Lord.

23 Q. And finally Ferry Junction, encircle that area and mark it

24 13.

14:36:42 25 A. Ferry Junction is not stated on the map.

26 Q. Okay, witness, we will leave that then and if necessary I

27 will come back to it on the larger scale map?

28 A. No, well -- okay. I just want to mark that thing on the

29 junction because the junction leads to [inaudible] centre, it

1 leads to Ferry Road and it leads up to PWD Junction.

2 Q. So, are you able to mark it on this map or is it something
3 that requires looking at the larger map?

4 A. Well, I have already marked here as a junction. This is
14:38:00 5 the main junction.

6 Q. Have you marked Ferry Junction, the location you called
7 Ferry Junction?

8 A. Yes.

9 Q. And that location you have marked as Ferry Junction, have
14:38:12 10 you numbered it 13?

11 A. Yes, My Lord.

12 MS PACK: Well, that is the last of the locations I was
13 going to ask the witness to mark on this map, P18, so Your
14 Honour, I would ask again that my learned friends and I be given
14:38:33 15 the map to look at and then that be tendered as it is amended.

16 PRESIDING JUDGE: Madam Court Attendant, please show the
17 map firstly to counsel for the Prosecution and then to counsel
18 for the Defence.

19 JUDGE SEBUTINDE: Ms Pack, we were just wondering, we heard
14:42:25 20 you talk to the witness and the witness indicated something about
21 location 13, and he gave a certain qualification when he was
22 marking 13, and we are still not sure about that qualification in
23 light of your question what location 13 is now. What is location
24 13?

14:42:48 25 MS PACK: I will ask.

26 Q. Witness, you have encircled on the map and you have
27 numbered 13 a location. Tell, please, Their Honours, which
28 location you have marked as 13.

29 A. Ferry Junction.

1 PRESIDING JUDGE: Counsel, is there anything to be said
2 about this before I note that the exhibit has been amended in the
3 light of this evidence?

4 MR MANLY-SPAIN: Nothing, Your Honour.

14:45:31 5 PRESIDING JUDGE: Thank you, I will note that. Madam Court
6 Attendant, I return the exhibit to you. For the record we will
7 take judicial notice that the exhibit has been amended in
8 accordance with the evidence adduced orally by the witness.

9 MS PACK: Thank you, Your Honour.

14:46:14 10 Q. Now, you have testified, witness, that you got to Ferry
11 Junction? Did anything happen when you were at Ferry Junction?

12 A. Yes.

13 Q. What happened there?

14 A. Well, at Ferry Junction while the troop were based there,

14:46:30 15 xx, we went back to xx and while xx
16 had a talk with Gullit, Bazzy and Five-Five.

17 Q. What was said?

18 A. xxx said now the ECOMOG forces have started using
19 the APC to attack our positions.

14:46:58 20 Q. Pause a moment. What do you mean by APC?

21 A. Army personnel carrier.

22 Q. Go on. xx said that ECOMOG had started using the
23 armoured personnel carrier.

24 A. And he said -- he advised that Gullit move with the rest
14:47:22 25 with the family towards Kissy.

26 Q. Did that then happen?

27 A. Well, while xxx was giving this advice to Gullit
28 and information came to Gullit that the Guinean troops contingent
29 are coming from the rear, have captured up to Jui and they are

1 moving forward to Calaba Town and Wellington.

2 Q. Now, you have spelt Jui, Calaba Town and Wellington before,
3 witness. I will not repeat those. Do you know who came and gave
4 that information to Gullit about the Guinean troops?

14:48:11 5 A. It was one of the commanders in the area. One commander
6 came from that area and told Gullit this.

7 Q. After Gullit received that information, did anything
8 happen?

9 A. Yes.

14:48:34 10 Q. What happened?

11 A. Well, after which Gullit had told Supervisor A and said now
12 that this had happened it looked as if the Nigerians were using
13 the front while the Guineans were using the back. And so as from
14 now, I mean, the burnings should start again and abductions shall

14:49:03 15 happen as this-- excuse me, what --

16 Q. Pause a moment.

17 A. This was a hasty withdrawal.

18 Q. It sounded like the interpreter was not clear about your
19 last couple of sentences. So I am going to ask you just to go

14:49:20 20 back. You said that Gullit told xx that it looked like

21 the Nigerians were from the front and Guineans from the back.

22 Just let me ask you, do you know who was meant by the Nigerians?

23 A. The Nigerian ECOMOG force with which we were fighting.

24 Q. Go on to say - and just take it slowly - what Gullit said
14:49:47 25 after he had said that?

26 A. He said this time, this is a hasty withdrawal so abductions
27 and burnings should start.

28 Q. Who was with you when Gullit said this about burnings and
29 abductions?

1 A. xx, xx was with xxx on the ground.

2 Q. Who else was there?

3 A. xxx was there, the camp commandant was there, General

4 Lions himself was there and Five-Five was there.

14:50:38 5 Q. As a result of this instruction, did anything happen?

6 A. Yes, Gullit withdrew the G4 from that area immediately

7 whilst xx and xx went back to xxx. Then

8 the ECOMOG started penetrating. They started moving towards the

9 Ferry Junction. While xxx, the operation

14:51:07 10 commander, the deputy operation commander, then and the mission

11 commander, started retreating from xxx.

12 Q. Pause. Now, you said you and xxx and others

13 started withdrawing from Ferry Junction. Did anything happen as

14 you were withdrawing?

14:51:44 15 A. While they came ECOMOG -- the APCs continued to shoot our

16 positions. xxxx, the operation commander, the

17 deputy operation commander and the mission commander, xx

18 retreated to PWD from -- and as soon as Gullit noticed xx and

19 the troops, the troops I have talked about, noticed our presence.

14:52:12 20 Immediately the whole troop started moving towards Kissy.

21 Q. Pause.

22 A. Whilst --

23 Q. Pause. Now, you said you got to PWD. After you got to

24 PWD, where did you move to?

14:52:43 25 A. Well, immediately, xxx, the operation

26 commander, the deputy operation commander, the mission commander

27 and other soldiers, made a defensive position at the PWD whilst

28 Gullit and others moved with vehicles.

29 Q. Where to?

1 A. Gullit said we should meet him at Kissy mental home.
2 Q. Pause a moment. That was Kissy mental home. Just spell
3 Kissy, please, for their Honours.
4 A. K-I-S-S-Y.
14:53:31 5 Q. From PWD, where did you and the men you were with move to?
6 A. Well, why this happened, we started withdrawing, burning
7 and captured civilians towards Shell Old Road.
8 Q. Pause a moment. How do you know, firstly as far as the
9 civilians are concerned, that civilians were being captured at
14:54:06 10 this point?
11 A. Well, since Gullit had ordered the troops at that time,
12 xxx and the operations commander, deputy operations commander,
13 xx and the other military men who were there who were
14 withdrawing, we made sure that while we were withdrawing we
14:54:35 15 captured civilians -- excuse me, he is going too fast.
16 Q. Pause, Witness. I am going to ask you just to take it up
17 from where you said the individuals you have identified made sure
18 that you started capturing civilians. Just go on and take it up
19 from there, please.
14:54:56 20 A. As Gullit, Bazzy and Five-Five had moved with some soldiers
21 in their vehicles towards the mental home, xxxx,
22 operation commander, deputy operation commander, the mission
23 commander and other military men, we started withdrawing. As we
24 did so we captured civilians and set the houses on fire.
14:55:55 25 Q. Do you know if the houses that were set on fire were
26 occupied?
27 A. Well, as far as I knew when we were withdrawing we forced
28 the civilians out and as we forced them out we set the houses on
29 fire.

1 Q. Witness, from PWD where did you go?

2 A. I, and the people whom I have named withdrew to Shell Old
3 Road where we met the troops, together with Junior Lion at the
4 junction waiting for the remaining troops.

14:56:53 5 Q. Pause a moment. Apart from Junior Lion, which commanders
6 did you meet at Shell Old Road?

7 A. Junior Lion was there together with other commanders.

8 Q. Name a few of them, please.

9 A. He was there with Colonel Osman Sesay, AKA Changamulanga.
14:57:24 10 Med Bajehjeh.

11 Q. Can you just remind us. Osman Sesay, AKA Changamulanga,
12 was the commander of which battalion?

13 A. He was commander with of the 3rd Battalion.

14 Q. Bajehjeh, what position did he hold?

14:58:08 15 A. He was the commander for the Red Lion Battalion.

16 Q. Witness, did anything happen at Shell Old Road?

17 A. Whilst I, and the men whom I have named, reached Shell Old
18 Road, Junior Lion told us that Gullit, Bazzy and Five-Five were
19 waiting for us further up to join them there. That was around
14:58:36 20 the mental home.

21 Q. While you were at Shell Old Road, did you meet any
22 civilians?

23 A. Yes.

24 Q. Did anything happen to the civilians that you met there?

14:58:53 25 A. Yes.

26 Q. What happened to the civilians that you met at Shell Old
27 Road?

28 A. In fact, about six of them had been amputated.

29 Q. Had they been amputated before your arrival there?

1 A. No, they were amputated in my presence, these people.
2 Q. Who amputated them?
3 A. They were amputated by Changamulanga.
4 Q. What did he amputate?
14:59:49 5 A. He chopped off their hands completely, both arms. He gave
6 them short sleeves.
7 Q. Remind us what you mean by short sleeves in the context of
8 amputating?
9 A. This was towards the elbow. That's where they cut their
15:00:16 10 hands off.
11 Q. Were these civilians men, women or children?
12 A. They were young men.
13 Q. After they were amputated, these young men, did anything
14 else happen to them?
15:00:58 15 A. Changamulanga only told them that they should go to
16 Pa Kabbah because they had voted for him and he will give them
17 hands.
18 Q. After Shell Old Road, where did you go?
19 A. Ixxx, Junior Lion, operation commander, the
15:01:31 20 mission commander, the deputy operation commander, and the other
21 soldiers, moved towards where Junior Lion had directed us. That
22 is towards the mental home.
23 Q. Did you get to the mental home?
24 A. In fact, as we got closer to the mental home with over 60
15:01:57 25 vehicles, which were parked in that area, we saw Gullit,
26 Five-Five and Bazzy.
27 Q. What did you see Gullit, Five-Five and Bazzy do, if
28 anything?
29 A. They were standing there waiting for the entire troops and

1 the soldiers and some family members.

2 Q. Did anything happen then?

3 A. In fact, in everybody's presence Gullit said, "Gentleman,
4 now the jungle has started." He said, "As from now I, Gullit, as

15:02:45 5 I am talking, these vehicles which are parked here, we should
6 start setting them ablaze now." Immediately I, and the other
7 soldiers who had arrived, started setting the vehicles on fire.
8 This included Gullit, Bazzy and Five-Five. Five-Five
9 demonstrated by setting the other vehicles on fire.

15:03:13 10 Q. After the vehicles were set on fire, where did you go?

11 A. We moved further up the mental home.

12 Q. At the mental home did anything happen?

13 A. Yes.

14 Q. What happened at the mental home?

15:03:50 15 A. Whilst we were at the mental home, because that was the
16 hill site, we occupied the houses which were within that area.
17 You will see the old road from that hill top. You will see the
18 new road. We saw the Guineans who had taken over the town and
19 they were moving about in their tanks and armoured tanks --

15:04:15 20 armoured cars, sorry. While the civilian population was
21 jubilating for them welcoming the Guineans and the Nigerian
22 forces in the town.

23 Q. After you saw this, witness, did anything happen in the
24 area you were occupying around the mental home?

15:04:36 25 A. Yes.

26 Q. What happened?

27 A. Later in the night, between 7.00 to 8.00 p.m. --

28 Q. Go on.

29 A. Gullit, xx xxx, xx, Bazzy, Five-Five, the

1 operation commander, the deputy operation commander, the military
2 supervisors and the battalion commanders --
3 Q. Go on, what happened?
4 A. Gullit said that, "Have you seen those people, they are
15:05:35 5 ungrateful? Have you seen them jubilating, dancing with the
6 ECOMOG forces, the Guinean troops?"
7 Q. What did he say after that?
8 A. He said, "Now, I am ordering you from this mental area you
9 can go as far as you can burning, killing people." Then he
15:06:14 10 called Changamulanga to him, Mines, Colonel Kido, and said that
11 they should go towards the low cost area to amputate people. To
12 amputate people around that area. Whilst xxx,xxx,
13 Hassim and other senior commanders, I mean, other commanders and
14 military men, he said we should use the route from the mental
15:06:46 15 home up to PWD as far as we can. As far as PWD. And we should
16 ensure that that area is cleared up. We should burn houses and
17 kill civilians.
18 Q. Pause. Now you have mentioned a few names. In relation to
19 the men that were ordered to go to the low cost housing area,
15:07:09 20 just say that slowly, the area -- low cost housing area, I don't
21 think I need to spell that, Your Honours, it is as it sounds.
22 Whereabouts is the low cost housing area?
23 A. It is towards the Kissy police.
24 Q. Is it on a particular road?
15:07:37 25 A. Yes. It is at the Blackhall Road. It is part of the
26 Blackhall Road. The old road.
27 JUDGE SEBUTINDE: Ms Pack, was that black hollow road or
28 black hall?
29 MS PACK: It sounds like black hall, Your Honour, but I

1 will ask the witness to spell.

2 Q. Would you spell Blackhall Road, please?

3 A. B-L-A-C-K, black. H-A-L-L, hall. R-O-A-D, road.

4 Q. Now, you said there were three individuals identified as

15:08:20 5 going -- being ordered to go there. The first name was Kido,

6 would you spell that, please, for their Honours?

7 A. K-I-D-O.

8 Q. Remind us who that was, please.

9 A. Kido was also a commander at Colonel Eddie Town.

15:08:46 10 Q. At this point did he have a rank?

11 A. He was a lieutenant colonel.

12 Q. The other name you identified was Osman Sesay. We have

13 heard that name before, Your Honours, I will not respell it and

14 the final one was Mines. Is that Major Mines?

15:09:05 15 A. Yes, Major Mines, yes.

16 Q. That was that group of individuals and the others to go to

17 the other area in the mental hospital to PWD were xx, that was

18 spelt for Your Honours, Hassim also spelt previously.

19 A. Yes,xxx was included as well. xxx went to the road as far as

15:09:34 20 the PWD. Kabila was also chosen to go with Changamulanga.

21 Q. Pause a moment. Just remind us who Kabila was.

22 A. Yes. He was the operation commander's bodyguard; O-Five.

23 Q. And the spelling for that, remind us please?

24 A. K-A-B-I-L-A.

15:10:03 25 Q. Now, you were identified in the group that was to use the

26 route from the mental home to PWD. After Gullit said these

27 things, what did you do?

28 A. xx, including the operation commander,

29 O-Five, we moved towards the PWD Junction.

1 Q. Do you recall which road you used to get there?

2 A. This was the Old Road, the Old Road.

3 Q. Did anything happen as you moved along the Old Road towards
4 PWD Junction?

15:11:16 5 A. In fact, as I and the other soldiers whom I have named,
6 moved up from the mental home as we moving down towards the Kissy
7 markets, towards Kissy markets we heard people jubilating. In
8 fact, that's where we started we, started shooting. We were just
9 shooting.

15:11:42 10 Q. Were you shooting at anyone?

11 A. Yes. But especially the civilians whom we saw outside and
12 we shot at them.

13 Q. Did you see what happened to them after they were shot at?

14 A. Yes. When the machine gun shoots you drop and die.

15:12:07 15 Q. Apart from the shooting, did anything happen as you moved
16 towards PWD Junction?

17 A. Well, I and the troops that moved went as far as to Fisher
18 Lane, going towards the Ferry Junction. From there we started
19 setting the houses ablaze and shooting at the same time.

15:12:30 20 Q. Fisher Lane, would you please spell that for their Honours?

21 A. F-I-S-H-E-R L-A-N-E.

22 Q. By "we" who do you mean? "We started setting houses
23 ablaze," and "we started shooting"?

24 A. I said I and the soldiers who went, including the operation
15:13:11 25 commander, Pikin, Hassim.

26 Q. After you started setting houses ablaze and shooting, where
27 did you go?

28 A. We went as far as Fisher Lane, Fisher Lane and started
29 retreating. We retreated to Kissy mental home. And we reported

1 it to Gullit.

2 Q. Who reported to Gullit?

3 A. xxx operation commander, xxx reported to

4 Gullit and the other soldiers telling them that the mission had

15:14:19 5 been accomplished.

6 [TB140605E - EKD]

7 Q. Did you remain at that location at the Kissy mental home on
8 that night?

9 A. We slept there. That's where the troops slept.

15:15:21 10 Q. The following day did anything happen?

11 A. Yes.

12 Q. What happened on the following day?

13 A. The following morning Gullit called the operation commander
14 and Gunboot and other commanders.

15:15:49 15 Q. How do you know he called these individuals?

16 A. Well, xx was present. Because wherever they based xx will be
17 closer to them, xxxx at the xx.

18 Q. Gunboot, we have had this before, but if you would just
19 remind us who that was.

15:16:12 20 A. He too was a commander.

21 Q. Did he have a rank?

22 A. Yes, he was a lieutenant colonel.

23 Q. Now, after these individuals you have identified were
24 called, was anything said by Gullit?

15:16:37 25 A. Yes.

26 Q. What was said?

27 A. Gullit said we should go and set the oil refinery ablaze.

28 Q. Did he say anything else about any other location at this
29 point?

1 A. Yes.

2 Q. What did he say?

3 A. He said, in fact, he had received information that the
4 civilians were harbouring ECOMOG forces in the mosques. That was
15:17:20 5 information he had got on that area and that the troops, as they
6 go down, should not see a mosque and think that they were housing
7 civilians.

8 Q. Did he say anything else about the mosques?

9 A. Yes, he said, in fact, these people were enemies.

15:17:48 10 Q. After he said they were enemies did he say anything else?

11 A. He said if a troop reaches the mosque which houses people,
12 they should be shot and killed.

13 Q. Was he referring to any particular mosque at this time?

14 A. Well, at that time, that particular area had mosques, but
15:18:18 15 the area which we occupied had only one mosque which was occupied
16 by troops. There was one mosque right down towards Shell Old
17 Road, towards the junction.

18 Q. Was Gullit referring particularly to that mosque or was he
19 referring to mosques generally?

15:18:48 20 A. Well, at that time that particular mosque that was down
21 towards Shell, towards the junction, he said it was housing
22 collaborators. He has found that they were harbouring Nigerian
23 soldiers in the mosque.

24 Q. After Gullit had said these things what happened?

15:19:16 25 A. He chose Five-Five to move with the troop, to go down from
26 that area up to the oil refinery.

27 Q. How do you know -- I withdraw that. Did Five-Five then
28 move with the troop to the oil refinery?

29 A. Yes.

1 Q. How do you know he moved there?

2 A. **xx**, Five-Five, the mission commander,
3 operation commander and in fact the manpower was very high to go
4 towards that point.

15:20:05 5 Q. Did you get to the refinery?

6 A. Yes. When we left the mental home, moving downwards
7 towards where the mosque was, Five-Five said we should stop and
8 he said we should move towards the mosque and start shooting at
9 the mosque. That mosque is at Kissy which is known by every
15:20:38 10 people -- by people. We shot at the mosque and people died and I
11 saw it myself.

12 Q. Where were the people?

13 A. Inside the mosque. People were many in the mosque.

14 Q. Do you know specifically how many?

15:21:00 15 A. It's a big mosque. There were so many people in the
16 mosque. The sooner we opened the door we started shooting, and I
17 took part in the shooting.

18 Q. Did you see what happened to the people as a result of
19 being shot?

15:21:21 20 A. Those whom I saw died.

21 Q. After the mosque did you move on to the oil refinery?

22 A. Yes, we went to the oil refinery.

23 Q. And when you got to the oil refinery what happened?

24 A. When we reached, Five-Five said we should set it alight.

15:22:03 25 And I said, "Pa, this is petrol. If I'll set fire to it the
26 entire troops would die." And I said the only thing we should do
27 that we should set fire to that diesel area, but set the petrol
28 area alight nobody would escape. We told him that and **xxxx**
29 got scared and he supported me that that was true.

1 Q. So xxx was with you too, was he?

2 A. Yes.

3 Q. On this occasion that you'd received orders from Gullit to
4 do certain things, why didn't you disobey the orders?

15:23:02 5 A. I told you the last time that when Gullit addressed us at
6 Mansofinia the law that he had was minus you, plus you. When an
7 order is given and you refuse to obey that order you're declared
8 an enemy. And at that time if you say you were going to retreat
9 to go to the ECOMOG forces, you will be considered an enemy and
15:23:28 10 you'll be killed. So there was no way you could disobey. That
11 is why he was sent commanders with us to monitor us as we went
12 along.

13 Q. Witness, I'm going to ask you now to look at a map.

14 MS PACK: It is the second Freetown map, which is
15:24:05 15 Exhibit P19. If that could be passed to the witness,
16 Your Honour.

17 Q. First of all, witness, I would like you to mark, please,
18 with a circle the location you have identified as Shell Old Road.
19 When you have found that if you would number it 8. Have you done
15:26:02 20 that, witness?

21 A. Yes, even though it is not stated here Shell Old Road, but
22 the junction, the Old Road Junction. This is Parsonage Street
23 and this other street and this is a junction.

24 Q. Thank you, witness. If you could just circle the junction
15:26:19 25 where the Shell station is on Old Road. If you would just do
26 that and then mark it with the number 8. Next, witness, I would
27 like you, please, to identify the Kissy mental home that you have
28 been referring to and circle that and mark it 9, please. Have
29 you done that, witness?

1 A. Yes, My Lord.

2 Q. Thank you. And witness, if you would now identify, if you
3 can, the area you have identified as low cost housing area. If
4 you would circle where that area is on the map and then mark that
15:27:17 5 10.

6 A. It too is not stated on the map, but it is just after the
7 Kissy Police Barracks, about hundred metres off you have the
8 junction.

9 Q. What I would ask you to do then, witness, is if you could
15:27:59 10 just encircle the broad area in which you think the low cost
11 housing area is situated and then just mark that broad area with
12 a 10. Have you done that, witness?

13 A. Yes, My Lord.

14 Q. Witness, you have also testified today that you went back
15:28:42 15 as far as Fisher Lane and that's where there was burnings and
16 killings going on from that location. Would you just identify
17 the area where that burning and killing started that you have
18 called Fisher Lane. Just encircle that if you can find it on
19 this map and mark it with an 11. Have you done that, Witness?

15:29:38 20 A. Yes, My Lord.

21 Q. Thank you. Only a couple of more matters to identify on
22 the map, witness. The oil refinery that you have referred to, if
23 you would just encircle that area and please mark that with a
24 number 12. Have you done that, witness?

15:30:09 25 A. Yes, My Lord.

26 Q. And finally, the mosque that you have spoken about; if you
27 would find that, the particular mosque where you have described
28 events occurring. Find that and circle it and mark that, please,
29 with a 13. Have you found that, witness?

1 A. Yes, My Lord.

2 Q. Thank you very much.

3 MS PACK: Your Honour, those are all the markings that I
4 was going to ask the witness to make for the moment.

15:31:55 5 PRESIDING JUDGE: Madam Court Attendant, could you again
6 show the map -- the exhibit to counsel for the Prosecution and
7 then to counsel for the Defence.

8 MS PACK: Your Honour, in fact there is one further
9 location that the witness mentioned earlier on in his testimony
15:34:30 10 that would be convenient to deal with now rather than asking the
11 witness to have the map given back to him at a later time. So
12 perhaps when my learned friends are finished I might ask the
13 witness to mark that too.

14 Q. Thank you, witness. Just one last thing. You gave
15:35:44 15 testimony yesterday morning about Kissy Mess Mess, the police
16 barracks that was burnt down, that location. I would just like
17 to ask if you can identify where the barracks that were burnt
18 down is located on this map. Encircle that and mark it with a
19 14.

15:36:18 20 JUDGE SEBUTINDE: Ms Pack, was that a barracks or police
21 station, Kissy Mess Mess?

22 MS PACK: It was a police barracks but perhaps I could just
23 clarify.

24 Q. Witness, is Kissy Mess Mess a police barracks or a police
15:36:28 25 station?

26 A. There is a station and a barracks in the same place.

27 Q. Which one was burnt down, the station or the barracks or
28 both?

29 A. The police -- the barracks was burnt down. The police

1 barracks.

2 Q. So if you can identify the police barracks on this and
3 encircle the police barracks and mark those, the barracks, with a
4 14. Have you done that, witness?

15:37:14 5 A. Yes, My Lord.

6 MS PACK: Your Honour, that was the last of the markings on
7 that map.

8 PRESIDING JUDGE: Thank you, Ms Pack. It should be
9 returned again, Madam Court Attendant, to counsel for the
15:37:25 10 Prosecution and counsel for the Defence.

11 MS THOMPSON: Your Honour, just in the last question from
12 my learned friend to the witness, my notes have Kissy Police
13 Station was set on fire. If the witness is now changing, my
14 learned friend does not make it clear that the witness is just
15:37:56 15 changing the evidence that he gave yesterday. I can't actually
16 remember at what stage this was said, but I definitely have
17 clearly "we captured Brima Lane and it was round about that time
18 Kissy Police Station was set on fire," and now he is saying it is
19 the barracks. And his evidence is that there is a barracks and
15:38:19 20 there is a station. Of course might I have got it wrong, then I
21 stand corrected.

22 MS PACK: My learned friend is quite right, I have the
23 transcript from yesterday. The witness said in answer to a
24 question yesterday, "Yes, the police station was set on fire and
15:39:23 25 we moved further towards Low Cost Junction." I notice there is a
26 typo and it says "Locus Junction", but that is what is said at
27 page 109 of the draft or final transcript I received at lunch
28 time today. I will ask the witness to clarify.

29 Q. Witness, is it the police station at Kissy Mess Mess or the

1 barracks at Kissy Mess Mess that was set on fire?

2 A. The barracks, the houses within the barracks.

3 Q. Did anything happen to the police station?

4 A. Well, when I and the troops were moving captured Kissy,
15:40:12 5 captured Mess Mess. This is how they called, they usually called
6 there. I called it yesterday the station, but it was a barracks
7 that was burnt down.

8 MS PACK: Thank you. So, Your Honour, there has been
9 marked on the map by the witness the barracks as 14.

10 JUDGE SEBUTINDE: Could we have the exhibit back if counsel
11 are done with it? Are you done with it?

12 PRESIDING JUDGE: We have this, Ms Pack.

13 MS PACK: Yes, Your Honour. I would ask that that remain
14 tendered as Exhibit P19 as amended by the witness and I invite
15:42:27 15 Your Honours to take judicial notice of the amendments as made by
16 the witness.

17 PRESIDING JUDGE: Counsel for the Defence, are there any
18 matters counsel for the Defence wish to say in reply to that
19 application?

15:42:52 20 MS THOMPSON: No, Your Honour, no.

21 PRESIDING JUDGE: Thank you. Accordingly, the exhibit will
22 be noted as amended and we take judicial notice of those
23 amendments. Ms Pack, is that a convenient point in the evidence
24 of your witness which to take a short adjournment?

15:43:23 25 MS PACK: Yes, Your Honour.

26 PRESIDING JUDGE: It is the normal time and I think the
27 witness may need a break as well. So we will adjourn in the
28 normal way for 15 minutes. Please adjourn court, Madam Court
29 Attendant, for 15 minutes.

1 [Break taken at 3.40 p.m.]

2 [Upon resuming at 3.58 p.m.]

3 PRESIDING JUDGE: Yes, Ms Pack, please continue.

4 MS PACK: Thank you, Your Honour.

16:03:12 5 Q. Let me just remind you. Just before we had a break and you
6 were marking the map you testified about what happened at the
7 mosque and the refinery. After the mosque and the refinery where
8 did you go?

9 A. xxxx and the rest of the troops retreated to the
16:03:40 10 mental home.

11 Q. When you got back to the mental home did anything happen
12 there?

13 A. On my arrival at the mental home the only thing that I saw
14 was that Gullit shot Colonel Road Block. He shot him on his
16:04:02 15 foot.

16 Q. Do you know why this occurred?

17 A. Yes.

18 Q. Why?

19 A. Gullit said that Colonel Road Block wanted to pass on
16:04:24 20 information to Tina, the wife of SAJ Musa.

21 Q. Witness, after this occurred did anything else happen at
22 the mental home?

23 A. Yes.

24 Q. What happened?

16:04:38 25 A. Whilst I and the rest of the troops were at the mental
26 home, we came under heavy bombardment from the enemy forces.

27 Q. Did anything happen as a result of that bombardment?

28 A. Yes. Indeed, at that time Gullit, as we had nuns whom we
29 had captured in Freetown, five nuns --

1 Q. Go on.

2 A. When the bombardment started the mortar bomb hit the place

3 where Steve Bio and others were and they were killed.

4 Q. Pause a moment. Steve Bio, would you spell that name

16:05:42 5 please?

6 A. S-T-E-V-E B-I-O.

7 Q. Who was he?

8 A. Steve Bio was one of the men whom we had released from the

9 central prison.

16:06:03 10 Q. Do you know what he had been before his incarceration?

11 A. Yes.

12 Q. What had he been?

13 A. Well, during the AFRC regime he was arrested by Johnny Paul

14 for planning a coup plot.

16:06:29 15 Q. After you lost Steve Bio did anything happen at the mental

16 hospital -- mental home?

17 A. Yes.

18 Q. What happened?

19 A. Gullit immediately called xx, who was the

16:06:54 20 xxcommander --

21 THE INTERPRETER: That's not clear, Your Honours.

22 MS PACK:

23 Q. Pause, witness. I think you were describing what Foday Bah

24 Marah was. Foday Bah Marah, commander of what?

16:07:10 25 A. The G4 commander.

26 Q. You were saying Gullit said something in relation to him or

27 did something in relation to him?

28 A. Yes. Gullit called Foday Bah and asked him about the nuns

29 who were under his control. So Foday Bah reported and brought

1 the nuns forward in xxx presence, xx, Bazzy, Five-Five
2 and other military supervisors. Gullit said that Archbishop
3 Ganda had escaped --
4 Q. Go on.
16:08:07 5 A. And he also spoke about another man, a man of God from
6 Kamalo whom he said had also escaped, Father Mario.
7 Q. Pause a moment. I am going to ask you, please, to spell
8 Archbishop Ganda. Just Ganda, if you can.
9 A. G-A-N-D-A.
16:08:34 10 Q. And Father Mario, just spell Mario.
11 A. M-A-R-I-O.
12 Q. And you said he was from Kamalo. Just remind us how to
13 spell Kamalo, please.
14 A. K-A-M-A-L-O.
16:08:58 15 Q. Now, you said that Gullit said something about these two
16 people. What did he say after that?
17 A. He said these Godly people who had escaped would go and
18 leak out information. So he was not going to spare the nuns. He
19 ordered xxx to shoot these people. In my presence xxx
16:09:20 20 shot the five nuns and killed them.
21 Q. Pause a moment. You have spoken about Bulldoze and Foday
22 Bah Marah. Is that the same person?
23 A. Yes, I'm referring to Foday Bah Marah.
24 Q. As a result of being shot what happened to these nuns?
16:09:44 25 A. They died.
26 Q. Witness, after this occurred what then happened?
27 A. After this Gullit said we are in a very deep trap. He said
28 because the enemy forces had blocked the new road and they've
29 come towards the hillside and they've started bombarding our

1 positions. And he said it is time for a complete bulldoze.

2 Q. Where did you go?

3 A. xxx the entire troops, including Bazzy, Gullit and

4 others, we moved from the mental home and headed towards the

16:10:35 5 police -- Kissy Police Barracks and the Old Road -- the road

6 leading to that area.

7 Q. After the Kissy Police Barracks where did you go?

8 A. Well, this was a complete movement which Gullit, Five-Five

9 and Bazzy, including other commanders, everybody was moving

16:11:08 10 towards the Wellington area. As we went we shot and set houses

11 on fire.

12 Q. Who were you shooting at?

13 A. This was a bulldoze completely. The civilians within, the

14 civilians we went across as we moved along.

16:11:31 15 Q. Who did the shooting?

16 A. It was done by the troops. Even Bazzy. You know, it was

17 so dangerous that everybody participated in it. Gullit did it

18 with his own gun, Bazzy was with his own weapon, Five-Five was

19 with his own weapon. Everybody was red alert. We moved and shot

16:11:58 20 our way through.

21 Q. You said you were going towards the Wellington area. Did

22 you get there?

23 A. Yes, we reached there. I and the troops, we reached at the

24 brewery junction and Old Road.

16:12:22 25 Q. You have described what the brewery was yesterday. After

26 you got to the brewery junction what did you do?

27 A. Well, the Nigerian forces were stationed at that junction.

28 Q. Did anything happen there?

29 A. Yes. Gullit called the operation commander to bring the 81

1 millimetre mortar gun and make sure that they bombard the
2 Nigerian positions.

3 Q. How do you know Gullit gave this order?

4 A. **xxx** were together, including Gullit, Bazzy,
16:13:18 5 Five-Five and the operation commander who called him, that the
6 Nigerians had blocked the highway and that the mortar bomb --
7 mortar gun should be used to bombard those positions so that we
8 would find our way into the jungle.

9 Q. Where did you move from Wellington?

16:13:39 10 A. From Wellington the troops bombarded the position of the
11 Nigerians and they retreated. Whilst the troops were moving
12 towards Allen Town -- Calaba Town, Colonel Eddie was shot and he
13 died in the process. We lost Colonel Eddie during that operation
14 towards Calaba Town.

16:14:04 15 Q. You got to Calaba Town. Just spell Calaba Town again for
16 us. You have spelt it before.

17 PRESIDING JUDGE: Ms Pack, just before he does, I heard the
18 witness to say "they retreated," but I'm not sure who "they" is.

19 MS PACK:

16:14:19 20 Q. Who retreated?

21 A. The Nigerian forces retreated to the new road.

22 Q. And after the Nigerian forces retreated where did you go?

23 A. The troop advanced to Calaba Town and from Calaba Town we
24 advanced to Allen Town.

16:14:48 25 Q. Would you just spell Calaba Town, please?

26 A. C-A-L-A-B-A.

27 Q. Whilst you were at Allen Town did anything happen?

28 A. Yes.

29 Q. What happened at Allen Town?

1 A. At Allen Town Gullit called the operation commander,
2 xxx and the military supervisors and also the battalion
3 commanders. And he said now the troops should construct a
4 defensive position.

16:15:37 5 Q. How do you know he said this?

6 A. I stood there with xxx when Gullit gave this
7 order. In fact, he said Calaba Town should be burnt down.

8 Q. What happened after this order was given?

9 A. At that moment Five-Five joined the troops and we came down
16:16:03 10 to Calaba Town and started setting the houses around Calaba Town
11 on fire.

12 Q. How do you know that Five-Five was with the troop that did
13 this?

14 A. Well, I moved with xxxx down to a point at Calaba
16:16:34 15 Town. But it was Five-Five who was overall commander of the
16 troops. He himself participated in the burning of the houses in
17 Calaba Town.

18 Q. Where did you go after Calaba Town?

19 A. The troop retreated to Allen Town where Five-Five told
16:17:06 20 Gullit that the mission had been accomplished. Later Gullit
21 called xxx and Bioh - Abdul Sesay - and told them that
22 now these men should wait. He, Bazzy, Five-Five and the
23 operation commander -- deputy operation commander, mission
24 commander headed for the jungle at Allen Town leading to Grafton.

16:17:42 25 Q. Now, just to get the names clear for the ones who were to
26 stay back in Allen Town, you said Abdul Sesay, which you spelt
27 before, and Bioh. What was the full name of Bioh?

28 A. Ibrahim Bioh Sesay.

29 Q. So after these things were said by Gullit what happened?

1 A. He also said that he was going to set up a temporary base
2 where he would take his family and he'll send the operation
3 commander to take the rest of the troop to the place where they
4 will be based.

16:18:26 5 Q. So what happened? Did Gullit leave the location, Allen
6 Town?

7 A. Yes, Gullit, Five-Five, Bazzy left and went back to the
8 temporary base that he said he was going to set up.

9 Q. What did you do?

16:18:47 10 A. xx stayed with xxx, xx and Abdul Sesay, together
11 with a very heavy manpower that was on the ground.

12 Q. Did anything happen whilst you were at Allen Town?

13 A. At Allen Town xxx said we should establish a
14 defensive and to wait on Gullit's call, so that the troop would

16:19:24 15 meet them to take over the jungle.

16 Q. And after xxxx said this did anything happen from
17 Allen Town?

18 A. The troop passed the night there and we never saw the
19 operation commander come to call us to go back.

16:19:47 20 Q. Did you do anything whilst you were in Allen Town?

21 A. At Allen Town xxxx organised a team led by Rambo.

22 Q. Which Rambo?

23 A. Red Goat.

24 Q. Go on.

16:20:14 25 A. He said that we should search for the position of the
26 enemies.

27 Q. What happened as a result of this instruction?

28 A. I joined xxx and we went as far as xxx. We went
29 through the new road towards the Auroel Tobacco Company and there

1 were no enemy forces within that area. I and xx and the other
2 soldiers who went there were around together with some two
3 journalists and a French speaking journalist, but they said they
4 had come from RFI. But they should come into our midst. xxx
16:21:06 5 captured them and he said he was going to take them to our base
6 at Allen Town.
7 Q. Pause a moment. You have mentioned a tobacco company.
8 Could you just give the full name of the tobacco company you
9 mentioned?
16:21:18 10 A. Auroel Tobacco Company; that's the name.
11 Q. Would you spell Auroel, please?
12 A. A-U-R-O-E-L.
13 Q. After these journalists were taken what happened?
14 A. xxx, together with the other forces, reported
16:21:50 15 with these people to xxxx. Later they took some
16 snapshots and tried to get some brief notes about the troops.
17 After which xxxx ordered that they should be released,
18 but their cameras were smashed away from them. They didn't go
19 away with the camera. xx ordered that the journalists
16:22:20 20 should be released and released them.
21 Q. Did anything happen in Allen -- did you return to Allen
22 Town?
23 A. Yes, My Lord.
24 Q. After you returned there did anything happen?
16:22:30 25 A. Yes, xxx mounted the set, trying to get the
26 location of Gullit.
27 Q. How do you know he mounted a set?
28 A. Since xxx xxx and they mounted a set in my
29 presence, trying to find out the location of Gullit.

1 Q. Did you find out the location of Gullit?

2 A. In fact, as xxx called him, Gullit said that he
3 was at Benguema, that he had reached Benguema. So he was hoping
4 to send reinforcement to us at Allen Town, because we were still
16:23:18 5 not able to recapture Allen Town.

6 Q. Pause a moment. You have spelt this before but if you
7 would spell Benguema again, please.

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

9 Q. Thank you, witness. Did, in the event, reinforcements
16:23:40 10 arrive in Allen Town?

11 A. Well, xxxxx, Supervisor Ibrahim Bioh Sesay, Abdul
12 Sesay and the other troops waited but xx only heard some heavy
13 shooting around Jui but they never reached.

14 Q. Witness, did you stay in Allen Town?

16:24:11 15 A. Later the enemy forces penetrated Allen Town and the troop
16 retreated immediately. xxxxx, Supervisor Abdul Sesay,
17 Supervisor Ibrahim Bioh Sesay retreated to the jungle.

18 Q. Before you left Allen Town did the troops do anything in
19 Allen Town?

16:24:41 20 A. Well, part of Allen Town was burnt down.

21 Q. How do you know this?

22 A. This happened in my presence. Because when the enemy
23 forces were coming to take over the place, xxxxx said we
24 should set the town on fire, part of the town. So that would
16:25:00 25 show a sign of retreating -- retreat, sorry.

26 Q. Were there civilians in Allen Town?

27 A. At that time when we went there, there were no civilians
28 except for the civilians whom the troop had captured, who were
29 with the troop.

1 Q. After you left Allen Town where did you go?
2 A. We went through the jungle.
3 Q. Where did you arrive?
4 A. We used the Grafton jungle, through the Hastings jungle,
16:25:49 5 and finally set up a temporal base within that jungle close to
6 Benguema.
7 Q. Did you arrive at Benguema eventually?
8 A. Whilst we were at that temporal jungle, rather, Supervisor
9 A mounted the set and called on Gullit. Gullit informed him that
16:26:14 10 the RUF had started capturing the SLAs --
11 THE INTERPRETER: Sorry, can he go over that?
12 MS PACK:
13 Q. Pause. You said that Gullit said to xxx that the
14 RUF had started capturing the SLAs. What else did he say?
16:26:38 15 A. He said they were raising the soldiers, they were taking
16 everything away from them.
17 Q. After this communication where did you go?
18 A. Well, xxxx said that we should mount a strong
19 defensive posture and move to Benguema barracks.
16:27:11 20 Q. During the communication with Gullit did he say where the
21 RUF were raising SLAs and taking everything from them?
22 A. Yes. He said at Waterloo the RUF were based there and it
23 was the RUF who were raising any SLA whom they found in that
24 area.
16:27:38 25 Q. Did you get to Benguema?
26 A. Yes, My Lord.
27 Q. When you got to Benguema who was there?
28 A. On arrival at Benguema xxxxx, xx
29 xxx, Supervisor Ibrahim Bioh Sesay and others, Gullit,

1 Five-Five, Tina the wife of SAJ Musa, welcomed the troop at
2 Benguema training centre.
3 Q. Pause a moment. About how many were there with you in the
4 group that had come from Allen Town to Benguema at this time, if
16:28:27 5 you're able to estimate?
6 A. Well, it could be -- the estimate could be about 500. We
7 were many. About 500.
8 Q. Were there others apart from Gullit, Five-Five and Tina
9 Musa at Benguema when you got there?
16:28:57 10 A. The operation commander was there, Colonel Tito and others.
11 They were all at Benguema.
12 Q. Were there any other SLA commanders -- sorry. Were there
13 any other commanders that you heard about based elsewhere other
14 than Benguema?
16:29:16 15 A. Yes, because later when I and the troops arrived, as
16 Five-Five had demanded that anybody who had money should
17 surrender it, so xx asked for Bazzy and he was told by
18 Gullit that Bazzy was at Hastings as commander.
19 JUDGE LUSSICK: I didn't quite catch all of that.
16:29:51 20 Five-Five demanded that anyone with money should do what?
21 MS PACK: I will ask the witness to repeat.
22 Q. You have said that Five-Five said that anyone with money
23 should do something. Perhaps you could just explain again what
24 Five-Five said.
16:30:09 25 A. When the troops arrived at Benguema, the first thing
26 Five-Five said was that, "Gentleman, now the RUF have taken so
27 much money from the SLAs." So whosoever had dollar in his
28 possession should surrender that to him for safekeeping.
29 Q. Now, you said that after Five-Five said this xxxx

1 said something to Five-Five. What was that?

2 A. No, he spoke with Gullit.

3 Q. And what did he say?

4 A. He inquired about the whereabouts of Bazzy.

16:30:56 5 Q. And you've said what Gullit said in response.

6 A. Gullit said Bazzy was the commander at Hastings.

7 Q. Whilst you were at Benguema did anything happen?

8 A. Yes.

9 Q. What happened?

16:31:23 10 A. While **xxxx**, Gullit informed him

11 that Issa and Foday Kallay had just left Benguema for Makeni and

12 that they were eager to see **xxx**.

13 Q. Pause a moment. You have said that Gullit told **Supervisor**

14 **xx** that Foday Kallay and Issa -- now, Issa, who was that?

16:31:54 15 A. Issa Sesay of the RUF.

16 Q. And Foday Kallay?

17 A. Foday Kallay was formerly the deputy operation commander

18 for the SLA battalion -- or rather SLA at Kono.

19 [TB140605F - SV]

16:32:08 20 Q. After Gullit said this to **xxx** did anything happen

21 in Benguema?

22 A. Yes.

23 Q. What happened?

24 A. Later an operation was planned. When Gullit said he had

16:32:41 25 received information that the Guinean contingent wanted to pass

26 through Hastings going towards Guinea.

27 Q. How do you know an operation was planned?

28 A. Well, at that time he called **xxx**, the operation

29 commander, and they organised a well-planned operation which

1 involved to ambush the Guinean troops as they retreated from
2 Freetown.

3 Q. Did the operation in the event take place?

4 A. Yes.

16:33:15 5 Q. How do you know it took place?

6 A. xxxxxxxx, the operation commander, the
7 deputy operation commander joined forces with the RUF Rambo --
8 Colonel Rambo of the RUF.

9 Q. That's the Rambo you spoke about earlier in Kono?

16:33:44 10 A. Yes.

11 Q. And with the radio communication in Freetown?

12 A. Yes. He communicated before the reinforcement arrived.
13 Rambo of the RUF.

14 Q. What happened on this operation?

16:34:09 15 A. Well, during this operation as the Guinean forces tried to
16 go through they did not succeed. The troops ambushed the
17 Guineans and only it was their tank that escaped. But the
18 trailer that was carrying the arms and ammunition did not survive
19 the ambush.

16:34:30 20 Q. So what happened to the arms and ammunition?

21 A. The arms and ammunition, Gullit decided that we should turn
22 it into an immediate G4 closer to the refugee camp.

23 Q. Where was the refugee camp?

24 A. It was located between Waterloo and the Newton Highway.

16:35:00 25 MS PACK: Both names Your Honours have heard before,
26 Waterloo and Newton.

27 Q. Would you spell Newton please, Witness?

28 A. N-E-W-T-O-N.

29 Q. Was there, in the event, a G4 set up at the refugee camp?

1 A. Well, this G4, as it was said, Gullit ordered that the
2 Deputy Operation Commander Junior Sheriff should represent the
3 SLA and later Rambo of the SLA -- RUF should represent the RUF to
4 guard the G4.

16:35:55 5 Q. You've named Junior Sheriff before. Sheriff is
6 S-H-E-R-I-F-F. After this operation and after the G4 was set up
7 did anything happen at Benguema?

8 A. Yes.

9 Q. What happened at Benguema?

16:36:10 10 A. While this G4 was formed, ~~xxxxx~~ and Five-Five
11 returned to Benguema. And later Issa Sesay, Morris Kallon,
12 Superman of the RUF came to Benguema.

13 MS PACK: All names that you've had spelt before, Your
14 Honour.

16:36:32 15 Q. Did anything happen when Issa Sesay, Morris Kallon and
16 Superman arrived at Benguema?

17 A. Yes. An immediate meeting was held wherein Gullit, Bazzy,
18 Five-Five, ~~xxx~~, Supervisor Abdul Sesay, Supervisor
19 Ibrahim Bioh Sesay, Junior Lion and the operation commander and
16:37:03 20 deputy operation commander, also the mission commander, ~~xx~~
21 ~~xx~~ at this meeting that went on.

22 Q. What happened at the meeting.

23 A. Well, in this meeting Gullit addressed the men. He
24 addressed Issa Sesay and told them that they were happy that they
16:37:32 25 were around, they've come to join force with the SLA. So later
26 Gullit said he would like the troops to plan an operation to go
27 back to Freetown.

28 Q. Was anything said by others at this meeting?

29 A. Well, in fact Issa Sesay, he said he was happy about that.

1 He would be able to join force and give support to the troops
2 that will come back to Freetown.
3 Q. Did Issa Sesay say anything else at this meeting?
4 A. Yes.
16:38:53 5 Q. What else did he say?
6 A. He said in fact Superman, as he was in the meeting, he will
7 arrest him as Mosquito had arrested that -- Superman -- Superman
8 should be taken to Kailahun.
9 Q. I didn't get that. What had Mosquito said?
16:38:53 10 A. Issa said Mosquito had given him the order to arrest
11 Superman and that was the best opportunity as he was among the
12 SLAs. So he would arrest Superman and take him to Kailahun.
13 Q. Was Superman, in the event, arrested?
14 A. Well, it did not happen because Superman fired one -- a
16:39:43 15 shot up shots. xxx fired a shot up in the air.
16 JUDGE LUSSICK: Who fired what? Did Superman fire or did
17 Supervisor A fire or did they both fire?
18 MS PACK: I think it was they both fired but I didn't hear
19 the interpretation properly, the translation.
16:39:43 20 Q. Witness, would you just explain again what happened?
21 A. It was xxx. When Issa declared that Superman was
22 to be arrested it was xxx that took out his pistol and
23 gave a shot in the air and said this was impossible.
24 Q. After the meeting what happened?
16:40:22 25 A. Well, after that meeting the operation for Freetown was
26 planned. Another operation for Freetown was planned.
27 Q. What did you do?
28 A. Well, in fact at that time whilst Issa Sesay, Morris Kallon
29 went back to Waterloo, their position. Superman stayed with the

1 SLAs and immediately Gullit organised the SLAs wherein xx
2 xx, Five-Five, Superman was the commander for the SLA to move
3 towards Tombo and this time it was the Tombo axis. We'll use the
4 Tombo axis to enter Freetown.

16:41:03 5 Q. Pause a moment. Just spell Tombo, please, for Their
6 Honours?
7 A. T-O-M-B-O.
8 MS PACK: That was a location that was earlier identified
9 to Your Honours on Exhibit P11, a map of the Western Area.

16:41:34 10 Q. Did the operation at the Tombo axis in the event take
11 place?
12 A. Yes.
13 Q. How do you know that it took place?
14 A. Well, in fact at that moment xxx to
16:41:49 15 go with the soldiers to xxx village and wait there as they
16 were coming to join to take the operations to Tombo.
17 Q. Did you go to Tombo?
18 A. Well, whilst we waited -- while I was with xxat
19 xxx, Superman came with troops while
16:42:53 20 Five-Five, he too joined us and said well, now xxx,
21 Superman and including the operation commander, we'll use the
22 bypass. Use the jungle to enter Tombo.
23 Q. Was Tombo entered?
24 A. Well, this was the plan. They took the bypass whilst
16:42:53 25 Five-Five, later Morris Kallon, Issa Sesay also came with
26 ammunitions. They came with SPG bombs, 60 millimetre bombs and
27 ammunitions AK and LAR rounds.
28 Q. Pause a moment. You said SPG bombs. Can you just give the
29 full name for that?

1 A. Support propel grenade.

2 Q. Were there any other members of the RUF apart from Issa

3 Sesay and Morris Kallon involved in this operation?

4 A. Yes. Rambo.

16:43:43 5 Q. Do you know what he did?

6 A. Well, Rambo at that time, he had one anti-aircraft which he

7 moved with.

8 Q. What happened on the operation?

9 A. Well, in the operation the team planned that the bypass

16:44:33 10 team as they were to go in, they were the first to attack Tombo.

11 Then the advanced team --

12 Q. Pause there. Were you in the bypass team or the advance

13 team?

14 A. xx was with xxx wherein Five-Five, Morris

16:44:33 15 Kallon were. While xxx, the operation commander,

16 Colonel 0-Five and Superman, they used the bypass.

17 Q. What happened on the operation?

18 A. Well, I and the troops that were in the advance side waited

19 for some time and so Five-Five who was a commander, he became

16:45:13 20 impatient and said it looks as if these men didn't want to attack

21 the town and said at that time Rambo of the SLA was also in the

22 operation called Red Goat. He called --

23 THE INTERPRETER: Excuse me.

24 MS PACK:

16:45:13 25 Q. Pause, Witness. We don't need too much detail. Was Tombo

26 attacked in the event?

27 A. Yes.

28 Q. And what happened on the attack?

29 A. Well, in the attack on Tombo in fact we were not -- we

1 didn't succeed to capture Tombo. We lost so many men in the
2 advance team.

3 Q. Where did you go after the attack on Tombo?

4 A. We retreated to xxx and waited for the bypass team.

16:45:53 5 Q. Macdonald you've spelt before, M-A-C-D-O-N-A-L-D. After
6 you retreated to Macdonald where did you go?

7 A. Later xxxx, Superman also came. xx moved to
8 Benguema.

9 Q. When xxx were back at Benguema were there any other
16:45:53 10 operations carried out from there?

11 A. Yes.

12 MR FOFANAH: May it please Your Honours, the witness has
13 just indicated that they lost a lot of men at Tombo. We are not
14 particularly clear as to who and who in fact arrived at the other
16:46:33 15 location Benguema, especially as he has clearly stated that they
16 lost a lot of men. Thank you.

17 MS PACK:

18 Q. Witness, how many men -- are you able to estimate how many
19 men were lost on the attack on Tombo?

16:46:34 20 A. Well, as far as I was in the front side, we lost about ten
21 men in that operation.

22 Q. Witness, when you got back to Benguema were there any
23 further operations carried out?

24 A. Yes. Whilst we were at Benguema xxx came and said that
16:47:23 25 he had an understanding that the Malians, the Nigerians were
26 advancing, they were starting an advance on the highway.

27 Q. What happened as a result of this?

28 A. Well, the Nigerians, according to the source, started
29 advancing towards Hastings.

1 Q. So as a result of the Nigerians advancing towards Hastings
2 what happened?
3 A. Well, in fact immediately Gullit put the whole troops alert
4 and asked them to prepare for their retreat to Benguema, to move
16:47:39 5 towards the rear.
6 Q. Did anything happen at Hastings?
7 A. Well, the ECOMOG forces captured Hastings and the troops
8 retreated towards Waterloo.
9 Q. Which troops retreated to Waterloo?
16:47:59 10 A. Bazzy with the reinforcement that was given to him
11 retreated from Hastings towards Waterloo.
12 Q. Where were you at this time?
13 A. Well, at that time when Bazzy sent, xx
14 xx, also with some soldiers, to Hastings to reinforce Bazzy, but
16:48:31 15 indeed we were not able to stand the enemy forces.
16 Q. And so after Hastings where did you withdraw to?
17 A. We withdrew to Waterloo.
18 Q. In total about how long did you stay in Benguema?
19 A. Well, we were about xxxat Benguema. About a month
16:49:33 20 within that area. It was about xx, yes.
21 Q. Whilst you were in Benguema, apart from the two operations
22 that you've spoken about in Tombo and Hastings and the ambush
23 you've spoken about of the Guinean troops, did anything else
24 happen whilst you were based at Benguema?
16:49:33 25 A. Yes.
26 Q. What else happened whilst you were based at Benguema?
27 A. In fact, RUF Rambo retreated -- he retreated with the arms
28 and ammunitions which were at the G4 together with the Deputy
29 Operations Commander Junior Sheriff who represented the SLA.

1 Q. Where did he retreat to?

2 A. Well, according to what information we heard, that he had
3 retreated to Makeni with the ammunitions.

4 Q. Who provided you with this information?

16:50:23 5 A. Well, these were the soldiers who were with him. They said
6 they saw him come with a vehicle and loaded the ammunition and
7 said they were heading for Makeni.

8 Q. Witness, were there civilians in Benguema or the Benguema
9 area?

16:51:03 10 A. Well, civilians were within that area at that moment.

11 Q. Did anything happen to the civilians within the area?

12 A. The only thing -- there was a team going on food finding
13 within that area.

14 Q. Did anything happen to the civilians within the area?

16:51:43 15 A. The only thing was that they participated in pounding rice,
16 carrying looted items, they helped in cooking. That's what they
17 did around that area.

18 Q. Are you talking about here civilians who were from the area
19 or civilians who'd come with you who'd been abducted in Freetown
16:51:43 20 and elsewhere?

21 MR FOFANAH: Objection. There is no such evidence that
22 civilians actually were with them as far as Benguema. There is
23 no such evidence.

24 MS PACK: Yes, there is. There were civilians abducted in
16:51:47 25 Freetown. The witness has given evidence about this and he's
26 given evidence about civilians abducted in Bombali and Kono and
27 all the other areas that the troop has been through.

28 JUDGE SEBUTINDE: But we don't have evidence of what
29 happened with these abducted civilians, do we, thereafter.

1 MS PACK: I can ask the witness.

2 Q. Witness, you've given evidence about civilians being
3 abducted in Freetown. What happened to the civilians after they
4 were abducted?

16:52:17 5 A. In my last statement, if you can recall, I said Gullit,
6 Five-Five, Bazzy, retreated and they said they were going to find
7 a temporal base with the family. That is people who were with
8 their families and the civilians whom they had. They retreated
9 with them saying that they were going to set up a temporal base
16:52:42 10 whilst we stayed behind to set up a defence.

11 Q. Pause. You're referring here, are you, to what Gullit said
12 when you were in Allen Town; is that correct?

13 A. Yes, before they left to set up the temporal base.

14 Q. Are you able to estimate about how many civilians where
16:52:59 15 were with Gullit, Bazzy and Five-Five as they went to find a
16 temporal base with their families.

17 MR MANLY-SPAIN: May it please, your Honour, I stand to be
18 corrected but I believe the witness merely said with their
19 families. Not with abducted civilians, just with their families.

16:53:19 20 PRESIDING JUDGE: I thought he said with family and
21 civilians but he didn't use the word "abducted". I didn't hear
22 it anyway. There is a transcript if there's a dispute.

23 MS PACK: Well, I'll ask a question about abducted
24 civilians.

16:53:30 25 Q. I'm asking you specifically to focus on those civilians who
26 had been abducted in Freetown. Now those civilians who'd been
27 abducted in Freetown, are you able to say what happened to them?

28 A. In fact they're the ones we called families because that's
29 how we called them. All of those whom were abducted, we called

1 them family. When we talk of families they are the ones we are
2 referring to, the abducted civilians. Any jungler that you ask,
3 he would tell you that they are the ones we are referring to as
4 family.

16:54:05 5 Q. So after Gullit, Bazzy and Five-Five retreated to find a
6 temporal base with the civilians who were abducted do you know
7 what happened to these civilians?

8 A. These civilians were well protected. They continued to
9 stay with the troops up to Benguema. They continued to stay with
16:54:28 10 the troop up to the time we finally pulled out from Benguema.

11 Q. Are you able to estimate approximately how many civilians
12 had been abducted from Freetown and were with you after that to
13 Benguema?

14 A. The civilians were more than 300.

16:54:55 15 Q. Do you know if these civilians were men, women, children?

16 A. Young men, young women and children.

17 Q. Were the civilians abductees--

18 MS THOMPSON: Your Honour, before my learned friend goes
19 with this line of questioning I'm just trying to compare the
16:55:49 20 notes I have and my recollection with that of my learned friends.

21 The evidence which I heard and the note I have is that there was
22 an order for burning and abductions. We do not have any evidence
23 of actual abductions taking place, whether this order was carried
24 out. There was an order by whoever for abductions to take place

16:56:09 25 but we do not know whether that order was carried out, whether
26 the abductions actually took place. My learned friend is now
27 leading evidence on abductees from Freetown, thereby assuming
28 that this order was actually carried out when there is no
29 evidence before us, or before this Court, I should say.

1 MS PACK: I believe from my note that my learned friend is
2 incorrect in her assessment of what the evidence was. I have a
3 note that the witness saw, himself, civilians being abducted and
4 I recall him saying especially young girls and children. They
16:56:44 5 were taken at one point to the headquarters at PWD.

6 THE WITNESS: Yes.

7 MS PACK: Now there was further evidence about abductions
8 but that's a particular note I have about abducted young girls
9 and children who were taken to the headquarters at PWD.

16:56:58 10 JUDGE SEBUTINDE: Ms Pack, there is one matter that I think
11 you should acknowledge and that is that the evidence was that he
12 saw these abductions taking place but he fell short of saying who
13 abducted. Consistently he fell short of saying who abducted and
14 we can't assume who abducted.

16:57:23 15 MS PACK: Well, Your Honour, may I deal then with that
16 particular aspect of the evidence identifying -- ask the witness
17 to identify, if he is able, who abducted civilians in Freetown.

18 PRESIDING JUDGE: I have a quite lengthy note here: After
19 that the abductions started taking place in Freetown. The troops
16:58:14 20 lost Upgun. I saw with my own eyes young girls, especially young
21 children, were taken to PWD headquarters. So I have that.
22 That's my note.

23 MS PACK: That's the exact portion of evidence I was
24 thinking of, Your Honour.

16:58:38 25 MS THOMPSON: Perhaps my learned friend could make it clear
26 which abductions, because there's evidence here of several orders
27 for abductions. We don't know which one was carried out. The
28 question to the witness was about general abductees and, as far
29 as I can remember, the orders for abductions -- and this witness

1 has given evidence of orders for abductions at various stages of
2 their coming into and retreating from Freetown. If that's the
3 evidence she wants to lead and that's your recollection then
4 that's the record of the Court, Your Honour. But then my learned
16:59:20 5 friend has to make it clear which abductees she's talking about.
6 We cannot all assume that all their orders were carried out.

7 JUDGE SEBUTINDE: Additionally, Ms Pack, I would agree with
8 the Presiding Judge as to the exact wording that she read. The
9 trouble with that kind of evidence is when we don't know who took
16:59:40 10 these people, the witness saw the abductees being taken to PWD.
11 We don't know who took them and just because they were taken to
12 PWD, we don't know who abducted them or what happened to them
13 thereafter. It still doesn't make it us any the wiser in light
14 of the objection by Mr Fofanah.

17:00:04 15 MS PACK: Your Honour, may I seek to elucidate those
16 specific issues that Your Honour has raised.

17 PRESIDING JUDGE: I think, as Ms Thompson said, there was
18 more than one order for abduction of a person or persons.

19 MS PACK:

17:00:29 20 Q. Witness, I'm going to ask you specifically about the
21 abductions in Freetown. Firstly, just dealing with the
22 abductions that you've talked about already where civilians were
23 taken to PWD. Those abductions that you've testified about
24 earlier, who was abducting the civilians on this occasion that
17:00:51 25 you saw civilians being taken to the headquarters at PWD?

26 A. At this time commanders also abducted civilians. Some of
27 them carried their loads.

28 Q. Are you able to recall any particular commanders who
29 abducted civilians?

1 A. At that time that Gullit passed this order almost everybody
2 had civilians because he said this would attract the attention of
3 the international community.

4 Q. Who said this would attract the attention of the
17:01:45 5 international community?

6 A. This was said by Gullit. That by abducting the civilians
7 it would attract the attention of the international community.

8 Q. Where was Gullit when he said this?

9 A. This happened at PWD.

17:02:09 10 Q. Now I'm going to ask you about those abductions you're
11 talking about to PWD. Did you see on these occasions what
12 happened to the civilians after they were abducted and taken to
13 PWD?

14 A. Yes. They were well secured. In fact, it was the
17:02:44 15 responsibility of the commander who abducted the civilian to
16 secure the civilian. They were well secured.

17 Q. Now Witness, you've spoken about orders to abduct --

18 JUDGE SEBUTINDE: I'm sorry, Ms Pack, but I'm personally
19 not quite sure what well secured means.

17:03:11 20 MS PACK:

21 Q. Just explain, please, what you mean when you use the words
22 well secured. What are you talking about when you say that?

23 A. They were well protected in a way that they wouldn't
24 escape. They were well watched over so that they wouldn't
17:03:32 25 escape.

26 Q. At this point did you see the civilian abductees do
27 anything, those who were well secured?

28 A. The only thing was that they carried the loads, the bags
29 which the commanders had. They carried them.

1 Q. Where were they carrying the loads? When was that?

2 A. When the troops started retreating from PWD up to the
3 mental home towards Benguema.

4 Q. Was there anything else that you saw civilians doing?

17:04:42 5 A. The only thing that civilians did because at that time was
6 that they helped in the cooking.

7 Q. Did you see in Freetown or did you know in Freetown what
8 would happen to a civilian if they refused to carry loads or help
9 with the cooking?

17:05:11 10 A. All that I know was that the civilians whom I and the other
11 men had, there was no way they could escape. So they were
12 willing to carry loads.

13 Q. Witness, you've talked also about young girls being
14 abducted. Did you see what happened to the young girls who were
17:05:34 15 abducted in Freetown?

16 A. Yes. Most of the young girls, they became the wives of the
17 various commanders.

18 Q. Do you know what the young girls did as wives of the
19 various commanders?

17:06:01 20 A. They served them in bed, cooked for them --

21 Q. What do you mean by that?

22 A. In terms of sexual intercourse.

23 MR FOFANAH: Your Honours, I will object to that piece of
24 evidence going in on the basis that, firstly, it is a generalised
17:06:20 25 statement. I mean, it does not go as to establishing the
26 knowledge of the witness on questions of a sexual relationship
27 between all the commanders in question and the young girls. No
28 foundation has been laid as to how he got particular knowledge of
29 sexual involvement between the young girls and the commanders.

1 Foundation has to be laid. That is the objection.

2 MS PACK: I'll lay a foundation.

3 Q. Witness, how do you know what became of the wives of the
4 various commanders?

17:07:06 5 A. Well, there are times when sometimes I would see the young
6 girls being taken to a room. For instance, in the xxx,
7 because that was one of the areas, most of the girls xxx. So
8 most of them would tell me what they would do with the men who
9 captured them. That's how I got the information. Sometimes I
17:07:31 10 would see with my own very eyes.

11 Q. Apart from serving the various commanders in bed - having
12 sexual intercourse with them - did you see what else the wives
13 were required to do?

14 A. Well, the cooking -- well, yes, they did that. They helped
17:07:55 15 with cooking.

16 Q. Now you also mentioned earlier that children were taken to
17 PWD. These child abductees, did you see what they did after they
18 were abducted?

19 A. Well, these young children did nothing at that time when we
17:08:19 20 captured them in Freetown. They were not doing anything. They
21 were just close to the commanders at that time.

22 Q. Are you able to say roughly how old the children were that
23 you saw were abducted in Freetown?

24 A. Most of them were nine, ten years. When asked they would
17:08:47 25 tell you.

26 Q. Are you able to say how many children you saw just at PWD
27 headquarters who'd been abducted in Freetown?

28 A. Well, I saw -- well, I can't tell the number but I saw
29 children. I did see young children who were with the commanders.

1 Q. Do you know what happened to these children later?
2 A. Actually these children were later trained to become SBUs.
3 Q. SBUs, just remind Their Honours what that stands for?
4 A. Small Boys Unit.
17:09:34 5 Q. How do you know they were later trained to be SBUs?
6 A. I myself had two with me. They too were strong fighters.
7 I trained them.
8 Q. Whereabouts was this that you had SBUs?
9 A. Well, I had -- from Freetown up to the west side I had two.
17:10:12 10 Q. Where were they trained?
11 A. Well, towards Newton as Gullit later went to Makeni. This
12 training was going on little by little. I would train them how
13 to shoot and how to dismantle a gun and assemble it.
14 Q. Are you able to say about how many children were trained as
17:10:48 15 SBUs apart from the two you've identified at this location
16 towards Newton?
17 A. Well, actually at that moment because the troop was large I
18 can't give the specific number but I knew that there was a number
19 of -- there were a number of children who were trained.
17:11:12 20 PRESIDING JUDGE: Ms Pack, have you got many more questions
21 in this line of the witness's evidence?
22 MS PACK: I was going to go on to abductions of civilians
23 other than the ones who were brought to PWD on this occasion but
24 I could deal with that tomorrow. I can start again.
17:11:28 25 PRESIDING JUDGE: It's just that I note that it's past the
26 normal time for this particular chamber to adjourn and the
27 witness has been in the box for quite a long. If it is an
28 appropriate time we'll adjourn now until tomorrow.
29 MS PACK: Yes it is, Your Honour.

1 PRESIDING JUDGE: I have to remind the witness of the oath.
2 Mr Witness, you recall that you promised to tell the truth and I
3 again remind you that you should not discuss your evidence with
4 any other person until all your evidence is finished. You
17:12:00 5 understand?

6 THE WITNESS: Yes, My Lord.

7 PRESIDING JUDGE: Madam Court Attendant, please adjourn
8 court.

9 [Whereupon the hearing adjourned at 5.10 p.m.,
17:12:49 10 to be reconvened on Wednesday, the 15th day of
11 June 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P19	19
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WITNESSES FOR THE PROSECUTION:

WITNESS TF1-334	3
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EXAMINED BY MS PACK	3
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