

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

WEDNESDAY, 14 JUNE 2006
9.19 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Julia Sebutinde Teresa Doherty
For Chambers:	Ms Carolyn Buff Ms Evelyn Campos Sanchez
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	Ms Prudence Acirokop (intern)
For the accused Alex Tamba Brima:	Mr Kojo Graham Ms Glenna Thompson Mr Ibrahim Foday Mansaray (legal assistant) Ms Rebecca Cohen (intern)
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels Mr Mohamed Pa-Momo Fofanah Ms Louisa Songwe (legal assistant)
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain Ms Anne-Marie Verwiel (legal assistant)

1 [AFRC14JUN06A - SV]
2 Wednesday, 14 June 2006
3 [Open session]
4 [The accused present]
09:21:44 5 [Upon commencing at 9.19 a.m.]
6 WITNESS: ACCUSED ALEX TAMBA BRIMA [Continued]
7 [The witness answered through interpreter]
8 PRESIDING JUDGE: I had a message from Mr Agha that there
9 was some other issue you wanted to raise. Is this connected with
09:23:08 10 the notes that the accused took yesterday or is it something
11 else?
12 MR AGHA: It's something else and it can perhaps wait until
13 after the orders on notes, Your Honour.
14 PRESIDING JUDGE: All right. In our possession now we have
09:23:28 15 the notes that the accused took in court yesterday, and also we
16 have a folder that the accused produced to us. It looks as
17 though it has got notes in it that were taken on other days.
18 Looking at those notes we can't see any harm at all or any
19 impropriety. They look to be notes taken contemporaneously with
09:24:02 20 the questions he was answering. But, of course, there's also a
21 draft private letter that was on the back of one of these notes
22 yesterday and there's a computer manual as well.
23 What I'm going to do, just for the sake of transparency, is
24 to let the accused's counsel have a look at the folder and the
09:24:38 25 notes. I don't know whether there is anything in the folder that
26 might invoke the solicitor/client privilege, lawyer/client
27 privilege, but Mr Graham can apprise us of that. I'll hand you
28 this folder. We have made up our minds on the notes but we
29 thought we had better let both sides see the folder that was in

1 the possession of the accused.

2 Nothing arising from that, Mr Graham?

3 MR GRAHAM: That is so, Your Honour.

4 PRESIDING JUDGE: Nothing arising from that, Mr Agha?

09:28:34 5 MR AGHA: No, Your Honour. Is there an order to come?

6 PRESIDING JUDGE: Yes.

7 MR AGHA: Thank you.

8 PRESIDING JUDGE: The Prosecutor has expressed concern that

9 the witness, who is the first accused Brima, may use the notes

09:29:10 10 that he has taken in the witness box to assist him to answer

11 other questions that may be put to him. We have inspected the

12 notes and the folder which was in the accused's possession and

13 are satisfied that the notes relate to his testimony given

14 yesterday and on previous days, with the exception of a draft,

09:29:36 15 private letter and a computer training manual.

16 However, having considered submissions by the Prosecution

17 and the Defence, and in order to avoid any improper use of any

18 notes taken by the said witness - and in saying that we are not

19 in any way implying that there has been improper use - but in

09:30:06 20 order to avoid any improper use of any notes taken by the said

21 witness we direct that: One, the notes and the folder mentioned

22 above are to be returned to the accused Brima when the Court

23 rises today but he is not to bring them to court again; two, from

24 now on the accused Brima is not to bring any papers, folders or

09:30:37 25 similar material to court. When giving evidence, writing

26 material will be supplied to him upon request by his counsel.

27 Any writing made by the accused must be returned to his counsel

28 upon the Court rising, whether the Court rises for a casual or

29 lunch break or for the day; thirdly, the accused may be provided

1 with a copy of the indictment when necessary to direct his
2 attention to specific allegations against him.

3 Thank you. Mr Brima, you will get your folder and notes
4 back at the end of the day.

09:31:24 5 THE ACCUSED BRIMA: Yes, My Lord.

6 PRESIDING JUDGE: You have another matter now, I
7 understand, Mr Agha.

8 MR AGHA: There's two actually; one which flows from the
9 notes and the order. That is, first, the application that the
09:31:41 10 Prosecution have access to and be given copies of all the notes
11 which Mr Brima has taken during the course of his testimony. The
12 other point, which isn't an application, it's just a point, is
13 that the Prosecution, as an alert to the Court, will be referring
14 to these notes in its closing arguments as to the reliability of
09:32:03 15 the testimony which the accused has been giving. That deals with
16 the first matter which I wish to raise.

17 The other issue relates to the medical health of the
18 accused. We note that throughout a number of days of the
19 accused's evidence he has indicated that he's not been feeling
09:32:27 20 well, and that, if my memory serves me correct, this Honourable
21 Court asked him to produce a certificate saying whether or not he
22 was fit to attend, or if he was unable or fit to attend. I'm not
23 sure whether there is actually anything on the record regarding
24 his state of health and fitness to attend. So I was wondering
09:32:49 25 for the past whether or not if any such orders have been made,
26 those documents regarding his state of health may be placed on
27 the record to indicate his ability to give testimony.

28 Going forward, yesterday the accused gave rather more
29 detail in respect of his health and indicated that it's now

1 perhaps moved into the realms of mental health, complaining of
2 fatigue and being given pills that made him tired. It's a
3 submission of the Prosecution that it may be wise for the Court
4 to seek a medical opinion on the accused as to his ability to
09:33:30 5 give evidence, bearing in mind the ailments which he is allegedly
6 suffering from, so that that can form a part of the record.

7 Thank you, Your Honour.

8 PRESIDING JUDGE: Just so that we're clear on that second
9 submission, are you suggesting there may be some reason why he's
09:33:50 10 not fit to give evidence even though he's sitting in the witness
11 box today?

12 MR AGHA: Well, for example, yesterday he was in the
13 witness box and then when the issue of the notes arose he then
14 gave us some quite detailed explanations as to his health and
09:34:06 15 that he was now seeing a psychiatric doctor, which seem to be new
16 areas. So it was really just to be sure that he is well enough
17 to give evidence from a medical perspective, rather than coming
18 when he's not well enough and then soldiering on and then later
19 saying, well, I wasn't well enough anyway.

09:34:31 20 PRESIDING JUDGE: Just so I get this clear, Mr Agha, are
21 you going to suggest at some later time that evidence given by
22 the accused when he's in the witness box may not be credible or
23 reliable or even valid because he was under some mental
24 disability?

09:34:48 25 MR AGHA: My suggestion is it may be some point that may
26 arise, let us say on appeal on another occasion, that it could be
27 a matter that is actually taken up. Whereas it could actually
28 be, for record purposes, solved quite easily now to avoid that
29 need arising, if Your Honours so choose that to be the proper

1 course.

2 PRESIDING JUDGE: At this stage you know as much as we do.
3 He was seen by a psychiatrist over the weekend. No doubt if
4 there's some finding that affects his ability to give evidence
09:35:26 5 we'll hear about it in due course. But I do note that the
6 accused is sitting in the witness box ready to give evidence at
7 this very moment. We note your submissions, Mr Agha, and perhaps
8 Mr Graham might wish to say a few words as well. I presume
9 you're finished?

09:35:41 10 MR AGHA: Yes, Your Honour.

11 MR GRAHAM: Good morning, Your Honours. We are grateful
12 for the orders this morning. Your Honours, a quick response to
13 the submissions of my learned friend from the other side.
14 Your Honours, in respect of the application by the
09:35:58 15 Prosecution to have copies of the notes made by the accused, we
16 see no reason why the Prosecution should have copies of the
17 notes, more so when the Court has just made a ruling in respect
18 of the notes that were taken by the accused yesterday.
19 Your Honours, it is my humble submission that that application be
09:36:28 20 denied by the Court.

21 Secondly, Your Honour, in respect of the submissions made
22 by my learned friend in respect of the medical condition of the
23 accused, Your Honours, we object to the seeming imputation that
24 the Court is not capable of knowing if the accused is unwell.
09:36:51 25 Your Honours, we believe that the accused is competent enough to
26 tell this Court the state of his medical condition.
27 Your Honours, finally, we submit that we leave this matter
28 entirely to the discretion of the Court. Your Honours, we
29 believe that the witness is competent enough to give evidence

1 and, if it be otherwise, we believe he is also competent to let
2 the Court know exactly what his condition is.

3 Your Honours, these are my humble submissions in respect of
4 this matter. I'm grateful.

09:37:31 5 PRESIDING JUDGE: Thank you, Mr Graham. Did you have
6 anything in reply, Mr Agha?

7 MR AGHA: No, Your Honour.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: We have considered submissions put to us
09:43:39 10 by the prosecutor, Mr Agha. We have also considered the response
11 by Mr Graham, who is counsel for the accused Brima, who is
12 presently giving evidence. We have come to these decisions:

13 Firstly, we've already handed down a decision this morning
14 as to what is to be done with the notes on evidence that Mr Brima
09:44:15 15 has taken up to date in this trial. Those notes are being taken
16 by him in the witness box in full view of the whole court and the
17 Bench. We've examined those notes. We've said in our order that
18 we don't find anything improper in them. We have enabled the
19 Prosecution on at least two occasions to look at those notes and
09:44:40 20 we have subsequently made an order that the notes and the folder
21 accompanying them should be returned to Mr Brima when the Court
22 rises today. We see no reason to resile from that decision.

23 As to documents regarding Mr Brima's health to be placed on
24 record, we are not in possession of any public documents
09:45:14 25 regarding Mr Brima's health. We have some documents from the
26 Registrar which are a result of his speaking to a doctor who
27 examined Mr Brima. They are not public documents. We're not
28 prepared to put them on the record.

29 Thirdly, as regards to projected ill health by Mr Brima,

1 the Court will deal with that if and when it arises. Thank you.

2 Before you start, Mr Graham, I will again remind Mr Brima
3 that you're under oath to tell the truth. You've taken that
4 former oath and that former oath still applies.

09:46:09 5 THE WITNESS: Yes, My Lord.

6 MR AGHA: Your Honours, sorry to interrupt. Just by way of
7 clarification, I think my application was for a copy of those
8 notes. I'm not sure if your order actually declined whether we
9 could have a copy of those notes.

09:46:40 10 PRESIDING JUDGE: Yes, the order declined that, Mr Agha.

11 MR AGHA: Thank you, just by way of clarification.

12 EXAMINED BY MR GRAHAM: [Continued]

13 Q. Good morning, Mr Brima.

14 A. Good morning, sir.

09:47:05 15 Q. Mr Brima, I'm going to start this morning by taking you
16 back to Colonel Eddie Town. Mr Brima, apart from the meeting you
17 described earlier during which FAT Sesay handed over to SAJ Musa,
18 are you aware of any other meeting called by SAJ Musa at Colonel
19 Eddie Town?

09:47:51 20 A. Well, at Colonel Eddie Town I didn't talk about a meeting.
21 I said that SAJ Musa called a general muster parade, sir.

22 Q. Let me clarify. That is what I mean by the meeting. So
23 the muster parade, if it gives a better understanding as the
24 muster parade. Are you aware of any other gathering called by
09:48:11 25 SAJ Musa at Colonel Eddie Town apart from the muster parade you
26 earlier described to this Court?

27 A. Yes.

28 Q. How do you know, Mr Brima, that there was a meeting apart
29 from the one you had earlier described to this Court?

1 A. From the one that I earlier described, I talked about a
2 muster parade that SAJ Musa called on the 27th, where all the
3 companies came with their personnel -- company commanders came
4 with their personnel.

09:49:03 5 Q. I'm asking whether apart from that you are aware about any
6 other meeting called by SAJ Musa at Colonel Eddie Town?

7 A. No.

8 Q. Are you aware, Mr Brima, of any meeting called by FAT Sesay
9 at Colonel Eddie Town?

09:49:37 10 A. No.

11 Q. Mr Brima, yesterday you told this Court that you left
12 Eddie Town and you were at the point where you had crossed the
13 Little Scarcies River by canoe. Mr Brima, can you please tell
14 this Court what happened after that?

09:50:13 15 MR AGHA: Objection, Your Honour. I believe this ground
16 has been covered yesterday as to how they crossed the river and
17 so on and so forth.

18 PRESIDING JUDGE: Yes. I think you will have to be a
19 little bit more precise in that question. I won't allow it in
09:50:28 20 that form, Mr Graham.

21 MR GRAHAM: Very well, Your Honour.

22 Q. Mr Brima, do you know whether the entire group from Colonel
23 Eddie Town crossed the Little Scarcies River?

24 A. Yes.

09:50:50 25 Q. How do you know, Mr Brima?

26 A. I knew this through the commander -- the commanding officer
27 who was SAJ Musa, because when the two teams had crossed, the
28 advance team and the reinforcement team, how I came to know that
29 the entire team crossed, it was when SAJ Musa crossed with the

1 headquarter where he was. And there we were, including I that
2 was under arrest and the other company that was behind to defend
3 the headquarters, we were the last people who crossed to
4 Colonel Eddie Town.

09:51:47 5 Q. Mr Brima, could you repeat the last part of your answer to
6 my question. Did you say from or to Colonel Eddie Town?

7 A. We were the last group which crossed the river from
8 Colonel Eddie Town.

9 Q. Mr Brima, can you tell this Court what happened after the
09:52:23 10 headquarters team of which you were a part of crossed the
11 Little Scarcies River?

12 MR AGHA: I'd object again, Your Honour. These questions
13 have all been asked yesterday as to what happened after they
14 crossed the river and of various advancements and troop movements
09:52:44 15 et cetera.

16 PRESIDING JUDGE: I'll allow the question, Mr Agha. I
17 personally can't remember what he said yesterday and it's quicker
18 to let him answer the question than for me to plough back through
19 the transcript. Go ahead, Mr Graham. Repeat the question if you
09:53:11 20 have to.

21 MR GRAHAM: Yes.

22 Q. Mr Brima, please tell this Court what happened after the
23 headquarters team of which you were a part of crossed the
24 Little Scarcies River?

09:53:22 25 A. Well, SAJ Musa, who was the commanding officer of the
26 headquarters and the whole troop, slapped Alabama when we had
27 crossed. He had --

28 THE INTERPRETER: Your Honours, would the witness repeat
29 the last segment of his testimony.

1 MR GRAHAM:

2 Q. Mr Brima, I believe you gave us that account yesterday. If
3 you can proceed to tell us what happened after SAJ Musa slapped
4 Alabama.

09:54:05 5 A. When SAJ Musa had slapped Alabama, we were seated there at
6 that place for a while until the troop that was at the rear
7 crossed. Then we started to advance.

8 Q. Mr Brima, what do you mean by "advance"?

9 A. Well, when we were moving, we were walking from this point
09:54:56 10 to that point, when we are walking from one town to another.

11 Q. Do you know where this advance headed?

12 A. No, I did not know where it headed to. But the only thing
13 that I knew, I knew that the team that was ahead, which was the
14 fighting team, had gone ahead.

09:55:33 15 Q. How do you know that, Mr Brima?

16 A. I knew this through the headquarter personnel that was with
17 SAJ who always informed us that the commander said you should
18 move.

19 Q. Mr Brima, do you recall making any stop after crossing the
09:56:07 20 Little Scarcies River?

21 A. Yes.

22 Q. Where was this stop, can you please tell this Court?

23 A. I do not know the right town and I do not know the name of
24 the town, but all that I know is that we stopped.

09:56:35 25 Q. And who stopped at this place?

26 A. I, and the people that were detained and SAJ Musa and the
27 family of the soldiers and the company that was behind the
28 headquarter.

29 Q. At this point, Mr Brima, apart from the headquarter team,

1 did you know the whereabouts of the other troops?

2 A. No.

3 Q. Mr Brima, did anything happen when you made the stop you
4 just referred to?

09:57:32 5 A. The next thing that happened was when the headquarter
6 personnel called us again and said -- the commander said we were
7 to move, who was SAJ Musa. We, the detainees, with the families
8 of the soldiers, we moved.

9 Q. Did he tell you where you were moving to?

09:58:02 10 A. No, he did not tell us.

11 Q. Did you know where you were moving to?

12 A. The only place that I knew which I heard -- whose name I
13 heard through the personnel, it was called Mange Bridge.

14 Q. Mr Brima, so after this stop what happened? What happened
09:58:31 15 after the commanding officer told you you had to move on?

16 A. Well, we moved, sir.

17 Q. Where did you move to, Mr Brima?

18 A. We moved towards Mange Bridge, which we crossed, and that
19 is the one that I can recall.

09:58:55 20 Q. Did anything happen at Mange Bridge?

21 A. Mange Bridge, we crossed it. I don't know anything that
22 happened there.

23 Q. After crossing Mange Bridge, where did you head to?

24 A. I cannot recall the towns, but the only place that I can
09:59:33 25 recall is that the troop came towards one town very close to
26 Lunsar.

27 Q. Do you know the name of this town, Mr Brima?

28 A. The name of the town is Lankono.

29 Q. Can you please spell that for the Court, Mr Brima?

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

2 Q. Thank you, Mr Brima. Did anything happen when you reached
3 this place?

4 A. When we arrived at Lankono, SAJ Musa sent Junior Lion and
10:00:50 5 his fighting team to go and attack Lunsar.

6 Q. Mr Brima, before you go on, please tell this Court how did
7 you know that SAJ Musa had commanded a fighting force headed by
8 Junior Lion to attack Lunsar?

9 A. This I came to know from Colonel Eddie Town, and when we
10:01:23 10 reach again at Lankono, before SAJ Musa gave the order, the
11 fighting team queued and where the fighting team queued where
12 SAJ Musa was, there we, the detained people, were and I heard
13 when SAJ Musa gave the order.

14 Q. Did SAJ Musa ever consult you on the attack on Lunsar that
10:02:15 15 you just mentioned?

16 MR AGHA: Leading question, Your Honour.

17 PRESIDING JUDGE: It's leading but it goes to the
18 accusations made against this accused in the indictment, so he's
19 got a right to answer that accusation. Go ahead, Mr Graham.

10:02:31 20 MR GRAHAM:

21 Q. Mr Brima, I had asked whether SAJ Musa consulted you before
22 giving the order for Lunsar to be attacked.

23 A. No.

24 Q. Did anyone consult you on the attack on Lunsar?

10:02:58 25 A. No.

26 Q. Mr Brima, you, in your response to my question earlier as
27 to how you were able to know that SAJ Musa had given that
28 command, you said, if I'm right, that you knew that from
29 Colonel Eddie Town, as well as from Lankono. How did you know

1 about the attack on Lunsar when you were at Colonel Eddie Town?

2 A. Well, when I was at Colonel Eddie Town, I did not know
3 about the attack at Lunsar. I knew about the order. When the
4 headquarter queued and the companies -- and the company
10:03:52 5 commanders came to look at their companies before SAJ Musa, it
6 was the same thing that happened at Lankono. That was where
7 SAJ Musa chose the task force commander, who was George Johnson,
8 who is called Junior Lion, so that they could go to this
9 operation.

10:04:19 10 Q. Mr Brima, apart from the order by SAJ Musa for Lunsar to be
11 attacked, did you hear SAJ Musa making any orders?

12 A. Repeat that question, sir.

13 Q. You told this Court that when you got to Lankono, SAJ Musa
14 ordered Junior Lion to attack Lunsar. I'm saying, apart from
10:04:53 15 this order, did you, at the time, hear of any other additional
16 commands from SAJ Musa?

17 A. Yes.

18 MR GRAHAM: Your Honours, just a second. My learned friend
19 wants to make a submission, I think, on the interpretation.

10:05:14 20 PRESIDING JUDGE: Yes, Ms Thompson.

21 MS THOMPSON: Yes, Your Honours, just an observation that
22 the witness mentioned the words "fall in" yesterday and the
23 interpretation then was "fall in" as in F-A-L-L I-N, which is
24 what I got down. The witness has mentioned it again today and
10:05:32 25 the interpretation we have is "queued." For the sake of
26 consistency, I think we need to stick to one term for what the
27 witness is talking about, because we have two different terms now
28 for the same thing.

29 PRESIDING JUDGE: Witness, what's the most consistent term

1 with what you've been saying, "fall in" or "queued"?

2 THE WITNESS: My Lord, I said "fall in." According to the
3 army what I understood by that is like, we, the soldiers, would
4 assemble in one place. That's what I meant, I understand, from

10:06:16 5 the army term, when they say "fall in."

6 PRESIDING JUDGE: You're saying assembled, not queued,
7 which means to line up for something; is that correct?

8 THE WITNESS: Well, that language that you used, I don't
9 understand it.

10:06:35 10 PRESIDING JUDGE: It seems that the word, or the best
11 expression to reflect the meaning of the accused's evidence is
12 "fall in," not "queued." So is that what you're saying,
13 Ms Thompson, we should stick to one or the other of those?

14 MS THOMPSON: Yes, Your Honour, because they mean two
10:07:03 15 different things in my understanding of what the witness is
16 saying.

17 PRESIDING JUDGE: All right. Well, carry on, Mr Graham.

18 MR GRAHAM: I'm grateful, Your Honour.

19 Q. Mr Brima, bringing you back to where we were, I had asked
10:07:18 20 you that apart from the command given by SAJ Musa to Junior Lion
21 to attack Lunsar, did you hear of any other additional commands
22 from SAJ Musa when you were at Lankono?

23 A. Yes.

24 Q. Please tell this Court what you heard, Mr Brima?

10:07:47 25 A. What I heard when the troop came from attacking Lunsar,
26 they came with uniform, ammunition and other things that were
27 captured from Lunsar, which they brought to SAJ Musa.

28 Q. Mr Brima, before you go on, how do you know that the attack
29 on Lunsar took place?

1 A. How I came to know that the attack on Lunsar took place, it
2 was when the soldiers came to the camp, the team that went to
3 fight, which was led by George Johnson, they came to report back
4 to SAJ Musa. And when they were reporting to SAJ Musa, the
10:08:44 5 soldiers' families, that we, the detained people, were in the
6 headquarter and we saw everything that had been going on. This
7 is how I came to know that they went to Lunsar and they attacked
8 Lunsar.

9 Q. So what happened when the fighting forces that had attacked
10:09:12 10 Lunsar came back to Lankono to report to SAJ Musa?

11 A. When they reported to SAJ Musa with uniform, from what I
12 saw, ammunition, boots and some other items that I cannot recall.

13 Q. When you say "uniforms" what type of uniforms are you
14 referring to?

10:09:46 15 A. Military uniform; combat.

16 Q. And Mr Brima, you just made mention that they came back
17 with arms as well; did you see the arms?

18 A. Yes.

19 Q. Can you describe to this Court the type of arms that you
10:10:06 20 saw?

21 A. I saw SLR.

22 Q. Could you explain to this Court what you mean by SLR,
23 Mr Brima?

24 A. Self-loaded rifle.

10:10:24 25 Q. Did you see anything else?

26 A. I saw ammunition.

27 Q. Mr Brima, after the fighting forces that attacked Lunsar
28 returned to SAJ Musa with the uniforms and the arms, together
29 with the other items, what happened next?

1 A. SAJ Musa distributed them to the company commanders.

2 Q. How do you know, Mr Brima, that SAJ Musa distributed them
3 to the company commanders?

4 A. Well, like what I am telling the Court, the company
10:11:28 5 commanders with their companies all came and fall in before
6 SAJ Musa. And when I was in the headquarters with the detained
7 people I saw SAJ Musa doing the distribution.

8 Q. Mr Brima, do you know how this distribution was done?

9 A. The only thing that I knew, this distribution, was that I
10:12:10 10 saw -- I saw them open the cartons where there were combats,
11 uniform, and they would give to one company. This was how it
12 happened. When they opened another carton they gave another
13 company. They open another carton, they gave it to another
14 company. And the boots, it was the same thing.

10:12:40 15 Q. Mr Brima, apart from reporting --

16 A. I'm getting a different sound or a different voice.

17 Q. Are you still getting that interference?

18 PRESIDING JUDGE: Yes, go on, Mr Graham.

19 MR GRAHAM:

10:13:04 20 Q. Mr Brima, I need you to tell me, to tell the Court, when
21 the fighting forces returned to Lankono, after the attack on
22 Lunsar, apart from the reports that was given to SAJ Musa, did
23 any of the fighting forces that returned from Lunsar report to
24 you?

10:13:35 25 A. No, sir.

26 Q. Did Junior Lion make any report to you after the attack on
27 Lunsar?

28 A. No.

29 Q. Mr Brima, do you know how long you stayed at Lankono?

1 A. No, I do not know how long we stayed there.

2 Q. Mr Brima, after the distribution of the arms and uniforms
3 by SAJ Musa to the fighting forces, what happened?

4 A. After that distribution we were seated at Lankono for some
10:14:34 5 hours and I would not be able to tell the exact hours. Then
6 we -- the headquarter ordered that we should move again and we
7 started to move.

8 Q. Mr Brima, how do you know that the headquarters made the
9 order for the movement you just referred to?

10:15:03 10 A. I knew this through the headquarters personnel because,
11 when they came to call the families of the soldiers and the
12 people that were detained, we were informed that the commander
13 SAJ Musa said that we were to move. This is the way how we were
14 moving.

10:15:33 15 Q. Mr Brima, please tell this Court after the order had been
16 given for the movement to commence, did the movement begin at
17 that point?

18 A. Yes, sir.

19 Q. And did you know where this movement was heading to?

10:16:04 20 A. The movement, where I knew as -- whether I know whether --
21 the direction to which the movement was heading?

22 Q. No, I'm asking once the order was given for the movement to
23 start, was that order complied with?

24 A. Yes, sir.

10:16:30 25 Q. And I asked do you know -- did you know at the time where
26 the headquarter team was moving to?

27 A. Well, we were moving towards the direction which the
28 advance team and the reinforcement team that was ahead, where
29 they had moved, there we were following.

1 Q. Mr Brima, how do you know that your movement had to follow
2 that of the advance team?

3 A. I knew this through when the team was falling in.

4 Q. Mr Brima, now this movement from Lankono, once the movement
10:17:29 5 commenced, did you stop anywhere else?

6 A. Yes.

7 Q. Please tell this Court where you stopped?

8 A. We stopped before Gberi Bridge. That is when they are
9 coming from the provinces to come down to Freetown, we stopped
10:18:00 10 before the bridge, before we crossed the bridge later.

11 Q. Mr Brima, was there any reason --

12 JUDGE SEBUTINDE: Could we have the spelling of the bridge,
13 please.

14 MR GRAHAM: I'm grateful, Your Honour.

10:18:22 15 Q. Mr Brima, could you please spell Gberi Bridge for the
16 convenience of the Court?

17 A. No, I cannot spell it.

18 MR GRAHAM: Your Honours, if I may assist the Court, I
19 think we've had that name before, Gberi Bridge. It was also
10:18:51 20 contained in the expert report of Colonel Richard Iron as well
21 and I think it was spelt G-B-E-R-I, if I'm right.

22 Q. Mr Brima, why did you stop at Gberi Bridge?

23 A. We stopped at Gberi Bridge or beyond or before Gberi
24 Bridge -- no, before Gberi Bridge, coming towards Freetown --
10:19:29 25 because fighting was going on between the enemy troop and the
26 advance team.

27 Q. Mr Brima, how did you know fighting was taken place?

28 A. How I came to know that fighting was taking place, I saw
29 that they brought some casualties, or wounded in action, to the

1 headquarter and I was hearing the sound of bullets or gunshots
2 for long. This was how I came to know that fighting was going
3 on. And I also saw some tracer bullets. By that, I mean these
4 are bullets that if fired you would see something red, even at
10:20:33 5 night. It is different from the other bullets. When you fire
6 them at night you would see the light and I saw the lights coming
7 towards the headquarter. This was how I came to know that was
8 fighting was going on.

9 Q. How were you able to know that the fighting that was taking
10:20:52 10 place was between enemy forces and the advance team?

11 A. I knew this because I knew that they were only fighting
12 against the enemy forces and the tracer bullets that I had been
13 commenting on, they were coming towards the headquarter and I
14 knew that the advance team would never fire towards the
10:21:25 15 headquarter. It was only the enemy bullets that would come
16 towards the headquarter.

17 Q. Mr Brima, did you know who the enemy forces were?

18 A. The enemy forces were the ECOMOG, Nigerian ECOMOG.

19 Q. And how did you know that it was Nigerian ECOMOG that were
10:21:55 20 the enemy forces?

21 A. I knew this from the uniform that they captured from them.
22 And when they had captured the ground, they captured some
23 Nigerian ECOMOG.

24 [AFRC14JUN06 - EKD]

10:22:15 25 Q. How do you know, Mr Brima, that Nigerian ECOMOG were
26 captured?

27 A. Any captured soldier which the troop that I -- by that I
28 mean the advance troop, which is the fighting force, which was
29 led by Junior Lion as the task force commander, any enemy

1 personnel that was captured, he was sent to the headquarter.

2 This is how I came to know that they were Nigerians.

3 Q. Do you know how long this fight between the advance team
4 and the enemy forces took?

10:23:10 5 A. Well, I cannot tell the exact time or the exact hour, but
6 all that I know is that fighting went on between the two parties.

7 Q. Mr Brima, at what time of the day did you arrive at
8 Gberi Bridge, if you recall?

9 A. From my recollection, I feel that it was at night, coming
10:23:55 10 towards the morning hours.

11 Q. The fighting between the advance team and the ECOMOG
12 forces, do you know how the fighting ended?

13 A. Well, all I know is the advance team was able to pursue it
14 well, and they were able to call us at the headquarters, and we
10:24:51 15 did not see any Nigerian again that we are fighting, except the
16 ones that they arrested.

17 Q. Mr Brima, can you explain to this Court what you mean by
18 the advance team pursued, if I'm right, the ECOMOG forces?

19 A. By that I mean the advance team was able to overpower, or
10:25:32 20 move the ECOMOG team where they were deployed.

21 Q. Mr Brima, you just told this Court that the advance team
22 made a call to headquarters. How did you know that the advance
23 team had made a call to headquarters?

24 A. This, it was an instruction which was passed by SAJ Musa
10:26:13 25 from Eddie Town, and he'll never move until the headquarters was
26 rest assured of its safety by the companies that were ahead. He
27 had a signaller and he had a set at the headquarters.

28 Q. Do you know who the signaller with the headquarter team
29 was?

1 A. The signaller with the headquarter team, I have forgotten
2 his name. But if I recall his name, I will tell this Court.

3 Q. Thank you, Mr Brima. Mr Brima, before I move on, you had
4 mentioned not quite long ago that SAJ Musa made certain
10:27:27 5 statements in respect of reporting, the advance team always
6 signalling back to the headquarter team. When at
7 Colonel Eddie Town did SAJ Musa make this statement?

8 A. This statement that he made at Eddie Town, it was when the
9 troop had already prepared to leave. That was 27th November
10:28:05 10 1998.

11 Q. Thank you, Mr Brima. You've told us about the arrival of
12 the headquarter team at Gberi Bridge. You've also told us about
13 the fighting between the advance team and the ECOMOG forces.
14 You've also told this Court the outcome of the fight between the
10:28:32 15 advance team and the ECOMOG forces. Mr Brima, can you tell this
16 Court what happened after the headquarter team received the
17 signal from the advance team that they had pursued the ECOMOG
18 forces?

19 A. They ordered the headquarter to move and we moved. When I
10:29:02 20 say "we," we, the people that were detained with the families of
21 the soldiers. That's what I meant by "we."

22 Q. Who ordered the movement you just referred to, Mr Brima?

23 A. It was SAJ Musa, but it was the headquarters personnel that
24 came and informed us, saying, "The commander said we should
10:29:43 25 move."

26 Q. So did you move?

27 A. Yes, sir.

28 Q. When you started moving, can you tell this Court where the
29 movement headed to?

1 A. After we had crossed Gberi Bridge, we came to a town which
2 names I don't know, but it is within the Koya Rural District
3 area.

4 Q. Could you please spell that for the convenience of the
10:30:27 5 Court, Mr Brima?

6 A. K-O-Y-A, Koya. R-U-R-A-L, Rural. D-I-S-T-R-I-C-T,
7 District.

8 Q. Did you make any stop?

9 A. Well, the unknown town whose name I don't know, it was
10:31:07 10 there the headquarters stopped.

11 Q. Mr Brima, do you know why the headquarters stopped at this
12 place you just referred to?

13 A. Well, I cannot tell you that I knew why, but all the others
14 that we listened to from the headquarters, it was the orders that
10:31:43 15 were given by SAJ Musa. Whenever he ordered that we should move,
16 we had to move. When he said stop, we had to stop.

17 Q. Mr Brima, do you, per chance know -- sorry, Your Honours,
18 I'll withdraw that. Mr Brima, what happened when you stopped at
19 this place that you just referred to?

10:32:18 20 A. Well, we were in that town. The town was in the bush.
21 That was the time SAJ Musa had to order Commander Tito to go and
22 attack Mile 38, and ordered Commander Junior Lion, that is
23 George Johnson, to make an ambush at the highway.

24 Q. Before you go on, please, how did you know that SAJ Musa
10:33:06 25 had given this order, Mr Brima?

26 A. While we were in that town, he called a fall-in again. And
27 all the fall-ins that SAJ used to call, he did not go to the
28 companies. It was at the headquarters that the companies used to
29 meet him and it was there they meet him when he gave that order.

1 Q. Can you tell this Court, to the best of your recollection,
2 what you heard SAJ Musa say on that day? How the orders were
3 given, can you tell this Court?

4 MR AGHA: Your Honour, I object. I don't think he heard
10:34:04 5 SAJ Musa anything on that day.

6 PRESIDING JUDGE: Yes, you'll have to rephrase that,
7 Mr Graham.

8 MR GRAHAM:

9 Q. Mr Brima, you just told this Court that SAJ Musa gave some
10:34:16 10 orders. I am asking you, how did you know that SAJ Musa gave
11 such an order?

12 A. I knew this because where SAJ Musa was living in, or where
13 he stayed, the headquarters was always with him. And the
14 families of the soldiers and we, the detained people, were always
10:35:00 15 with him. We were very close in terms of distance. So while he
16 was giving those orders, I heard. That was the way I came to
17 know.

18 Q. Mr Brima, can you tell this Court what you heard SAJ Musa
19 say?

10:35:26 20 A. What I heard SAJ Musa said, he said Commander Tito should
21 go and attack Mile 38 and Commander Junior Lion, who was the task
22 force commander, should make an ambush at the highway.

23 Q. Mr Brima, can you tell this Court do you know the
24 individuals that SAJ gave this order to?

10:36:10 25 A. Well, the two individuals whose names I have mentioned,
26 Commander Tito and Commander Junior Lion, these were the two
27 people he gave the order to.

28 Q. Mr Brima, you have told this Court SAJ Musa gave the order
29 to Tito and Junior Lion. Were any other individuals with Tito

1 and Junior Lion at this point in time?

2 A. At that point in time it was only the battalion -- I'm
3 saying the company commanders, not battalion. The company
4 commanders and their troops and the task force commander he gave
10:37:24 5 the order to.

6 Q. Mr Brima, please tell this Court after SAJ had given the
7 orders to Tito and Junior Lion, did they say anything in
8 response?

9 A. He saluted SAJ Musa and accepted that they were going to
10:38:14 10 execute the order.

11 Q. Mr Brima, can you tell this Court, if you know, what
12 happened after the orders were given?

13 A. After he had given that order, the commanders moved with
14 their troops to the various areas he said they should attack.

10:38:54 15 Q. Mr Brima, how do you know that the commanders moved with
16 their troops to the various areas they were ordered to attack?

17 A. I came to know this through some headquarters personnel who
18 joined up with the teams that went. And I came to know this
19 again after they had come from the operations and came to report
10:39:07 20 to SAJ Musa. Yes, My Lord, I want to ease myself.

21 PRESIDING JUDGE: All right, Mr Brima. We are almost due
22 to take the morning break anyway, so we'll take a break now and
23 we'll come back to court at five minutes to eleven, 10.55. We'll
24 adjourn now.

10:39:49 25 THE WITNESS: Yes, My Lord.

26 [Break taken at 10.36 a.m.]

27 [Upon resuming at 10.57 a.m.]

28 PRESIDING JUDGE: Yes, go on, Mr Graham.

29 MR GRAHAM: Thank you, Your Honour.

1 Q. Mr Brima, just before we went on a short morning break you
2 were telling this Court about the return of the fighting forces
3 from the attacks on Mile 38. Please, could you just clarify to
4 this Court who came to report to SAJ Musa on the attacks that had
11:01:11 5 been ordered earlier on?

6 A. It was the two commanders that were sent by SAJ Musa,
7 Commander Tito and Commander Junior Lion.

8 Q. In turn, can you tell this Court what was said by Tito to
9 SAJ Musa?

11:01:43 10 A. I did not hear him say anything.

11 Q. What about Junior Lion, did you hear him say anything?

12 A. Junior Lion, I heard him say something.

13 Q. What did he say?

14 A. He said he ambushed one ECOMOG truck and captured arms and
11:02:19 15 ammunition there.

16 Q. Did he say anything else?

17 A. No.

18 Q. Did SAJ say anything in response to what Junior Lion said?

19 A. Well, SAJ's response from both commanders, rather, SAJ's
11:02:51 20 response to both commanders, he was happy.

21 Q. How do you know SAJ Musa was happy?

22 A. He danced openly in front of us, the detained people, and
23 the families of the soldiers.

24 Q. What happened after that, Mr Brima, after SAJ Musa had
11:03:31 25 danced?

26 A. What happened next; SAJ Musa had one father that was with
27 him. He was a white man.

28 Q. What do you mean by "father"?

29 A. Father is a man of God that preach in the church. His name

1 is Father Mario. SAJ Musa called him and showed to him --

2 Q. Before you go on, please, spell Mario.

3 A. Repeat that question, sir.

4 Q. Could you please spell Mario, if you know, for the
11:04:31 5 convenience of the Court.

6 JUDGE SEBUTINDE: Mr Graham, you keep speaking over the
7 interpreter and we don't hear what you are saying. I don't know,
8 maybe you haven't got your channel on the English.

9 MR GRAHAM: I have it on English but I can't hear the
11:04:45 10 interpreter. Your Honours, I will be patient. Thank you for the
11 reminder.

12 Q. Mr Brima, I asked you whether you can spell Mario for the
13 convenience of the Court?

14 A. M-A-R-I-O, Mario.

11:05:23 15 Q. Please continue with your account.

16 A. SAJ Musa called Father Mario and showed him the arms and
17 ammunitions which were brought by both the commanders.

18 Q. How do you know, Mr Brima, that SAJ Musa called
19 Father Mario?

11:05:53 20 A. Father Mario, all of us were together, because he too was a
21 detained person that was with us.

22 Q. And Mr Brima, after SAJ Musa had called Father Mario and
23 showed him the arms and ammunition, did anything happen?

24 A. Yes.

11:06:20 25 Q. Please tell this Court what happened?

26 A. SAJ Musa sent another operation to go and attack Masiaka.

27 Q. Mr Brima, how do you know that SAJ Musa gave an order for
28 Masiaka to be attacked?

29 A. Just immediately after these commanders had reported to

1 him, that was the time he instructed that they should attack

2 Masiaka.

3 Q. Could you please spell Masiaka?

4 A. M-A-S-I-A-K-A, Masiaka.

11:07:30 5 Q. And you told us SAJ -- you've told this Court SAJ Musa gave

6 instructions for Masiaka to be attacked. To whom did he give

7 these instructions, Mr Brima?

8 A. He gave these instructions to Commander Tito and another

9 commander called Papa.

11:08:08 10 Q. Could you please spell Papa for us, Mr Brima?

11 A. P-A-P-A. After he had given those instructions to those

12 two commanders, they left with their troops to go and attack

13 Masiaka.

14 Q. How do you know, Mr Brima, that they left with their troops

11:08:44 15 to go and attack Masiaka?

16 A. I knew this when they came and reported.

17 Q. Did anything happen after that, Mr Brima?

18 A. Well, after the troop had left and went to attack Masiaka,

19 another personnel came again and informed SAJ Musa that the troop

11:09:36 20 was unable because of the manpower they observed there. So

21 SAJ Musa summoned an immediate fall-in and instructed Junior Lion

22 to go with another reinforcement so as to reinforce

23 Commander Tito and Commander Papa. That Commander Papa was

24 called Commander Papa 17. And they too left. They went and

11:10:43 25 reinforced Commander Tito and Commander Papa.

26 Q. Mr Brima, how do you know that SAJ Musa gave orders to

27 Junior Lion to go and reinforce Commander Tito and Papa 17?

28 A. I came to know this when SAJ Musa called an immediate

29 parade.

1 Q. Mr Brima, please tell this Court what happened after

2 SAJ Musa gave the orders to Junior Lion?

3 A. When SAJ Musa gave the order to Junior Lion, and the troop

4 which Junior Lion went with, before they left the camp, they were

11:12:04 5 jubilating.

6 Q. How do you know they were jubilating, Mr Brima?

7 A. How I knew? Well, I saw them in a happy mood while some

8 individuals were dancing to music and some were happy. And they

9 came and told their wives at the headquarters goodbye before they

11:12:42 10 left, because some headquarters personnel were part to that

11 errand.

12 Q. Mr Brima, after the dancing and the jubilation, what

13 happened after that?

14 A. Junior Lion left with the troop to go and reinforce the

11:13:16 15 other troops at Masiaka.

16 Q. Did anything happen after that?

17 A. Yes, they attacked Masiaka and got large cache of arms and

18 ammunition.

19 Q. How do you know that they attacked Masiaka?

11:13:48 20 A. How I came to know that they attacked Masiaka? From the

21 camp that we were based in the bush, we heard the gunshots. And

22 when the personnel returned with their commanders, they were

23 explaining about it and they came with a lot of arms and

24 ammunitions.

11:14:37 25 Q. Mr Brima, after the attack on Masiaka you also told this

26 Court that they also got large quantities of arms. What happened

27 after that?

28 A. Well, after they've got those arms they brought them to

29 SAJ Musa. And, again, SAJ Musa called for Father Mario and

1 showed him.

2 Q. How do you know that?

3 A. I knew this because all of us, including Father Mario, were
4 detained. And when they came and called him, took him to
11:15:38 5 Commander SAJ Musa, the distance wasn't that far between where we
6 were and where Commander SAJ Musa was.

7 Q. Did SAJ Musa tell Father Mario anything when he was showing
8 him the arms and ammunition?

9 A. Well, I did not hear what they discussed there.

11:16:11 10 Q. Do you know what happened after SAJ Musa had shown
11 Father Mario the arms and ammunition?

12 A. After SAJ Musa had shown Father Mario the arms and
13 ammunitions, his troop rested in that town while SAJ Musa again
14 instructed Junior Lion and one commander that was called Rhino to
11:16:54 15 go and lay an ambush on the highway.

16 Q. Please spell Rhino.

17 A. R-A-H-I-N-O [sic], Rhino.

18 Q. So, Mr Brima, what happened after SAJ Musa gave the
19 instructions to Junior Lion and Rhino?

11:17:32 20 A. When he gave those instructions to both of them, they went
21 with the troop to go and lay the ambush.

22 Q. Mr Brima, you just told this Court that on that day the
23 troops rested and it was during that time that SAJ gave the order
24 to Junior Lion and Rhino. How do you know that the troops rested
11:18:06 25 that day?

26 A. Well, the troop which rested, they were the ones that came
27 from that fighting patrol. SAJ Musa only appointed Junior Lion
28 to go to that patrol because he was the task force commander, and
29 all operations, he would go to them mostly.

1 Q. Mr Brima, after the instructions by SAJ Musa to Junior Lion
2 and Rhino to lay the ambush, do you know what happened?

3 A. Repeat that question, sir.

4 Q. After the instructions that you just referred to, that
11:19:20 5 SAJ Musa gave instructions to Junior Lion and Rhino to lay an
6 ambush, I'm asking you, do you know what happened after that?

7 A. Well, when they went and laid the ambush, the next day it
8 was then that SAJ Musa ordered the troops to move.

9 Q. How do you know that SAJ Musa ordered the troops to move,
11:19:54 10 Mr Brima?

11 A. He called a muster parade again.

12 MR AGHA: May we have some foundation as to how he knew
13 that he laid the ambush?

14 PRESIDING JUDGE: Did he say that or did he say when they
11:20:11 15 went to lay the ambush? I think that was his evidence. It seems
16 you're right, Mr Agha. The evidence was they went and laid the
17 ambush. Mr Graham, that has been objected to correctly, in my
18 opinion, because there is no foundation laid for that.

19 MR GRAHAM: Very well.

11:20:43 20 Q. Mr Brima, please tell this Court: How did you know that
21 Junior Lion and Rhino laid an ambush?

22 A. I knew this when they had returned.

23 Q. What happened when they returned?

24 A. When they returned they reported to SAJ Musa.

11:21:21 25 Q. What did they tell -- what report did they give to
26 SAJ Musa?

27 A. Well, I did not hear the report that they gave to SAJ Musa,
28 but all that I heard from the other soldiers that came from the
29 headquarters, they said that the ambush that they went and laid,

1 they were not fortunate to get any military targets. All the
2 vehicles that passed, they were civilian vehicles.

3 Q. Thank you, Mr Brima. Mr Brima, what happened when SAJ Musa
4 gave the order for the troops to move?

11:22:16 5 A. When SAJ Musa gave the order for the troops to move, the
6 troops moved in the same way as they used to move before: With
7 Junior Lion and two companies, they move would the advance team,
8 which was the fighting team. Commander O-Five moved the
9 reinforcement team with one company. SAJ Musa moved with the
11:22:54 10 headquarters where we, the detained people, were, the families of
11 the soldiers and Father Mario, and the other company that was at
12 the back, which was defending the soldiers' families and the
13 headquarters.

14 Q. Mr Brima, you've told this Court you were with the
11:23:24 15 headquarter team. So how are you able to know the movements of
16 the troops that you just described before this Court when
17 SAJ Musa gave orders for the movement to commence? How are you
18 able to know that?

19 A. I was able to know this when the troops fall-in, and the
11:23:52 20 troops always fall-in in the headquarters. I did not mean that
21 it was A Company or B Company that moved ahead with Commander
22 Junior Lion. This sometimes changed. So when the companies
23 fall-in, when SAJ Musa had given them instructions, it was then
24 the two companies left with Junior Lion.

11:24:32 25 Q. So, Mr Brima, when the movement began as a result of
26 SAJ Musa's orders, do you know where the movement headed to?

27 A. According to the way SAJ Musa addressed the muster parade
28 from Eddie Town, and from -- to all the places that he addressed
29 muster parades, he told the troops that the mission was to come

1 and reinstate the national army and they were to come to

2 Freetown.

3 Q. Mr Brima, did you make any stops once the movement
4 commenced, as ordered by SAJ Musa?

11:25:32 5 A. Ask that question again.

6 Q. You've given an account to this Court that SAJ Musa gave
7 orders for the troops to move. I'm saying and asking you that
8 once the movement started, did you stop anywhere?

9 A. I really want to know, sir, which part you say that the
11:26:14 10 movement began.

11 Q. You've given an account to this Court about instructions
12 given by SAJ Musa to Junior Lion and Rhino to lay an ambush. You
13 also gave an account to this Court that they came back and gave a
14 report to SAJ Musa. You also told this Court that not long after
11:26:34 15 that, SAJ gave an order that the troops should move. You also
16 told us the movement of these troops. I'm asking you that once
17 this movement started, did you stop anywhere?

18 A. Yes.

19 Q. Please, can you tell this Court where you stopped?

11:26:56 20 A. The troop stopped by RDF. That means Rapid Development
21 Force. RDF Camp.

22 Q. Where is that, the RDF Camp? Where is that, can you tell
23 the Court, Mr Brima?

24 A. It's not RUF.

11:27:26 25 Q. RDF, Rapid Deployment Force Camp, you said?

26 JUDGE SEBUTINDE: I thought he said rapid development.

27 PRESIDING JUDGE: He did say rapid development.

28 THE WITNESS: Rapid Deployment Force.

29 MR GRAHAM: It must have been the interpreters. At least

1 we have been corrected. So Rapid Deployment Force, thank you.

2 THE WITNESS: The troops stopped at the Rapid Deployment
3 Force Camp, which was around Mamama, how they call it Masangbo,
4 around those areas.

11:28:11 5 MR GRAHAM:

6 Q. Can you spell Mamama, if you can, and the other name you
7 just mentioned, Mr Brima?

8 A. M-A-M-A-M-A, Mamama. Masangbo, M-A-S-A-N-G-B-O.

9 Q. Mr Brima, before I go on, I just need to ask you a few
11:28:52 10 questions. You've told this Court that Junior Lion was at
11 Colonel Eddie Town. I need to ask of you do you -- Junior Lion
12 was with a convoy at Colonel Eddie Town. I need to ask of you,
13 was Prosecution witness TF1-334 also with the convoy?

14 MR AGHA: Your Honour, I'm not sure he ever used the word
11:29:28 15 "convoy."

16 PRESIDING JUDGE: I'm not sure I remember it either,
17 Mr Agha.

18 MR GRAHAM: Well, then the troops. I'll rephrase.

19 Q. Mr Brima, can you tell this Court whether Prosecution
11:29:39 20 witness TF1-334 -- whether you saw him anywhere at
21 Colonel Eddie Town?

22 A. Yes.

23 Q. Do you recall whether TF1-334 was with the troops that you
24 were with on your way to Colonel Eddie Town?

11:30:26 25 A. Ask that question again.

26 Q. You told us about your arrest by commander O-Five at Yarya
27 and, subsequently, that you were escorted to Colonel Eddie Town.
28 I'm asking that the troops under the command of Commander O-Five
29 that took you from Yarya to Colonel Eddie Town, do you recall

1 whether Prosecution witness TF1-334 was part of the group that
2 took you from Yarya to Colonel Eddie Town?

3 A. No.

4 Q. You've told this Court that you recall seeing Prosecution
11:31:18 5 witness TF1-334 at Colonel Eddie Town?

6 A. Yes.

7 Q. Where at Colonel Eddie Town did you see Prosecution witness
8 TF1-334?

9 A. I saw him on the day when SAJ Musa was addressing us, the
11:31:44 10 detained people, and the soldiers.

11 Q. You've told us about the muster parade. You've also told
12 us about the gathering of the troops. You've also told us about
13 the position of certain individuals who were with SAJ Musa at the
14 time he was addressing the muster parade. I'm asking of you when
11:32:27 15 you saw 334, was he with the troops that had gathered for the
16 muster parade or was he part of the group that was with SAJ Musa?

17 JUDGE SEBUTINDE: Mr Graham, there are a number of muster
18 parades. Which one are we talking about?

19 MR GRAHAM: I'm referring to the first muster parade, at
11:32:56 20 which time Commander O-Five handed over -- FAT Sesay handed over
21 command to SAJ Musa.

22 Q. Was it at that parade?

23 MR AGHA: Objection. It's a leading question, Your Honour.

24 PRESIDING JUDGE: Yes, that has been objected to. I uphold
11:33:15 25 that objection, Mr Graham.

26 MR GRAHAM:

27 Q. Mr Brima, you have told this Court about a number of
28 parades that were held at Colonel Eddie Town. Can you tell this
29 Court at which of the parades did you see Prosecution witness

1 TF1-334?

2 A. I saw him at fall-in during the first muster parade.
3 Fall-in in the rank. By that I mean he fall-in in the troop,
4 which was addressed by SAJ Musa.

11:34:08 5 Q. I'm also going to ask you, Mr Brima, if you know whether
6 Prosecution witness TF1-334 was part of the troops that were
7 travelling with you from Colonel Eddie Town to the places you
8 mentioned?

9 A. Yes.

11:34:36 10 Q. How do you know that 334 travelled with the troops from
11 Colonel Eddie Town?

12 A. Well, I used to see him.

13 Q. Where exactly do you recall seeing him? You've told this
14 Court about the movement from Colonel Eddie Town; you've told
11:35:04 15 this Court about the crossing of the Little Scarcies River;
16 you've also told this Court about one or two stops that the
17 troops made once you left Colonel Eddie Town. Could you please
18 tell us where you saw Prosecution witness TF1-334?

19 [AFRC14JUNE06C - MD]

11:35:27 20 A. I saw him at Lankono when they were going to the Lunsar
21 operation.

22 Q. In what capacity did you see him?

23 A. He was fully dressed in military uniform and following the
24 rank in his company, which company I cannot remember, and his
11:36:06 25 company was warned that joined that operation. I used to see him
26 again at the headquarters in the company that was at the rear,
27 which made changes.

28 MR GRAHAM: Your Honour, I think what the -- I believe the
29 witness said "when," and I believe I heard the interpreter say

1 "which" instead of "when." I stand to be corrected, but I
2 understand that is what I am reliably informed by my learned
3 friends.

4 PRESIDING JUDGE: I am afraid I didn't get that answer.
11:36:58 5 Whether you say "which made changes" or "when made changes,"
6 neither makes any sense to me. Have I missed something?

7 THE INTERPRETER: Your Honours, would the learned attorney
8 ask the question of the witness again.

9 PRESIDING JUDGE: Yes, could you ask that question again,
11:37:12 10 please, Mr Graham.

11 MR GRAHAM:

12 Q. Yes, Mr Brima, you were explaining to -- I'd asked you in
13 what capacity you saw Prosecution witness TF1-334 at Lankono, and
14 you were giving us an account. Please, if you can just give the
11:37:38 15 answer to that question, I think that will assist the Court.

16 Please do, Mr Brima. In what capacity did you see Prosecution
17 witness TF1-334 at Lankono?

18 A. I saw him in his capacity as one of the personnel with the
19 troop that left to go and attack Lunsar.

11:38:12 20 Q. After seeing TF1-334 at Lankono, did you ever see him
21 again?

22 MR AGHA: Leading question, Your Honour. I would object to
23 that.

24 PRESIDING JUDGE: What's leading about it, Mr Agha?

11:38:28 25 MR AGHA: He is asking him directly whether he actually saw
26 him again. I mean, that's clearly making a suggestion, in my
27 submission.

28 PRESIDING JUDGE: Well, you can ask him the general
29 question: Did you ever see anyone again and then, by process of

1 elimination, eventually come down to this particular person. I
2 think the expeditious way is to allow the question. I overrule
3 that objection and allow the question.

4 MR GRAHAM: I'm grateful, Your Honour.

11:38:59 5 Q. Mr Brima, I'd asked of you whether you recalled seeing
6 TF1-334 again after you saw him at Lankono?

7 A. Yes.

8 Q. Where did you see TF1-334?

9 A. I saw him again when the troop was based at that Koya Rural
11:39:30 10 District area, with the reinforcement team, which was with
11 Commander Junior Lion, which was going to reinforce Commander
12 Tito and Commander Papa 17 at the Masiaka operation. He was one
13 of the personnel that moved with Commander Junior Lion to go and
14 reinforce that operation, that operation that had seen that went
11:40:05 15 to Masiaka.

16 Q. Mr Brima, did you see him again?

17 A. I did not see him again.

18 Q. I'm going to ask about Prosecution witness TF1-184.

19 Mr Brima, do you know whether Prosecution witness TF1-184 was
11:40:51 20 part of the group that arrested you in Yarya and escorted you to
21 Colonel Eddie Town?

22 A. I ask that you write his name so that I can see it, because
23 it's not that number that I know. But I do not know until I see
24 his name.

11:41:18 25 MR GRAHAM: Your Honour, with your permission --

26 PRESIDING JUDGE: Yes.

27 MR GRAHAM: -- I would want him to write the name.

28 PRESIDING JUDGE: Yes, you can write the name and show the
29 witness so that he will know which person you are referring to.

1 MR GRAHAM: I am grateful.

2 PRESIDING JUDGE: Yes, Mr Graham.

3 MR GRAHAM:

4 Q. Mr Brima, you have seen and read the name.

11:42:51 5 THE INTERPRETER: Your Honours --

6 MR GRAHAM: I am back online.

7 Q. Mr Brima, you've seen -- I believe you've seen the name

8 that was written on the paper. That is the name of Prosecution

9 witness TF1-184. My question to you is: Did you know whether

11:43:18 10 Prosecution witness TF1-184 was part of the group that arrested

11 you in Yarya and escorted you to Colonel Eddie Town?

12 A. No.

13 Q. Do you know whether Prosecution witness --

14 PRESIDING JUDGE: I'm not quite sure what he is saying

11:43:51 15 there, Mr Graham. There's two interpretations of that answer.

16 MR GRAHAM: Yes.

17 Q. Mr Brima, could you explain what you mean by "no"?

18 A. No, that personnel, whose name I saw, which he wrote, was

19 not among the troop that arrested me at Yarya.

11:44:23 20 Q. Do you know whether Prosecution witness TF1-184 was at

21 Colonel Eddie Town?

22 A. Yes, I knew that he was at Colonel Eddie Town.

23 Q. How did you know he was at Colonel Eddie Town?

24 A. I did not manage to know that he was there. I said that he

11:44:52 25 was at Colonel Eddie Town. I did not say that he was there

26 before. I managed to know that he was at Colonel Eddie --

27 THE INTERPRETER: Your Honours, would the witness go a

28 little bit slower so the interpreter will be able to keep up with

29 him.

1 MR GRAHAM: Indeed, I didn't ask whether it was before.

2 Q. My question simply was Whether you know that Prosecution
3 witness TF1-184 was at Colonel Eddie Town. That was the question
4 I asked?

11:45:30 5 A. Yes, sir, but it was the way the translator interpreted it
6 to me.

7 Q. At least we've clarified it. You can answer the question
8 now, Mr Brima?

9 A. Yes, he was at Colonel Eddie Town.

11:45:51 10 Q. Now, how do you know he was at Colonel Eddie Town,
11 Mr Brima?

12 A. I knew when SAJ Musa came, when he called the general
13 muster parade, when he addressed the whole troop, that was where
14 I came to see that personnel.

11:46:16 15 Q. Had you seen him prior to the muster parade you just
16 referred to?

17 A. No.

18 Q. Do you know with which group he came to Colonel Eddie Town?

19 A. Yes.

11:46:47 20 Q. Which group did Prosecution witness TF1-184 come to Colonel
21 Eddie Town with?

22 A. He came with the Commander SAJ Musa's group.

23 Q. How do you know, Mr Brima, that Prosecution witness TF1-184
24 came with Commander SAJ Musa's group?

11:47:14 25 A. When Commander SAJ Musa was addressing that muster parade
26 at Colonel Eddie Town, I saw him fall in at the rear, that is at
27 the back of SAJ Musa, as somebody that was close to SAJ Musa.

28 Q. How come you know that he was close to SAJ Musa?

29 A. I knew this, that he was close to SAJ Musa, because he did

1 not fall in the rank. He fall in at the back of SAJ Musa. And
2 all those that fall in at the rear of SAJ Musa, I knew that they
3 were close to him, and I knew that he was close to SAJ Musa
4 during the time that we crossed the river [By direction of the
11:48:18 5 Court this sentence was extracted and filed under seal].

6 That was how I came to know that he was the one that was
7 taking care of SAJ Musa's food.

8 MR GRAHAM: Your Honours, I'm going to ask a few questions
9 of the witness in respect of Prosecution witness TF1-153 and,
11:48:44 10 with Your Honours' permission, I will quickly write.

11 PRESIDING JUDGE: Yes, write that down.

12 MR GRAHAM:

13 Q. Mr Brima --

14 PRESIDING JUDGE: Before we move on to witness TF1-153,
11:51:38 15 there is a previous answer relating to TF1-184. [By direction of
16 the Court this sentence was extracted and filed under seal]. We
17 order that that answer be redacted from the record. Yes, go on,
18 Mr Graham.

19 MR GRAHAM:

11:52:13 20 Q. Mr Brima, I'm going to ask of you a question in relation to
21 Prosecution witness TF1-184.

22 JUDGE SEBUTINDE: No, 153.

23 PRESIDING JUDGE: I thought you were on to 153 now.

24 MR GRAHAM:

11:52:32 25 Q. I'm going to ask of you a few questions relating to
26 Prosecution witness TF1-153. Mr Brima, please tell this Court,
27 did you know whether Prosecution witness TF1-153 was part of the
28 group that found you and arrested you in Yarya and then escorted
29 you to Colonel Eddie Town?

1 A. No.

2 Q. Do you recall seeing Prosecution witness TF1-153 at
3 Colonel Eddie Town?

4 A. No.

11:53:24 5 Q. Do you recall seeing him anywhere from the time you left
6 Colonel Eddie Town, crossed the Little Scarcies River and went
7 through all the places that you've told this Court? Did you see
8 him at any of these places you've mentioned before this Court?

9 A. No, I did not see him.

11:53:57 10 Q. Thank you, Mr Brima. Mr Brima, do you know Prosecution
11 witness TF1-153?

12 A. Yes. Yes, I know him.

13 MR GRAHAM: Your Honours, I will address related issues at
14 the appropriate time in closed session, after making the proper
11:54:30 15 application before the Court. So we will move on. We will move

16 back to where we were before I came back with the questions
17 relating to the Prosecution witness. But, before I go on,
18 Your Honours, I'm going to make some references to the

19 transcripts of the proceedings of this Court, September 22nd,
11:55:00 20 2005. Specifically page 85, Your Honours. Your Honour, this
21 relates to the testimony of Prosecution witness TF1-153.

22 PRESIDING JUDGE: Yes, go ahead, Mr Graham.

23 MR GRAHAM: I'm grateful, Your Honour. Your Honour, I will
24 be reading from line 16 of page 85.

11:56:15 25 Q. Mr Brima, lend me your ears. I will read, with Your
26 Honours' permission, from line 16:

27 "Q. And where did you and SAJ Musa and the troops go?

28 "A. Well, Camp Rosos is a swampy area. So when we decide
29 to leave there we crossed the Little Scarcies. While

1 coming we met heavy deployment at Mange Bureh. So we
2 decided to bulldoze -- to pass through Mange Bureh,
3 Maforki, until we come between Mamusa and Lunsar. So that
4 was where SAJ planned his first attack, at the highway
11:57:17 5 while coming. But he divided his soldiers into four
6 battalions. Commander Bazy was the advanced troop leader.
7 Commander Brima, Gullit, was in charge of the 2nd
8 Battalion. Then SAJ Musa was at the headquarters. Then
9 Five-Five was the commander of the blocking forces.

11:57:52 10 So when we arrived at Lunsar, it was there that SAJ
11 planned his first attack."

12 That ends my reference to the transcript. Mr Brima, I'm
13 going to ask of you: Did SAJ Musa ever appoint you to be in
14 charge of a 2nd Battalion?

11:58:35 15 A. No.

16 Q. Did anyone, apart from SAJ Musa, ever appoint you as
17 commander of a 2nd Battalion anywhere in the territory of the
18 Republic of Sierra Leone?

19 MR AGHA: That's objected to again, Your Honour, on the
11:58:58 20 basis of yesterday's objection on leading. If it could be
21 confined to the area of Rosos, I believe, and Lunsar.

22 MR GRAHAM: Very well, if that would please my learned
23 friend.

24 Q. Mr Brima, please tell this Court, do you know whether
11:59:26 25 SAJ Musa appointed a Commander Bazy as the advance troop leader?

26 A. No, he never appointed us, he never appointed him as
27 advance troop leader.

28 Q. Mr Brima, how come you know that he never appointed Bazy
29 as an advance troop leader, Mr Brima?

1 A. Well, the man that is referred to here as Bazy, who is
2 Sergeant Kamara, he and I were under arrest with the other
3 people, and I had never seen him in any appointment from
4 Eddie Town.

12:00:25 5 Q. Thank you, Mr Brima. Mr Brima, do you know whether
6 SAJ Musa appointed Five-Five as a commander of the blocking
7 forces?

8 A. No.

9 Q. Mr Brima, please explain what you mean by "no"?

12:00:55 10 A. I mean that no, that the man that is referred to as
11 Five-Five here, who is Corporal Santigie Kanu, SAJ Musa never
12 appointed him as battalion commander. Corporal Kanu, all of us
13 were under arrest.

14 JUDGE SEBUTINDE: I am sorry, Mr Graham. Is the witness
12:01:23 15 saying that the Five-Five referred to in the transcript is the
16 third accused? Is that his evidence?

17 MR GRAHAM: Well, Your Honour, I was going to ask him that.

18 Q. Mr Brima, the Five-Five you are referring to - you just
19 referred to - who is he?

12:01:50 20 A. He is Corporal Santigie Kanu and he is the third accused
21 which this Court refers to as Five-Five. But I know him to be as
22 Corporal Santigie Kanu.

23 Q. Mr Brima, in respect of Commander Bazy that I just
24 referred to in the reference from the transcript, who is he?

12:02:25 25 A. Well, I know the man to whom this Court referred to as
26 Bazy as Sergeant Ibrahim Kamara and he is the second accused,
27 but I did not know him by that name. I know him as
28 Sergeant Ibrahim Kamara. And all of us were under arrest at
29 Colonel Eddie Town.

1 Q. Mr Brima, what then to you have to say in response to what
2 I just read from the testimony of Prosecution witness TF1-153?

3 A. All that Prosecution witness said from what you've read
4 that I heard is a lie.

12:03:32 5 MR GRAHAM: Your Honour, that ends my line of questioning
6 in reference to the portions of the transcript that I read.

7 Q. Mr Brima, I'm going to ask of you did you ever command any
8 battalion anywhere in the territory of the Republic of Sierra
9 Leone?

12:03:56 10 MR AGHA: Again, I'd object to that being a leading
11 question.

12 PRESIDING JUDGE: I'll allow that question. Go ahead,
13 Mr Graham.

14 MR GRAHAM:

12:04:05 15 Q. Mr Brima, please answer the question.

16 A. I have never commanded any battalion in Sierra Leone, and
17 the rank I had when I was in the Sierra Leone Army did not allow
18 me to even command a battalion.

19 MR GRAHAM: Your Honours, I'm going to be making another
12:04:38 20 reference to the transcripts of proceedings of September 27th,
21 2005, specifically page 43.

22 PRESIDING JUDGE: Yes, go ahead, Mr Graham.

23 MR GRAHAM: I'm grateful, Your Honour. Your Honour, I'm
24 going to be reading from page 43 and I will be starting from line
12:05:45 25 13. With Your Honour's permission I read.

26 Q. "Q. Where did you go from Camp Rosos?

27 "A. We decided to cross the river that was there. We came
28 to the next side, trying to head for Freetown. Before we
29 arrived Lunsar, Commander C and Alex Brima had a fracas.

1 How I came to know, Commander C shouted at him, 'You. I
2 told you that you should not talk to these men at the
3 rear.' The men at the rear were the RUF."

4 That ends my reference, Your Honours. Mr Brima, I'm going
12:06:49 5 to ask of you did a fracas ever happen?

6 JUDGE SEBUTINDE: Mr Brima, could we request you to desist
7 from doing that. It comes into our ears. Please don't tap. It
8 comes through into our ears.

9 MR GRAHAM:

12:07:24 10 Q. Please tell this Court do you recall having a fracas with
11 Commander C?

12 A. He should write the name so that I can see it, because I
13 don't know the person you're referring to as Commander C.

14 MR GRAHAM: Your Honours, with your permission, if I may
12:07:48 15 write the name of Commander C?

16 PRESIDING JUDGE: Yes, write it down and show it to the
17 witness.

18 MR GRAHAM: I'm grateful.

19 PRESIDING JUDGE: Yes, continue, Mr Graham.

12:09:05 20 MR GRAHAM: Thank you, Your Honours.

21 Q. Mr Brima, did a fracas happen between you and Commander C?

22 A. No, there was no confusion between myself and he.

23 Q. Mr Brima, can you describe your --

24 JUDGE SEBUTINDE: Mr Graham, is that what a fracas is? Is
12:09:40 25 a fracas a confusion?

26 MR GRAHAM: Your Honour, I am reliably informed that
27 confusion in Krio is not the same as in English, so probably
28 we -- Your Honours, I guess in the circumstances I probably will
29 need to --

1 Q. Mr Brima, what do you understand by the word "fracas"?

2 What do you understand by the word "fracas"?

3 A. Do you mean in Krio or in English?

4 Q. In English.

12:10:39 5 A. It's like when there is a problem between myself and you,
6 the lawyer, talking to me.

7 Q. That is fine. And so when I asked did a fracas happen
8 between you and Commander C, that is exactly what I meant. And I
9 ask, just for the sake of emphasis, Your Honours, Mr Brima, did a

12:11:06 10 fracas happen between you and Commander C?

11 A. No, sir.

12 Q. Did anything happen between you and Commander C?

13 A. No, nothing happened between us.

14 Q. Mr Brima, can you describe your relationship, if any, with
12:11:30 15 Commander C to this Court?

16 A. My relationship with the commander you've mentioned, except
17 when I was arrested while we were at Eddie Town, and when he came
18 he supported the soldiers that arrested me, but apart from that,
19 I don't think there was any problem between us.

12:12:15 20 Q. [By direction of the Court this sentence was extracted and
21 filed under seal]

22

23 JUDGE SEBUTINDE: I think the phrase [By direction of the
24 Court this sentence was extracted and filed under seal] should be
12:13:22 25 redacted from the record, for obvious reasons. Perhaps you could
26 ask your question again in an acceptable way.

27 MR GRAHAM:

28 Q. Mr Brima, apart from your arrest, did you have any other
29 problem with Commander C?

1 A. No.

2 Q. What, then, is your response to the statement that I read
3 to you that was made by Prosecution witness TF1-184 before this
4 Court?

12:14:43 5 A. That statement that was made by that witness was a lie.
6 Apart from that arrest, I don't think if there was any problem
7 between myself and that commander you talked about.

8 Q. Thank you, Mr Brima. Mr Brima, I'm going to take you back
9 to where we got to in terms of the movement of the troops. You
12:15:19 10 told us you had reached the RDF Camp somewhere in the area of
11 Mamama and - is it - Masangbo. Masangbo, if I'm right. And I
12 want you to tell this Court what happened when you reached the
13 RDF camp?

14 A. Well, when we arrived at the RDF camp, the enemy force was
12:16:02 15 deployed there. So there was fighting there between the enemy
16 force and the advance team.

17 Q. Mr Brima, how do you know enemy forces were deployed there?

18 A. I knew that because it was the only force that was fighting
19 against SAJ Musa's troop. And, when this fighting occurred, they
12:16:49 20 had some exhibits that they got from that area, that depicts, to
21 me, that it was the enemy force, that is the ECOMOG.

22 Q. Mr Brima, just bringing you back again, my question was how
23 do you know that enemy forces were deployed there?

24 A. It was because of the fighting.

12:17:23 25 Q. Who were these enemy forces?

26 A. It was the Nigerian ECOMOG.

27 Q. How do you know they were Nigerian ECOMOG forces?

28 A. I came to know this through the personnel that used to come
29 to the headquarters.

1 Q. Mr Brima, you've reached the movement of the troops, you've
2 reached the RDF camp and you've engaged enemy forces by your
3 account. What happened? What happened?

4 A. The enemies were evicted from that deployment area.

12:18:25 5 Q. How do you know that the enemies were moved from their
6 deployment area?

7 A. Because we walked past that area where the fighting was in
8 a very peaceful way, after the advance team had gone ahead.

9 Q. Thank you. Mr Brima, once you passed through the place
12:19:08 10 where the enemy forces - according to your account - had been
11 deployed, what happened?

12 A. When we passed there, the troop went to Waterloo.

13 Q. Can you please spell Waterloo, for the Court?

14 A. W-A-T-E-R-L-O-O, Waterloo.

12:19:51 15 Q. Mr Brima, can you tell this Court whether you know that it
16 was all the troops arrived at Waterloo?

17 A. Yes.

18 Q. How do you know that, Mr Brima?

19 A. I had explained to this Court that the headquarters
12:20:19 20 wouldn't move if the advance team --

21 THE INTERPRETER: The interpreter is sorry, could the Court
22 order the witness to come again, please.

23 PRESIDING JUDGE: Could you repeat that answer, please,
24 Mr Brima. The interpreter did not get your reply.

12:20:47 25 THE WITNESS: I said, the headquarter wouldn't move ahead
26 if the advance team or the reinforcement team ahead don't call
27 the headquarters. For anywhere the headquarters went, it must
28 have a clearance from the advance team or the reinforcement team
29 before ever the headquarters moved and go there, and the company

1 that was behind the headquarters defending the rear.

2 MR GRAHAM:

3 Q. Thank you, Mr Brima. Mr Brima, can you, if you know, tell
4 this Court what happened when you arrived at Waterloo?

12:21:50 5 A. When the headquarters had reached Waterloo, we were sitting
6 at the Old Road. That was the time Commander O-Five came and
7 reported to SAJ Musa.

8 Q. Who do you mean by "we"? Who do you mean by "we"?

9 A. We, the detained people, and the families of the soldiers
12:22:31 10 and SAJ Musa himself.

11 Q. Mr Brima, what do you mean by "Old Road"?

12 A. Well, there are two roads in Waterloo. You have the
13 Freetown-Waterloo Highway, which was the old one, and you have
14 the new one that has been constructed. So we call that old one,
12:22:59 15 the Old Road, so this new highway, we call it the New Road.

16 Q. So what happened when you were at Old Road?

17 PRESIDING JUDGE: I didn't hear that question, Mr Graham.
18 Can you please speak up.

19 MR GRAHAM:

12:23:19 20 Q. Mr Brima, you've told us about the arrival of the troops at
21 Waterloo and you just told us that you were with the detainees at
22 Old Road. I'm asking of you, did anything happen when you got to
23 Old Road?

24 A. Well, let me make it clear. Let me make it clear. I said,
12:23:54 25 at the Old Road, the headquarter moved at the Old Road. That was
26 where we were placed; we, the detainees, and the families of the
27 soldiers.

28 Q. Thank you, Mr Brima. Now, when the headquarters reached
29 Old Road, what happened, can you tell this Court?

1 A. Well, Commander O-Five came and met SAJ Musa. He said they
2 were at the post office. That I mean, when he said then they,
3 that he and the reinforcement group were at the post office.
4 Q. How do you know that this -- how do you know that,
12:25:00 5 Mr Brima?
6 A. It was when Commander O-Five came and reported to SAJ Musa.
7 Q. Mr Brima, after Commander O-Five gave the report to SAJ
8 Musa, did anything happen?
9 A. Yes.
12:25:36 10 Q. Can you please tell this Court what happened?
11 A. Well, SAJ Musa instructed Commander O-Five to move the
12 troops to the post office -- to move the troops from the post
13 office so that they should go and attack Benguema.
14 Q. Mr Brima, how do you know that SAJ Musa gave these orders?
12:26:18 15 JUDGE SEBUTINDE: Please speak up. We can hardly hear what
16 you're asking.
17 MR GRAHAM:
18 Q. Mr Brima, how did you know that SAJ Musa gave the orders
19 that you just referred to?
12:26:42 20 A. I knew this through SAJ Musa himself. And when Commander
21 O-Five came with the soldiers, SAJ Musa left us at the
22 headquarters and advanced on that particular move with the
23 soldiers to Benguema.
24 Q. Did anything happen after that?
12:27:14 25 A. After that, after they had captured Benguema, they sent for
26 us; we, the detained people at the headquarters, the families of
27 the soldiers and those at the rear.
28 Q. Mr Brima, how come you know they captured Benguema?
29 A. Because when we arrived at Benguema we did not meet

1 fighting there. We, the detained people, the families of the
2 soldiers, when be arrived at Benguema, we did not meet any
3 fighting there again. And we met the soldiers dancing.

4 Q. Mr Brima, did you know why they were dancing?

12:28:27 5 A. They were happy. Because I myself, as a soldier, for any
6 area that I went to fight for, if we captured that place I become
7 happy.

8 JUDGE SEBUTINDE: Mr Graham, I'm not sure I understand who
9 are these soldiers who were dancing. I'm not sure I understand.

12:28:54 10 MR GRAHAM: I understand that he was referring to the
11 soldiers who arrived at Benguema, but I will --

12 Q. Mr Brima, please tell this Court who were these soldiers
13 that were dancing, according to you?

14 A. It was the soldiers in the advance team, the reinforcement
12:29:17 15 team and SAJ Musa. Those were the soldiers.

16 MR GRAHAM: Your Honours, with your permission, I need to
17 make a reference from the transcript of the proceedings of
18 September 27th, 2005. Specifically page 46, running into page
19 47.

12:30:49 20 PRESIDING JUDGE: Yes, we have that transcript, Mr Graham.

21 MR GRAHAM: Thank you, Your Honours. Your Honours, I will
22 be reading from line 23 of page 46, with Your Honour's
23 permission. I will read. "When we left we arrived" -- sorry,
24 Your Honours, this relates to the testimony of Prosecution
12:31:23 25 witness TF1-184. Reading from line 23.

26 "When we left we arrived at Newtown. When we arrived at
27 Newtown then Commander C observed that we are not far from
28 the town. He said we should take an oath. He said the
29 oath that we are going to take, that will -- because we are

1 very close to the town we should take an oath that when we
2 arrive in Freetown we will have nothing to say but to say
3 we have come purposely for the army to be reinstated.
4 Gullit was there, Bazzy was there, Five-Five was there,
12:32:39 5 Bio, all of them were there. I myself was there. They
6 split the kola, put salt in water and turned it in the cup
7 like this one, that is the water. Then they give you the
8 kola. They say 'Handle the kola, hold the salt and water
9 and say, "As we are leaving here heading for Freetown,
12:33:18 10 whatever they ask us we should tell them that we want the
11 army to be reinstated".' You bite it, then you drink the
12 water. That was done by everybody."
13 That ends my reference. Mr Brima --
14 A. Yes, Sir.
12:33:49 15 Q. -- do you recall going to a place called Newtown?
16 A. From RDF, we walked past Newtown and came to Waterloo.
17 Q. Did you stop at Newtown?
18 A. No.
19 Q. Do you recall being present at any oath-taking ceremony at
12:34:22 20 Newtown?
21 A. No, Sir.
22 Q. Do you recall whether you yourself and Bazzy, were present
23 together, at any oath-taking ceremony at Newtown?
24 A. No. I cannot remember. I cannot recall that we ever took
12:34:58 25 an oath at Newtown.
26 Q. Thank you, Mr Brima, and I will ask you once again: Do you
27 recall whether -- Mr Brima, were you ever at a meeting, at an
28 oath-taking meeting, at Newtown, together with Bazzy and
29 Five-Five?

1 A. No. I -- I cannot recall that I have ever present at a
2 meeting where we took an oath, including the two people whose
3 names you've mentioned.

4 Q. And, Mr Brima, did you ever, at Newtown, had to bite kola,
12:36:01 5 thereafter drink water, and then said, "As we are leaving here,
6 heading for Freetown, whatever they ask us we should tell them
7 that we want the army to be reinstated."

8 A. No, I've never, I don't ever remember that I bit kola nut,
9 drunk salt, drunk water, take an oath. I don't remember these
12:36:40 10 such things.

11 Q. Mr Brima, is it that you -- Your Honour, I think there is
12 an issue of interpretation, one more time. My learned friends
13 have just informed me that what he said was that he did not. And
14 I think the interpretation says that he did not remember.

12:37:16 15 JUDGE SEBUTINDE: But, Mr Graham, you keep asking your
16 witness if he remembers and he answers you that he doesn't
17 remember.

18 MR GRAHAM: Your Honour, in response of this very question,
19 I did not frame it that way.

12:37:28 20 PRESIDING JUDGE: All right. Well, look, the quickest way
21 around this is for you to ask the question again, Mr Graham.

22 MR GRAHAM: Yes.

23 Q. Mr Brima, did you ever, at Newtown, engage in any
24 oath-swearing ceremony that involved the biting of kola,
12:37:58 25 thereafter, drinking of water, followed by a statement to the
26 effect that, "As we are leaving here, heading for Freetown,
27 whatever they ask us we should tell them that we want the army to
28 be reinstated?"

29 A. No, I don't ever bite kola nuts and take those oaths that

1 you've talked -- you've just spoken about. I've never done such
2 things.

3 Q. Mr Brima, have you been -- were you involved in any form of
4 oath-taking during the period that you left Colonel Eddie Town up
12:38:55 5 to the time you arrived at Waterloo?

6 A. No.

7 Q. And were you involved in oath-taking of any kind at all,
8 Mr Brima?

9 A. No, Sir.

12:39:17 10 MR GRAHAM: Your Honours, I'm going to, with your
11 permission, go back to page 47 of the transcript of September
12 27th, 2005. And, Your Honours, I will be reading from line 9 of
13 page 47.

14 PRESIDING JUDGE: Yes, go ahead, Mr Graham.

12:39:42 15 MR GRAHAM: Yes, thank you, Your Honour. And with Your
16 Honour's permission I read from line 9.

17 "Q. Did anything happen after everyone took this oath in
18 Newtown?

19 "A. This Alex Brima, Alex Brima, he came and he said -- he
12:40:06 20 called his men, because whenever -- sorry, Commander C had
21 a talk with them, he will go and call his council, ensure
22 that they will sit on what Commander C said, whether it is
23 in their favour or not. Alex Brima said Commander C was
24 not in their favour. How could Commander C continually
12:40:44 25 talk about SLA, SLA, forgetting the AFRC. Commander C
26 wanted to sell us to the government of the day, because he
27 is not working in their own interest, and which, of course,
28 they were the ones who called him if they were the one who
29 called him. If they were the one who called him, what they

1 should tell Commander C to do is what Commander C should
2 do. It is not Commander C who should tell them what to do.
3 From there, then we left."
4 I end my reference, Your Honours.

12:41:39 5 Q. And Mr Brima, I'm going to ask of you, did you ever say
6 that Commander C wanted to sell you to the government?

7 A. No. I never said that.

8 Q. Yes. Mr Brima, I've just read the statement to you from
9 the testimony of Prosecution witness TF1-184. What comments, if
12:42:12 10 any, do you have to make on this statement that I just read to
11 you, Mr Brima?

12 A. That statement, all that you read from it, is a lie.

13 Q. Thank you, Mr Brima. Your Honours, I'm going to be making
14 another reference from the transcript of the proceedings of
12:42:46 15 September 15th, one-five, 2005, page 3.

16 PRESIDING JUDGE: Yes, go ahead, Mr Graham.

17 MR GRAHAM: Thank you. Your Honours, I will be reading
18 from line 7 of page 3. And, Your Honour, this relates to the
19 testimony of Prosecution witness TF1-167. And, Your Honours, I
12:44:20 20 will be reading from line 4.

21 "Q. We left off yesterday afternoon" --

22 PRESIDING JUDGE: You just said you are reading from line
23 7.

24 MR GRAHAM: Yes, sorry, line 7, Your Honours, thank you.
12:44:35 25 Thank you for reminding me. From line 7, Your Honours.

26 "A. On our first arrival" --

27 JUDGE DOHERTY: Mr Graham, is it the 15th of September 2005
28 page 3? Because if it is we have a different version to what you
29 have.

1 MR GRAHAM: That's interesting. Your Honours, I have right
2 in front of me September 15th, 2005 and that reads page 3, and
3 the first, second -- the first line reads question: "Witness,
4 good morning" and the answer "Good morning." That is for line 2
12:45:14 5 and 3. I don't know whether that correlates with what you have.

6 PRESIDING JUDGE: We don't -- we have something totally
7 different to that.

8 MR GRAHAM: I have the transcript here. The date says
9 Friday, September 16th. That is what I have behind here but
12:45:52 10 then, once we go in, it says September 15th. There seems to be a
11 bit of --

12 PRESIDING JUDGE: Well, look, perhaps you could speak to
13 Court Management about this, and ascertain the date. I would
14 say, without really looking into it, that it must be the 16th of
12:46:11 15 September because it's certainly not the 15th.

16 MR GRAHAM: Yes, yes, Your Honour, because the transcript
17 says 16th but then the dates on the pages are 15th. So it
18 probably must be an error from Court Management.

19 PRESIDING JUDGE: Well, I've just had -- our legal officer
12:46:28 20 has just confirmed that it is in fact, the 16th of September, but
21 we are so close to the break now that I think it's probably an
22 opportune time to take a break. That question on page 3 of
23 September the 16th, can commence your examination tomorrow.

24 MR GRAHAM: I am grateful, Your Honours.

12:46:57 25 PRESIDING JUDGE: Well, I'd ask Mr Court Attendant, if he
26 could please hand this file to the accused. And you will
27 remember, Mr Brima, don't bring that to court with you tomorrow.
28 We are going to adjourn now. I will remind Mr Brima not to
29 discuss his -- the evidence with anybody. We have other matters

1 to attend to this afternoon. So we will adjourn until tomorrow
2 morning at 9.15.

3 THE WITNESS: Yes, My Lord.

4 [Whereupon the hearing adjourned at 12.45p.m.,
5 to be reconvened on Thursday, the 15th day of
6 June 2005, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ALEX TAMBA BRIMA	2
EXAMINED BY MR GRAHAM	8