

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

WEDNESDAY, 15 JUNE 2005
9.19 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
For the accused Brima Bazy Kamara:	Mr Wilbert Harris Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kan:	Mr Ajibola E Manly-Spain Ms Viola Trebicka

1 [TB150605A - EKD]
2 Wednesday, 15 June 2005
3 [Open session]
4 [The accused not present]
09:23:39 5 [Upon commencing at 9.19 a.m.]
6 WITNESS: TF1-334 [Continued]
7 PRESIDING JUDGE: Good morning. Mr Witness, I will again
8 this morning remind you of the oath you took at the beginning of
9 your evidence and remind you that you are still bound by that
09:23:39 10 oath and that you must tell the truth in the Court when you are
11 answering questions. Do you understand?
12 THE WITNESS: Yes, My Lord.
13 PRESIDING JUDGE: Thank you. Ms Pack, please proceed.
14 MS PACK: Thank you, Your Honour.
09:23:48 15 EXAMINED BY MS PACK: [Continued]
16 Q. Good morning, Mr Witness.
17 A. Good morning, My Lord.
18 Q. Now, when we broke off yesterday afternoon I was asking you
19 about abductions in Freetown and you had told the Chamber, given
09:24:10 20 some detail about the abductions that took place where abductees
21 were taken to the PWD in Freetown. I am going to ask you about
22 the other abductions that you spoke about. You gave evidence,
23 and this is at page 26 of the draft transcript, about abductions
24 that took place on the 6th of January 1999 and you said that the
09:24:41 25 abductions were in part at State House. You went on to talk
26 about soldiers coming with new women and then raping the women
27 afterwards in State House. Are you able to say about how many
28 women were brought to State House on the 6th of January 1999?
29 A. Well, all I know is that at that moment most of the

1 commanders that were there were senior commanders and they were
2 the ones that had women.

3 Q. And by the senior commanders you're talking about who?

4 A. Well, Gullit had a young girl, Five-Five also had a woman,
09:25:44 5 Bazzy also had a woman and even Operation A also had his own
6 woman.

7 Q. When you say that they had a woman or had a young girl,
8 what do you mean by that language?

9 A. Well, these were girls who were brought and they gave to
09:26:13 10 them and they were with them as wives.

11 Q. How do you know they were with them as wives?

12 A. Well, since I was at State House during the night, normally
13 I would see the girls getting in and whilst we were guarding,
14 they would sleep with them.

09:26:46 15 Q. Do you know what happened to these women and girls after
16 State House, after you moved from State House?

17 A. Yes.

18 Q. What happened to them?

19 A. Like, that young girl that he had, he went with her up to
09:27:12 20 Makeni.

21 Q. Are you able to estimate how old the young girl with Gullit
22 was?

23 A. Well, this young girl with whom I saw him continued to be
24 with him and I believe that she continued to be with him until
09:27:35 25 the time that we retreated to Makeni.

26 Q. Perhaps you didn't hear the question. Do you know how old
27 the young girl with Gullit was?

28 A. She was a very young girl. Because even when I was
29 discussing with her, she said that she was -- she stopped at Form

1 2 and at that time she was going to Convent Secondary School.

2 She was a very young girl.

3 Q. You have also said that Five-Five had a woman. Do you know
4 what happened to that woman after State House, after you withdrew
09:28:19 5 from State House?

6 A. Well, Five-Five also continued to stay with that girl until
7 we retreated from Freetown.

8 Q. Do you know approximately how old this girl was?

9 MR MANLY-SPAIN: May it please Your Honour. I don't know
09:28:44 10 whether we are swapping times or names or descriptions because he
11 started saying that Gullit had a young girl, Five-Five a woman,
12 Bazzy a woman. Now we are talking about Five-Five's girl. He
13 said woman.

14 PRESIDING JUDGE: I agree that is what the witness
09:29:02 15 initially said. I notice it was the witness that appears to have
16 used the word "girl".

17 MS PACK: Yes, I was careful to use the word "woman" that
18 the witness had used before in my question and the witness had
19 answered with "girl" and I have asked a question using "girl".
09:29:17 20 Perhaps I can ask the witness to clarify.

21 Q. The individual whom you say Five-Five was with, are you
22 able to say about how old she was?

23 A. Well, she was a very young girl.

24 Q. What about Bazzy, you said he had a woman at State House.
09:29:46 25 Do you know what happened to her after you withdrew from State
26 House?

27 A. Bazzy also continued to stay with this girl till we went
28 to --

29 THE INTERPRETER: I did not get the last bit, Your Honours.

1 MS PACK:
2 Q. Until you went to where, witness?
3 A. West Side.
4 Q. Just spell West Side, please, for Their Honours.
09:30:13 5 A. W-E-S-T S-I-D-E.
6 Q. Are you able to say approximately how old the girl was with
7 Bazzy?
8 A. Well, I will not be able to tell the age, but she was a
9 schoolgirl. She was a very young girl.
09:30:35 10 Q. Witness, when you gave evidence about what happened on the
11 6th of January 1999, you said the abductions you saw were in part
12 at State House. Were there other abductions that you saw on the
13 6th of January 1999?
14 A. Well, I saw soldiers and they had women at that time. A
09:31:04 15 lot of soldiers who did not have women, they had women January
16 6th. They had women.
17 Q. Whereabouts did you see this going on?
18 A. Well, since I was moving with the Operation A, most of
19 them, because they were in various locations where I was able to
09:31:24 20 see. So I saw them with new wives with whom they stayed.
21 Q. You say you were moving with Operation A; who do you mean
22 by that?
23 A. Sorry, supervisor, sorry.
24 Q. And you are using the word that you saw the soldiers had
09:31:50 25 women at that time. Do you know what happened to these women?
26 A. Well, most of them, according to what I had been seeing,
27 had been taking care of these women.
28 Q. What do you mean by "taking care of"?
29 A. Well, they continued to be with them and I saw them cooking

1 for them until the withdrawal from Freetown.

2 Q. Who was cooking for who?

3 A. Well, as I and Supervisor were moving, you would see these
4 soldiers all that had women, these women were cooking for them.

09:32:31 5 For these soldiers that had these women.

6 JUDGE SEBUTINDE: I am sorry, Ms Pack. You asked the
7 witness a question of what he meant by "they were taking care of
8 them." I am not sure from his answer who was taking care of who.

9 MS PACK: Neither was I, Your Honour. I will make sure I
09:32:54 10 make that clear.

11 Q. Witness, you said that most of them were taking care of
12 them. Who was taking care of whom?

13 A. The soldiers that had these women, these were the ones that
14 were taking care of them.

09:33:09 15 Q. Who was taking care of who, the soldiers of the women or
16 the women of the soldiers?

17 A. It was the soldiers.

18 Q. And when you say "taking care of" what do you mean?

19 A. Well, according to what I saw, these women had been cooking
09:33:31 20 for them, had been maintaining them and they had been giving them
21 fine things to wear.

22 PRESIDING JUDGE: Unfortunately I missed a bit of that
23 answer. I got the bit that says they were cooking and then the
24 rest I missed. Could you please repeat it?

09:33:50 25 MS PACK:

26 Q. When you use the word "they", just make sure who you are
27 talking about, whether it's the soldier or the women. Just make
28 sure you repeat soldier or woman so we know who you are talking
29 about doing what. So if you just repeat your answer.

1 MR FOFANAH: Excuse me, Your Honour. Just before the
2 witness repeats the answer, I think I heard the interpreter say
3 that they were "maintaining them". They the women were
4 maintaining, they cooked for them and they maintained them. Just
09:34:19 5 for the records.

6 PRESIDING JUDGE: We have asked for a repetition and we
7 will get that.

8 JUDGE SEBUTINDE: Mr Interpreter, is something wrong in
9 your room? We can hardly hear you. There is something we are
09:34:36 10 hearing over your voice.

11 THE INTERPRETER: There is something outside. We also are
12 wondering what is happening. Strange sound.

13 PRESIDING JUDGE: Mr Interpreter, when you are answering,
14 can you also answer into the microphone, you are also a little
09:34:58 15 bit distant from it. It's a bit echoey.

16 THE INTERPRETER: We also are wondering, Your Honours,
17 there is a strange sound.

18 JUDGE LUSSICK: [Microphone not activated]

19 THE INTERPRETER: Okay, thank you, Your Honour.

09:35:18 20 PRESIDING JUDGE: Let's have another try, Ms Pack. We will
21 have that answer repeated, please.

22 MS PACK:

23 Q. Witness, I was asking you what you meant by your answer
24 that the soldiers were taking care of the women?

09:35:50 25 A. In terms of feeding, where I saw the soldiers had been
26 maintaining their feeding and clothing.

27 Q. And did you see what the women were doing?

28 A. Mostly they used to cook for them.

29 Q. You say that these women you saw when you were moving with

1 Supervisor A -- do you know these women, how the soldiers had
2 come by these women?

3 A. Well, the only thing that I knew when I and Supervisor A
4 were moving, I saw them -- I saw him with these women and they
09:36:35 5 used not to be with them earlier on.

6 Q. Witness, you also gave evidence about an instruction by
7 Gullit at PWD, when the Nigerians and the Guineans were
8 surrounding you and when the troops were based at Ferry Junction,
9 when Gullit said something about a hasty withdrawal and that
09:37:19 10 abductions should start. And you testified, at page 84 of the
11 draft transcript for yesterday, that from PWD -- this is
12 different abductions from what you were talking about yesterday
13 which was abductions to PWD. You gave evidence that from PWD "me
14 and the men" or you and the men you were with started burning and
09:37:42 15 capturing civilians towards Shell Old Road. I am going to ask
16 you about that.

17 what happened to the civilians that were captured towards
18 Shell Old Road?

19 A. Well, these civilians that I and the men that I had named,
09:38:09 20 we took them safely to Shell and we reach with them at mental
21 home.

22 Q. Whom were you capturing at this point - men, women or
23 children?

24 A. This time young women, young men and these little children.

09:38:51 25 Q. About how old were the little children that were captured?

26 A. Well, as far as I can recall most of them were around 10,
27 12 years old.

28 Q. Are you able to estimate - and please say if you are not
29 able to - about how many young women, young men and little

1 children were captured on this occasion?

2 A. Well, this I was not able to recall, the amount, because I
3 and the men had been moving and --

4 THE INTERPRETER: I did not get that bit, Your Honours.

09:39:33 5 Would the witness please repeat that.

6 MS PACK:

7 Q. My apologies, Witness, if you would just take the last
8 answer again. I asked you if you were able to say how many. I
9 think you said you weren't able to, but just take that slowly

09:39:50 10 because the interpreter has to translate what you are saying.

11 PRESIDING JUDGE: Mr Witness, did you understand that we
12 want you to repeat the answer?

13 THE WITNESS: As I and the men that I have named were
14 withdrawing from PWD -- Ferry Junction, PWD, we are moving into
09:40:28 15 houses, some houses. We set them ablaze and got young girls, got
16 young boys -- young men, I mean, and smaller boys and moved with
17 them.

18 MS PACK:

19 Q. And are you able to say - and please say if you can't say -
09:40:44 20 how many approximately were captured?

21 A. No, this I would not be able to give the number because it
22 was not I alone that was moving.

23 Q. Now, before we broke off yesterday you were testifying
24 about Benguema, and I asked you if there were civilians in

09:41:15 25 Benguema or the Benguema area and you said there were. And I
26 asked you what happened to the civilians in the area and you said
27 they participated in pounding rice, carrying looted items, helped
28 in cooking. The civilians who were doing this in the Benguema
29 area, were they the civilians that you had abducted from Freetown

1 and on the retreat from Freetown or were they civilians from the
2 Benguema area?

3 A. These civilians that I and the troop that was retreating,
4 we had already -- we met them there because the RUF had been in
09:42:07 5 that area. So we met them there.

6 Q. So the civilians that you met in Benguema, what happened to
7 them?

8 A. Whilst the troops were retreating most of them joined the
9 troops because they said that their lives were not safe. So they
09:42:33 10 joined the troops in retreating.

11 Q. Witness, you gave evidence yesterday that you and the other
12 fighters you were with went to Hastings, then Waterloo. What
13 happened to the families and the civilians when you went to
14 Waterloo?

09:43:12 15 A. Whilst I and Supervisor A, Bazy with other commanders
16 retreated to Waterloo, immediately Bazy called on Gullit and
17 told him that they had been waiting so that the family could come
18 out of Benguema, to retreat from Benguema. So later as I, Bazy
19 and Supervisor A were waiting, Gullit with the entire families
09:43:49 20 moved from Benguema and came and passed towards Newton.

21 Q. Pause a moment. How do you know that Bazy called on
22 Gullit and said he was waiting for the families and civilians to
23 move from Benguema?

24 PRESIDING JUDGE: Ms Pack, did the witness say family and
09:44:09 25 civilians? I heard "family".

26 MS PACK: I will stand to be corrected if I am wrong. My
27 note could be wrong.

28 JUDGE LUSSICK: No, he said "families". "Gullit with the
29 entire families moved towards Benguema."

1 MS PACK:

2 Q. Witness, how do you know that the families moved from --
3 Bazzy called on Gullit and said he was waiting for the families
4 to move from Benguema?

09:44:37 5 A. The road from Waterloo, you had a direct route to Benguema
6 which you could see. After Bazzy had mounted up the set I stood
7 with Supervisor A and he called Gullit.

8 Q. How do you know that they went to Newton?

9 A. When the family was coming, they passed through the area
09:45:10 10 where I and Bazzy were standing and Gullit said he was going as
11 far as Newton and wait there with the families.

12 Q. When you are talking about families, would you clarify whom
13 you're talking about?

14 A. Just like I said yesterday, at the moment all the ones that
09:45:33 15 were abducted, we refer to them as families and they were all
16 members of the families. This was the way that we used to call
17 them. We call them the family members.

18 Q. Did anything happen when you were in Waterloo?

19 A. Yes.

09:45:56 20 Q. What happened?

21 A. Whilst I, Bazzy, Supervisor A, Junior Lion and other
22 commanders who are defending Waterloo, then the ECOMOG forces,
23 they started firing from afar -- from far. We heard that the
24 armoured personnel carrier firing towards Waterloo. So I and
09:46:26 25 Bazzy started to retreat, but Bazzy said the houses that were
26 within the highway at Waterloo should be set on fire.

27 Q. Pause. How do you know that Bazzy said that the houses
28 within the highway at Waterloo should be set on fire?

29 A. This happened before me. Because he said that if the

1 ECOMOG forces were coming to capture Waterloo and the
2 surrounding, they should not have any place where they could sit
3 down, they should not have any house in which to lodge. So these
4 houses that were on the highway should be set on fire.

09:47:06 5 Q. Who was present when Bazzy said this about setting the
6 houses on fire in Waterloo?

7 A. I was present, Supervisor A was present, Junior Lion
8 himself was there.

9 Q. What happened after Bazzy said this?

09:47:39 10 A. When Bazzy had said this the troop started to retreat.
11 Bazzy himself and the other soldiers started to set the houses on
12 the highway ablaze.

13 Q. When you were in Waterloo were there any other men from any
14 other groups in Waterloo?

09:48:12 15 A. Yes, there were some RUF with us. We had one
16 Colonel Senegeles who was heading the RUF.

17 Q. Pause a moment. Would you spell Senegeles who was with
18 you?

19 A. S-E-N-E-G-E-L-E-S.

09:48:40 20 JUDGE SEBUTINDE: Ms Pack, did the witness say M? Did I
21 hear M?

22 MS PACK: I thought it was S-E-N.

23 THE WITNESS: S-E-N-E, S-E-N-E --

24 MS PACK:

09:48:59 25 Q. Go on.

26 JUDGE SEBUTINDE: I wasn't asking about the spelling, I was
27 asking about his testimony. For example, he said there was one M
28 Senegeles.

29 MS PACK: I thought it was an RUF. A member of the RUF.

1 THE WITNESS: Colonel Senegeles.
2 MS PACK:
3 Q. Colonel Senegeles and what group was he from?
4 A. The RUF, a member of the RUF.
09:49:23 5 Q. How do you know he was a member of the RUF?
6 A. Well, he was with Superman and Morris Kallon and Issa Sesay
7 whilst they were withdrawing after the Tombo operation. He was
8 the one that was left, who was with the other RUF.
9 Q. Was Superman, Morris Kallon or Sesay in Waterloo when you
09:49:53 10 were there?
11 A. No, they had moved after the Tombo operation.
12 Q. Were there civilians in Waterloo?
13 A. Well, at that moment it was I and Bazzy, Supervisor A and
14 the remaining fighters that were there. Gullit had moved with
09:50:23 15 the entire families.
16 Q. Were there civilians from Waterloo who were in Waterloo?
17 Not the ones you brought with you.
18 A. The only civilians that were there were the ones who were
19 staying with the RUF and all of them had retreated.
09:50:55 20 Q. Where did you go from Waterloo?
21 A. From Waterloo I, Bazzy, Supervisor A and the other men
22 retreated to Newton.
23 Q. How long did you stay in Newton?
24 A. We stayed in Newton for about a month. We continued to be
09:51:26 25 at Newton, defending Newton.
26 Q. Were there civilians in Newton that had been there before
27 you got there?
28 A. Only the civilians that we moved with, that Gullit had
29 taken along with. These were the ones that were with us.

1 Q. In the month that you were in Newton what were the
2 civilians that you had moved with required to do? Start with the
3 men.

4 A. Well, as I, Bazzy, Supervisor A retreated to Newton, in
09:52:14 5 fact, and met Gullit, Gullit said that we should make a defensive
6 ambush position, wherein this ambush came up to transform into a
7 refugee -- closer to a refugee camp. And these young men were
8 the ones that were pounding rice.

9 Q. What else were they doing apart from pounding rice?

09:52:47 10 A. Well, they also had some responsibilities. That is
11 laundering. They were laundering for the commanders with whom
12 they were staying and other household chores.

13 Q. What about the women?

14 A. And the women, they also had been helping cooking.

09:53:19 15 Q. What about girls?

16 A. The young girls were also on the ground, especially those
17 who had commanders with whom they were staying and soldiers.
18 They were also being maintained by them. They were still with
19 the commanders.

09:53:42 20 Q. When you say "with the commanders," how were they with
21 commanders?

22 A. Well, what I saw they were close, they were sleeping with
23 the commanders. In fact, they used to say that "This my wife,"
24 and they were their wives.

09:54:02 25 Q. Children, were they being used to do anything in particular
26 whilst you were in Newton?

27 A. Well, whilst we're at Newton, everybody that had a small
28 child within the age of 10 and 12, you will give him personal
29 training. You would show him how to fire, how to handle a

1 weapon, and they used to refer to them as SBUs.

2 Q. You are using the word "you" would give them personal
3 training, you would teach them how to fire. How do you know that
4 children aged about 10 to 12 were being given personal training
09:54:51 5 at Newton?

6 A. Well, in fact, it was at Newton that Gullit said that every
7 commander that had a small child at the age of 10 and 12 should
8 be trained. They should have military basic ideas.

9 Q. How do you know he said this?

09:55:21 10 A. This was said before me as I was with Supervisor A. Since
11 I was at the headquarter anything that was said, he said that
12 these children should be trained, they should be given personal
13 training.

14 Q. Do you know if there was anyone in particular who was
09:55:35 15 responsible for the women and the girls in Newton?

16 A. Well, at Newton Five-Five, he was responsible for women,
17 for all the young girls and the women at the camp.

18 Q. How do you know that?

19 A. Well, if there was any problem with any of the girls, with
09:56:01 20 any of the women, it was to Five-Five that they reported.

21 Q. How do you know that problems were reported to Five-Five?

22 A. Well, I myself was present, I saw when the reports were
23 brought to him and --

24 THE INTERPRETER: Your Honours, can the witness, please, go
09:56:38 25 over the last segment.

26 PRESIDING JUDGE: Mr Witness, did you hear? Please repeat
27 what you said.

28 THE WITNESS: I said I myself was present when soldiers
29 normally come and report, concerning the girls that were with

1 them, to Five-Five.

2 MS PACK:

3 Q. Witness, when you were in Newton do you recall anything in
4 particular happening there?

09:57:09 5 A. Yes.

6 Q. What happened?

7 A. Well, whilst I and Gullit, Five-Five, Bazy and the
8 remaining troops were based at Newton, we heard an announcement
9 over the radio that the international community wanted to have
09:57:38 10 talk with the troops at Newton and that they are trying to
11 negotiate for a ceasefire.

12 Q. Pause a moment. I am not going to ask you about that
13 occasion. Was there anything else specific that you recall
14 happening whilst you were in Newton?

09:57:58 15 A. The only thing I knew that we had a visit from the UNAMSIL
16 officials who made a visit together with Archbishop Ganda.

17 Q. What was that visit in relation to?

18 A. Well, during this visit, they came with some medicines,
19 provided us with medical support, and they said they have come to
09:58:41 20 talk to Gullit, Five-Five, Bazy, Supervisor A. I myself was
21 present. They said they wanted the troops to release some of the
22 children and that they were talking with the government to have a
23 ceasefire. So they want the troops to release some children.
24 This will indicate that the troops are ready for a ceasefire and
09:59:11 25 they will go and tell the government to have a ceasefire.

26 Q. Just spell Ganda, please, for the Chamber.

27 A. G-A-N-D-A.

28 Q. Were any children released at this stage?

29 A. Well, at this time the children were not released. They

1 only promised that they will do that. Gullit said he will
2 consider and he will do that later.

3 Q. Apart from this visit did anything else happen in Newton
4 that you recall?

10:00:00 5 A. Well, just after the visit the ECOMOG forces attacked our
6 position at Newton.

7 Q. After that what did you do?

8 A. In this regard I, Supervisor A, Bazzy and the other
9 commanders repelled the ECOMOG forces and pushed them back to
10:00:30 10 their positions.

11 Q. When did you leave Newton?

12 A. The only time we left Newton was after Gullit was on the
13 set. As I, Supervisor A went to the set and met Gullit and said
14 he had received a call from Superman.

10:00:54 15 Q. Were you present when the call was made or were you present
16 after the call?

17 A. In fact, Gullit called supervisor A and the other
18 commanders to come to the set, saying he has received a call from
19 Superman.

10:01:13 20 Q. Did you hear the call yourself?

21 A. Yes, when I went there I stood, I listened to the
22 communication between Gullit and Superman.

23 Q. How do you know it was Superman who was communicating with
24 Gullit?

10:01:33 25 A. The channel and the call sign that Gullit used -- that he
26 used.

27 Q. Are you able to recall now what Superman's call sign was?

28 A. Yes, Superman was Time Bomb.

29 Q. What was said in the communication between Superman and

1 Gullit?

2 A. Superman said he wanted Gullit to reinforce him at Lunsar
3 so that they could attack Makeni and get rid of Issa Sesay at
4 Makeni.

10:02:24 5 Q. You have given two names. Lunsar, would you spell that,
6 please, for the Chamber.

7 A. L-U-N-S-A-R.

8 Q. Would you spell that again, please.

9 A. L-U-N-S-A-R.

10:02:50 10 Q. And the other name was Makeni. You spelt that before, but
11 if you would again.

12 A. M-A-K-E-N-I.

13 Q. Did anything happen after this communication?

14 A. In fact, after Superman had demanded, Gullit promised
10:03:22 15 faithfully that he will come with his troops to join Superman.

16 Q. Did he go?

17 A. Later Gullit took Five-Five, he took Kallay --

18 Q. Pause, just give the full name of Kallay.

19 A. He took Colonel Foday Kallay.

10:03:48 20 Q. Who else?

21 A. He went with Five-Five.

22 Q. Anyone else you recall?

23 A. He went with Commander Bulldoze, Foday Bah Marah.

24 Q. Anyone else you recall?

10:04:04 25 A. He also went with O-Five, that is the operation commander.

26 Q. Do you know where they went?

27 A. And he also went Gunboot.

28 Q. Just the full name of Gunboot, if you just remind us,
29 please,

- 1 A. Alhaji Kamanda.
- 2 Q. I think you may need to spell that again for Their Honours.
- 3 A. A-L-H-A-J-I, Alhaji; Kamanda is K-A-M-A-N-D-A.
- 4 [TB150605B-SGH]
- 10:03:39 5 Q. Do you know where Gullit went with these individuals?
- 6 A. At that moment himself and these commanders that I have
- 7 mentioned who were soldiers, moved from Newton and went ahead.
- 8 Q. Were there any other radio communication while you were in
- 9 Newton?
- 10:05:12 10 MR FOFANA: May it please Your Honours, sorry for
- 11 interrupting. Now that we seem to be moving out of Newton, the
- 12 witness had earlier told this Court that when ECOMOG met them at
- 13 Newton they pushed them back to that position. We don't know
- 14 where that position was. We seek clarification.
- 10:05:29 15 PRESIDING JUDGE: I understood was it ECOMOG's position.
- 16 MR FOFANA: We don't know where that position was.
- 17 PRESIDING JUDGE: Would the witness know where that
- 18 position was, he wasn't a member of ECOMOG, was he?
- 19 MS PACK: I was not proposing to ask him actually. It's
- 10:05:41 20 not relevant.
- 21 Q. Witness, whilst you were in Newton you have spoken about
- 22 the communication between Superman and Gullit, were there other
- 23 radio communications?
- 24 A. Yes, My Lord.
- 10:06:03 25 Q. Tell us.
- 26 A. Whilst Bazy was left as commander he had a radio call
- 27 wherein Gullit called saying that he and Superman has captured
- 28 Makeni.
- 29 Q. How do you know that this communication was made?

1 A. Well, the set -- we had a set that Bazzy was in control.
2 I, Supervisor A, Junior Lion, Tito, went and listened to the call
3 that Gullit made.

4 Q. Any other radio communications whilst you were still in
10:06:55 5 Newton?

6 A. This was the communication that Gullit -- in fact, he said
7 Bazzy should try to reinforcing at Makeni, but after this the
8 ECOMOG again attacked our position at Newton.

9 Q. After that attack where did you go?

10:07:20 10 A. We withdrew.

11 Q. To where?

12 A. Back to a village, back of Newton.

13 Q. Do you recall its name? Take your time. We will come back
14 to that later if you remember, Witness. Witness, from that
10:08:02 15 village did you remain there or did you move off?

16 A. We went back to RDF.

17 Q. Just RDF, Your Honour. When you were in RDF, did anything
18 happen?

19 A. Yes, whilst I, Bazzy, Junior Lion, Tito and Supervisor A
10:08:35 20 were at RDF, Bazzy called on one of the securities called
21 Kankanda.

22 Q. Would you spell Kankanda, please?

23 A. K-A-N-K-A-N-D-A.

24 Q. What happened when he called Kankanda?

10:09:10 25 A. In fact, Bazzy told Kankanda that, "Now I'm ordering you to
26 go with some men. Now as the ECOMOG are penetrating towards our
27 position, now you should go and decorate Mammah Town. When I
28 said decorate you should ensure that any civilian you capture
29 within that area you should execute them and display them at the

1 junction at Mammah."

2 Q. Pause I would like you to spell Mammah, please?

3 A. M-A-M-M-A-H.

4 Q. Now, Kankanda, would you identify who he was?

10:10:17 5 A. Yes. He was a personal security to Bazzy.

6 Q. After Bazzy gave this order to Kankanda, did anything
7 happen?

8 A. Well, whilst I, Bazzy, Supervisor A, Junior Lion and later
9 withdrew from RDF and went to Mammah. We met this -- about 15
10:10:52 10 bodies that were chopped and they were lying down dead and
11 Kankanda said, "Now I have decorated the area properly." And
12 Bazzy said, "well done".

13 Q. The 15 bodies that were chopped, did you see whether they
14 were men, women or children?

10:11:17 15 A. Yes, sir. Two women were among and about three children.

16 Q. Did you stay in Mammah after that?

17 A. Yes. We stayed at Mammah and Bazzy gave an order that we
18 should dig the road.

19 Q. Pause a moment. How do you know that Bazzy gave an order
10:11:48 20 that you should dig the road?

21 A. It was in my presence when he called Junior Lion, called
22 Tito and he said they should come with civilians in the group to
23 dig the road so that they would create an obstacle for the ECOMOG
24 soldiers so that they will not just pass through to attack our
10:12:15 25 positions.

26 Q. What happened after Bazzy gave this order?

27 A. Well, Mammah -- the road leading to Mammah was dug widely
28 and it was deep and wide.

29 Q. By whom?

1 A. This was done by the civilians that were with the group
2 that came with pickaxe and other instruments to dig the road and
3 they dug it deeply and widely.

4 Q. How do you know they did this?

10:12:55 5 A. In fact, I, Bazzy, were watching and supervising this
6 digging.

7 Q. Witness, at this stage when you were in Mammah, of the men
8 and the civilians that have been with you when you were in Newton
9 before Gullit and others left, who was with you in Mammah?

10:13:39 10 A. Well, at Mammah it was only the -- it was a defensive
11 position. It was -- it was called combat camp. All the family
12 members were at Mile 38.

13 Q. Were these all the family members who had been in Newton?

14 A. Yes, My Lord. Only that Gullit went with his young girl,
10:14:12 15 and Five-Five also went with this young girl and the other
16 commanders that went with Gullit went with the girls that they
17 had.

18 MS PACK: Mile 38, just as it sounds, Your Honours.

19 Q. In Mammah, did anything else -- at this point who was in
10:14:45 20 command of the men at that defensive position?

21 A. In fact, Bazzy was the overall commander. He was with the
22 entire troop at that time.

23 Q. Did anything else happen in Mammah?

24 A. Yes.

10:15:12 25 Q. What happened?

26 A. Well, whilst I, Bazzy, Supervisor A, Junior Lion, Bazzy
27 mounted up the set. He channeled toward Kailahun and he used the
28 channel of Mosquito.

29 Q. Was there a communication made?

1 A. Yes.

2 Q. Who was the communication between?

3 A. It was between Bazy and Mosquito.

4 Q. What was said during that communication?

10:16:12 5 A. In fact, Mosquito said, he said -- "Bazy, you see what
6 Gullit has done." He said, "Now Gullit has attacked Makeni. He
7 has killed Rambo of the RUF," and he said "Even Issa Sesay is in
8 disarray." He said, "Now I am giving you the orders that Gullit
9 is no longer a commander for the western jungle. You are the
10:16:44 10 commander for the western jungle."
11 Q. Just spell western jungle please.
12 A. W-E-S-T-E-R-N J-U-N-G-L-E.

13 Q. After this communication, did anything else happen in
14 Mammah while you were there?

10:17:24 15 A. Yes.

16 Q. What happened?

17 A. Well, whilst at Mammah, Bazy said he called on Foyoh he
18 said, "We should move towards the rear and ensure that we dig up
19 Okra Hill, dig the highway and to dig as far as towards Masiaka.
10:17:55 20 Also to create a heavy obstacle for the ECOMOG forces."
21 Q. Just spell Okra Hill, please, for their Honours.
22 A. O-K-R-A H-I-L-L.

23 Q. And you said Masiaka, that has been spelt before. It is
24 M-A-S-I-A-K-A. And Foyoh has been spelt before, that is
10:18:41 25 F-O-Y-O-H. Did you leave Mammah?
26 A. Yes, the ECOMOG forces attacked our position at Mammah and
27 before we left Mammah, Bazy said we should set the town on fire.
28 He himself participated in the burning of the town.
29 Q. Now, Mammah, the village, can you identify, please, for

1 their Honours whereabouts it is situated? Which district in
2 Sierra Leone?
3 A. Well, Mammah is around Koya Chiefdom.
4 Q. Would you spell Koya Chiefdom, please. Just Koya, if you
10:19:57 5 can.
6 A. K-O-Y-A.
7 Q. And are you able to say which district in Sierra Leone it
8 is in?
9 A. It should be the rural district. The rural district.
10:20:28 10 Q. Well, there are other districts you have identified before
11 in Sierra Leone Witness, you have identified Kono and Bombali;
12 are you able to say which district in Sierra Leone is Mammah?
13 A. It is between the Port Loko and the Koya rural district.
14 It is Koya rural district, it is where Mammah is.
10:20:55 15 JUDGE SEBUTINDE: Did you say royal district or rural
16 district or what did you say?
17 THE INTERPRETER: Rural district.
18 MS PACK:
19 Q. Witness, from Mammah where did you go?
10:21:23 20 A. From Mammah I, Bazzy, Supervisor A, we retreated to Mile
21 38.
22 Q. When you were at Mile 38, did anything happen?
23 A. Yes.
24 Q. What happened there?
10:21:37 25 A. In fact, at Mile 38 Gullit called on Cambodia, who was
26 Colonel Foyoh, saying that he should get into the villages around
27 Okra hill and find a suitable location for the troops. For the
28 troop and the whole families.
29 Q. Did anything then subsequently happen?

1 A. Yes, Colonel Foyoh moved whilst -- whilst he was moving
2 with the entire family, whilst I and Bazy, Supervisor A and
3 Junior Lion and other commanders were on the defensive, the
4 ECOMOG attacked. As they were attacking Bazy said we should
10:22:28 5 set -- Your Honours, I did not get the last bit.
6 Q. Repeat what Bazy said please.
7 A. As the ECOMOG were attacking toward Mile 38 Bazy said, he
8 said Mile 38 should be set on fire and he himself participated in
9 the burning.
10:22:55 10 Q. After Mile 38 was set on fire, where did you go?
11 A. Well, we moved and came towards Okra hill and we withdrew
12 to the villages round Okra hill.
13 Q. In the event, do you know if Foyoh found a suitable place
14 for you to camp?
10:23:28 15 A. Well, the village which Foyoh first of all found, that is
16 where we camped and later moved to a place that was called
17 Magbeni, the crossing point.
18 Q. Would you spell Magbeni please, Witness?
19 A. M-A-G-B-E-N-I.
10:23:50 20 Q. In Magbeni did anything happen?
21 A. Yes.
22 Q. What happened in Magbeni?
23 A. In Magbeni in fact Bazy called on all the commanders that
24 were present and made a new structure.
10:24:09 25 Q. How do you know?
26 A. This was done before me that he made this new structure.
27 Q. I am just going to ask you about a couple of the main
28 appointments made by Bazy. Did he appoint anyone to be second
29 in command to him?

1 MR FOFANA: Objection. We don't know what structure
2 means.
3 PRESIDING JUDGE: You had better find out, Ms Pack, please.
4 MS PACK:
10:24:47 5 Q. When you say Bazy restructured, what do you mean?
6 A. He made a new command structure.
7 Q. What did he say?
8 A. In fact, in this command structure Bazy said he, Bazy,
9 was now the chief in command of the troops. He said and he was
10:25:09 10 pleased to appoint Supervisor A as his second in command and
11 director of operations.
12 Q. Do you recall him making any other appointments?
13 A. Yes, My Lord.
14 Q. What appointments do you recall him making?
10:25:46 15 A. He appointed Ibrahim Bioh Sesay as a third in command. He
16 appointed Junior George Johnson, alias Junior Lion, as the
17 operational commander. He appointed Colonel Tito as camp
18 commandant.
19 Q. Pause Witness. I am not going to ask you what the
10:26:29 20 appointment was, but did you receive an appointment in Magbeni
21 when Bazy restructured the command structure? Don't tell us
22 what the appointment was in open court please.
23 A. Well, I will not disclose this now, because if I do it will
24 clearly identify me.
10:26:51 25 Q. We will deal with that --
26 A. The appointment I had.
27 Q. We will deal with that later.
28 JUDGE LUSSICK: The question was did he receive an
29 appointment. That is a yes or no.

1 MS PACK:

2 Q. Are you able to say if you received an appointment, not
3 what the appointment was, just whether you received an
4 appointment?

10:27:07 5 A. Yes.

6 JUDGE SEBUTINDE: Is that yes to he is able or yes he
7 received an appointment?

8 THE WITNESS: Yes, I received.

9 MS PACK: I anticipate I may be making an application in
10:27:24 10 due course, Your Honour.

11 Q. Witness, when you were in Magbeni when this restructuring
12 you have spoken about, did anything else happen?

13 A. Yes.

14 Q. What happened?

10:28:02 15 A. In fact, Gullit -- sorry, Bazzy, called on the operational
16 commander at that time, Junior Lion, he said let him call on one
17 captain.

18 Q. Who?

19 A. I cannot name him now.

10:28:18 20 Q. I would ask you, please, to write the name down and I am
21 going to give you a bit of paper to do that, if you would. Would
22 you write down the name of the captain who Junior Lion got and
23 put it in block capitals, please, very clearly. Have you done
24 that, Witness?

10:29:38 25 A. Yes, My Lord.

26 MS PACK: Your Honour, I would seek to tender that once it
27 has been passed to me and my learned friends as an exhibit to be
28 admitted under seal.

29 PRESIDING JUDGE: Madam Court Attendant, please take that

1 paper from the witness and show it to counsel for the Prosecution
2 and counsel for the Defence and then we will hear the
3 application. Is there any -- we have heard counsel for the
4 Prosecution indicate that they wish to tender this document as an
10:31:04 5 exhibit.

6 MR FOFANAH: There is no objection.

7 PRESIDING JUDGE: Very well. Madam Court Attendant, please
8 pass the document up to the Bench. So that will be Exhibit P20,
9 I think. Thank you.

10:31:15 10 [Exhibit No. P20 was admitted]

11 PRESIDING JUDGE: Madam Court Attendant, that will be
12 Exhibit P20 under seal. Ms Pack, please continue.

13 MS PACK: Thank you, Your Honour.

14 Q. Witness, after this individual was brought by Junior Lion,
10:32:39 15 what happened?

16 A. In front of me the second in command and director of
17 operation, the third in command, the chief in command, who was
18 Ibrahim Bazy, Bazy said, "Now I want you cross this river and
19 go over to that village there. Make sure that that should be a
10:33:16 20 civilian free area."

21 Q. Did he identify the name of the village that he was talking
22 about?

23 A. It should be Gberi Bana, closer to Lahai.

24 Q. Pause. Can you spell Gberi Bana, please?

10:33:52 25 A. G-B-E-R-I B-A-N-A.

26 Q. Witness, when Bazy said that the area should be a civilian
27 free area, do you know what he meant by that?

28 A. He said that any civilian that will serve as a base is
29 commanding this captain to go and find and any civilian that was

1 captured within that area.

2 Q. What should happen to them?

3 A. Should be executed.

4 Q. Do you know if the individual whose name you have written
10:34:46 5 down on the piece of paper, the captain, Exhibit P20, do you know
6 if he then went to Gberi Bana?

7 A. Yes, in front of us he crossed with some other soldiers and
8 went over Gberi Bana.

9 Q. Do you know what happened there?

10:35:11 10 A. All that I knew later I, Bazzy, Supervisor A, crossed over
11 and the whole family crossed and with my own eyes what I saw,
12 bodies that they chopped. And in front of me, Bazzy, second in
13 command, third in command, operational, this captain came and
14 said, "Pa," said, "I have operated, I have performed in the
10:35:48 15 area." He said, "Right now there is no civilian in the area.
16 Just see what I have done."

17 Q. Was anything said to the captain when he said this?

18 A. Bazzy, yes, Bazzy said, "well done".

19 Q. You are referring to someone as Supervisor A, who are you
10:36:10 20 talking when you say Supervisor, A don't give the name, but what
21 position did he hold here?

22 A. Supervisor A in this new command structure was the second
23 in command and the director of operation.

24 Q. And this is previously Supervisor A and then prior to that
10:36:33 25 Operation Commander A you have said that?

26 A. Yes.

27 Q. You said you saw bodies that were chopped, are you able to
28 say how many bodies you saw?

29 A. Well, with my eyes there were 15 bodies that I saw.

1 Q. Are you able to say if they were men, if they were women,
2 if they were children?

3 A. Well, there were some old men and young men. Some were old
4 men and some were young.

10:37:16 5 Q. Did you move off from Gberi Bana or did you stay there?

6 A. We stayed at Gberi Bana.

7 Q. Do you remember approximately when it was, which month of
8 the year, which year, that you got to Gberi Bana?

9 A. Well, it was closer to -- two months to one and a half
10:37:47 10 months to the cease-fire. To the peace.

11 Q. So, how many months to the cease-fire did you say?

12 A. About one month and two weeks towards the cease-fire.

13 Q. Are you able to say which month that was or not? Please
14 say if you are unable to say.

10:38:21 15 A. I cannot recall the month.

16 MR MANLY-SPAIN: So we are clear as to the time whether it
17 was one month we should have done or two weeks.

18 MS PACK: No, it was one month and two weeks, one and a
19 half months is what the witness said.

10:38:34 20 MR MANLY-SPAIN: Thank you.

21 JUDGE SEBUTINDE: When the witness says towards the
22 cease-fire, is that the same as before the ceasefire?

23 MS PACK: Let me just check that with the witness, Your
24 Honour.

10:38:45 25 Q. Witness, when you say towards the ceasefire do you mean
26 before the ceasefire, after the ceasefire? What do you mean
27 towards the ceasefire?

28 A. Before the ceasefire.

29 Q. Which year are you talking about, Witness?

1 A. 1999.

2 Q. How long, Witness, did you remain at this location at Gberi
3 Bana?

4 A. I continued to be in this location until we went to Liberia
10:39:09 5 and we came and until Bazy came from the west side.

6 Q. Where from the west side?

7 A. He came to Freetown.

8 Q. Now, you have used the word west side. What was west side?

9 A. Well, since -- since as later when we crossed to go to
10:39:54 10 Gberi Bana so over the water and Bazy called a meeting and
11 appointed commanders in the various battalions, he had to say
12 that since this area was closer to the western side so -- and it
13 was the western jungle he said from now on he was going to call
14 it west side. Because it was around the Western Area, the
10:40:14 15 western jungle.

16 Q. Are you able to estimate about how many of you were based
17 in Gberi Bana or the west side?

18 A. The manpower was over 700 including the families. It will
19 be about 700 including families.

10:41:01 20 Q. By families, remind us what you mean?

21 A. They abducted civilians. They abducted civilians.

22 JUDGE SEBUTINDE: Is that abducted?

23 THE WITNESS: Abducted, abducted civilians.

24 MS PACK:

10:41:31 25 Q. After Bazy appointed commanders to battalions, did
26 anything else happen at Gberi Bana?

27 A. Yes.

28 Q. What happened?

29 A. Well, when Bazy called a meeting and in this meeting the

1 second in command -- the second in command and director of
2 operation A was there. The third in command was present.

3 Q. What happened?

4 A. In this Bazy made an appointment also and chose battalion
10:42:19 5 commanders.

6 Q. After they had done this, was anything else said?

7 A. He said now that ECOMOG had taken over Masiaka and the
8 areas in which we are based, he said now he would give an order
9 that various areas where ECOMOG were based should be attacked.
10:42:50 10 And he said when the troops attacked these positions he said they
11 should burn down anywhere that they are based and any civilian
12 that was captured should be executed.

13 Q. After this meeting did anything happen in Gberi Bana?

14 A. After this meeting in fact Bazy appointed Lieutenant
10:43:16 15 Colonel Kallay.

16 Q. Spell Kallay, just remind us of the spelling.

17 A. K-A-L-L-A-Y.

18 Q. Remind us, which battalion was he commander of in Freetown?

19 A. He was commander of the 2nd Battalion.

10:43:53 20 Q. Go on, what did Bazy say to Kallay?

21 A. He told Kallay that now he had appointed him as commander
22 that was to lead the attack at Gberi Junction.

23 Q. Can you remind us, spell Gberi?

24 A. G-B-E-R-I.

10:44:18 25 Q. Thank you, Witness. Was there an operation on Gberi
26 Junction?

27 A. Yes.

28 PRESIDING JUDGE: Possibly that would be a point in your
29 line of evidence where we could take a mid-morning adjournment.

1 MS PACK: Yes, Your Honour.

2 PRESIDING JUDGE: Madam Court Attendant, please adjourn for
3 15 minutes.

4 [Break taken at 10.40 a.m.]

5 [TB150605C 10.45 a.m. - AD]

6 [Upon resuming at 11.00 a.m.]

7 MR MANLY-SPAIN: May it please Your Honour.

8 PRESIDING JUDGE: Oh. Yes, Mr Manly-Spain.

9 MR MANLY-SPAIN: Ms Thompson will be a little late, a few
11:03:04 10 minutes late.

11 PRESIDING JUDGE: I am sure you have agreed to cover for
12 her.

13 MR MANLY-SPAIN: Yes.

14 PRESIDING JUDGE: That is fine. Ms Pack, please proceed.

11:03:17 15 MS PACK:

16 Q. Witness, just before the break you were telling us there
17 was an operation on Gberi Junction. Did you go on that
18 operation?

19 A. No.

11:03:30 20 Q. Do you know what happened on the operation?

21 A. All I knew is that the commander, who was Lieutenant
22 Colonel Kallay, returned only with looted items. He came with
23 things in his hands. And later Bazy immediately ordered for an
24 investigation. And in this investigation they discovered that
11:04:12 25 Colonel Kallay did never attacked Gberi Junction and in fact he
26 only went on looting. So, in that regard Bazy said that Colonel
27 Kallay should be beaten. In front of me Colonel Kallay was given
28 24 lashes.

29 JUDGE SEBUTINDE: Could you repeat that number.

1 THE WITNESS: 24 lashes.

2 MS PACK:

3 Q. Witness, were there any other operation from Gberi Bana
4 after that?

11:04:54 5 A. After which Bazzy called on the second in command and
6 director of operations, called on the operation commander, second
7 in command and said, now he would order that Port Loko should be
8 attacked.

9 Q. Just spell Port Loko.

11:05:18 10 A. P-O-R-T L-O-K-O.

11 Q. How do you know that Bazzy ordered that Port Loko should be
12 attacked?

13 A. This was right in front of me, when he called on these
14 commanders.

11:05:41 15 Q. Did an attack on Port Loko take place?

16 A. Yes.

17 Q. Who went on it?

18 A. This time Junior Lion, he was the commander and he also
19 supervised Colonel Kallay, and I myself went to this operation.

11:06:04 20 Q. What happened on the operation?

21 A. In this operation, on the way towards Port Loko, a village
22 closer to Port Loko, I and the other troops went and attacked
23 that village and in fact, the captain taken whose name I wrote
24 executed one woman.

11:06:35 25 Q. How do you know he executed a woman?

26 A. This was right to front of me. He used his machete and
27 killed her.

28 Q. This was the captain you wrote down at Exhibit P20?

29 A. Yes, My Lord.

1 Q. Did anything else happen on the way to Port Loko?

2 A. Well, in that village, that village was burnt down after
3 which I, Junior Lion, Colonel Kallay and the troops that went and
4 attacked Port Loko.

11:07:24 5 Q. Had there been any orders given about the attack on Port
6 Loko?

7 A. Yes, before the troops left Bazzy had said that Port Loko
8 village, wherever we got to any village we should burn that town
9 and kill the civilians. He said he did not want to see any

11:07:50 10 civilians in the camp other than the civilians that were with us
11 before.

12 Q. What happened at Port Loko?

13 A. Well, as I, Junior Lion and the other soldiers were
14 attacking a school that was called Shelenka secondary school --

11:08:14 15 Q. Are you able to spell Shelenka?

16 A. S-H-E-L-E-N-K-A.

17 Q. Go on.

18 A. And indeed this time I, Junior Lion and the soldiers that
19 went and attacked that school found out that they had very heavy

11:08:40 20 manpower and this time these people repelled us and they started
21 to fire very heavily at our positions. After which we made an
22 immediate ambush and in this ambush we were able to burn two of
23 their armoured cars and captured two of the commanders in these
24 armoured cars. Later we came to know that these were the Malian

11:09:13 25 troops.

26 Q. How did you come to know they were Malians?

27 A. Their ID cards clearly showed that they were Malians. They
28 also spoke French. And they themselves said that I and Junior
29 Lion interviewed them.

1 Q. What happened to the two commanders that you captured?

2 A. Well, I, Junior Lion and the commanders that went and
3 attacked them, we took them and returned them to the camp.

4 Q. When you got back to the camp at Gberi Bana did anything
11:09:59 5 happen?

6 A. Yes.

7 Q. What happened?

8 A. Immediately Bazzy received us, I and the troops reached.
9 After which Bazzy made a communications call?

11:10:12 10 Q. How do you know he made a communication call?

11 A. It was before me, Junior Lion, he called on the deputy, he
12 called on the forward in command and channeled Mosquito and
13 called him.

14 Q. How do you know it was Mosquito whom he called?

11:10:39 15 A. Through the channeling and the call sign of Mosquito.

16 Q. Do you know if he got through to Mosquito?

17 A. Yes, My Lord.

18 Q. What was said on the communication?

19 A. In fact, Bazzy said, he said, "Please sir, now I have
11:11:05 20 attacked Port Loko. And you will hear I, over the international
21 media very soon of, have captured two Malians." And he said, "I
22 have enough arms and ammunition from these people." So, in
23 response, Mosquito said he wanted to talk to the commanders.

24 Q. Did he?

11:11:40 25 A. The Malian commanders who were captured.

26 Q. Did he speak to them in the event.

27 A. He himself did not talk to them. He called on somebody
28 closer who was called Eddie Kanneh. He said, "Is Eddie Kanneh by
29 me because he speaks French?"

1 Q. Pause a minute. Spell Eddie Kanneh?
2 A. E-D-D-I-E.
3 PRESIDING JUDGE: Just before we get any further. Is it
4 Mali, M-A-L-I, the African state, or Malay, the Asian state.
11:12:24 5 MS PACK:
6 Q. Just clarify whether it's Mali or elsewhere?
7 A. Mali, M-A-L-I.
8 PRESIDING JUDGE: Thank you.
9 MS PACK:
11:12:39 10 Q. And just with the name Eddie Kanneh. You spelled Eddie,
11 what was the spelling for Kanneh?
12 A. K-A-N-N-E-H.
13 Q. What happened, did he get on the set?
14 A. Immediately, Bazzy called on the two Malians and indeed
11:12:59 15 they discussed in French, which I did not understand between the
16 Malians and Eddie Kanneh.
17 Q. Was there anything that happened after this communication?
18 A. Yes, later Mosquito talked to Bazzy, saying, "Now I am
19 calling the Malian embassy and demanded if they did not move out
11:13:34 20 of Sierra Leone territory, I will execute." In fact he did not
21 say he captured two. He said he captured more Malians, he said
22 he was going to execute them.
23 Q. After the communication was over, did anything happen that
24 you recall?
11:13:52 25 A. Yes, over the international media BBC, where I, Bazzy and
26 others listened to, they talked about the attack at Port Loko and
27 the Malians and also that the Malian people in Mali demonstrated
28 that the Malian troops should withdraw from Sierra Leone.
29 Q. Witness, after you heard this announcement did anything

1 happen?

2 A. Yes.

3 Q. What happened?

4 A. After this, Bazzy said another operations would take place.

11:14:37 5 Q. Did he say where?

6 A. Yes.

7 Q. Where?

8 A. At the village that I forgot when we withdraw from Newton.

9 Makolo.

11:14:52 10 Q. Spell Makolo although please.

11 A. M-A-K-O-L-O.

12 Q. What did Bazzy say about an operation on Makolo?

13 A. Bazzy said, now according to intelligence, he understood

14 that the ECOMOG forces had a base at Makolo. That was where the

11:15:24 15 headquarters was. He said now troops should move to that place

16 and ensure that they destroy the entire Makolo village and burnt

17 it down and if there is any civilian they should be executed and

18 they should not bring them to the camp. If there is arms and

19 ammunition, they should capture them and bring them to the camp.

11:15:52 20 Q. Did the operation on Makolo take place?

21 A. Yes, My Lord.

22 Q. Who went on it?.

23 A. Indeed. Lieutenant Colonel KBC was the overall commander.

24 Q. Just pause a minute. KBC, who was he?

11:16:16 25 A. This was a member of the Sierra Leone Army. He came from

26 Makeni to join the troops at Newton. He is a commander.

27 Q. What happened -- do you know what happened on the

28 operation?

29 A. Yes.

- 1 Q. What happened on the operation?
- 2 A. Well, in this operation, I myself went together with other
3 commanders. We crossed the Magbeni river and reached at Makolo.
4 At Makolo we attacked the position of the ECOMOG forces.
- 11:17:06 5 Q. Did anything else happen in Makolo?
- 6 A. Yes. I and the troop that went captured Makolo.
- 7 Q. What happened thereafter it was captured?
- 8 A. What I saw with my eyes some ECOMOG soldiers, about three
9 of them, we captured and executed them. After which we captured
11:17:37 10 three young women and this Bob Lahai, alias Captain Blood
11 brutally chopped them with an axe. He had an axe.
- 12 Q. Pause a moment. Just dealing with the three young women
13 first; how do you know that Bob Lahai, alias Captain Blood,
14 chopped them with an axe?
- 11:18:06 15 A. When he captured these women, he came with them to the
16 commander, who was KBC, and in fact he took the axe and split
17 their head. The first he split her head and died instantly and
18 the other, the second one was also hit and she died instantly and
19 the third one also was hit and she also died instantly.
- 11:18:30 20 Q. Is this the same Captain Blood you have spoken about in
21 Freetown?
- 22 A. Yes, My Lord.
- 23 Q. Just remind us what he was, what group he was from.
- 24 A. He was a personal security to Bazzy.
- 11:18:49 25 Q. What had he been before?
- 26 A. He was a civilian.
- 27 Q. Now, the ECOMOG soldiers, you said three were executed.
28 Firstly how do you know that they were ECOMOG soldiers who were
29 executed?

- 1 A. In fact, they had their ID cards, they were in full
2 military uniforms.
- 3 Q. Who executed them?
- 4 A. This was the very commander himself, KBC that shot at them.
- 11:19:30 5 Q. Did anything else happen in Makolo?
- 6 A. In Makolo, we took all the arms and ammunition that we met
7 and burnt down the town.
- 8 Q. After you got back from Makolo to Gberi Bana, did anything
9 happen?
- 11:19:56 10 A. Yes.
- 11 Q. What happened?
- 12 A. The only thing as we arrived at Magbeni we had an attack,
13 but that attack was repelled immediately and we crossed over to
14 Gberi Bana, where Bazy, Supervisor, second in command and third
11:20:21 15 in command, Junior Lion, and others received the entire troop.
- 16 Q. Did anything happen when you got back to Gberi Bana?
- 17 A. The only thing Bazy received the troop happily and welcome
18 the troop and we handed over the arms and ammunitions and
19 Commander KBC gave the report and Bazy said well done.
- 11:20:50 20 Q. After the attack on Makolo did you hear anything about it?
- 21 A. Yes.
- 22 Q. What did you hear?
- 23 A. I heard and the others when listening over the
24 international media, that is, BBC that Makolo Town the junta
11:21:11 25 forces attacked Makolo Town, that the ECOMOG troops repelled by
26 using two helicopter gunships and they killed some of us
27 according to BBC.
- 28 Q. Were there any other operation from Gberi Bana?
- 29 A. Yes, My Lord.

1 JUDGE SEBUTINDE: Sorry, Ms Pack, I just need
2 clarification. This witness appears to use the words village and
3 town interchangeably. Is that the case or is there is a
4 difference?

11:21:52 5 MS PACK: That is something I have observed and that is the
6 case. But perhaps I can just ask the witness to explain.

7 Q. Witness you are using village and sometimes town to
8 describe a location. Do you mean to differentiate between the
9 two?

11:22:05 10 A. Makolo village.

11 Q. Were there any other operations from Gberi Bana that took
12 place?

13 A. Yes, My Lord.

14 Q. On where?

11:22:26 15 A. Gberi Junction.

16 Q. Did you go on this operation?

17 A. Yes, My Lord.

18 Q. Who else went with you?

19 A. Junior Lion also.

11:22:40 20 Q. What happened on this operation?

21 A. On this operation, I, Junior Lion and the other soldiers
22 moved and attacked the town. At this time we only had support,
23 we captured some arms and ammunition from the Nigerian force and
24 set the house on fire and the town around Gberi Junction.

11:23:12 25 Q. Around this time, earlier in fact, Witness, you spoke about
26 a ceasefire. You said that you had arrived in Gberi Bana about
27 one and half months before the ceasefire. Were you still in
28 Gberi Bana at around the time of the ceasefire?

29 A. Yes, My Lord.

1 Q. Do you recall the time when the ceasefire occurred?

2 A. I know the year 1999, but I cannot tell the exact month.

3 Q. Tell us what you know of the ceasefire. What do you know
4 or what did you hear happened?

11:24:20 5 A. The only thing I knew, at one time there was a
6 communication -- we had a call. When at that time I was present,
7 Bazzy was there, Junior Lion was there and the second in command
8 was there and also the third in command and other commanders.
9 When this call, the person identified themselves as Corporal

11:24:51 10 Foday Sabana Sankoh. So at that moment, Bazzy said --

11 JUDGE SEBUTINDE: Slowly, please.

12 MS PACK:

13 Q. Perhaps if you could spell, if it is necessary, Corporal
14 Foday Sabana Sankoh.

11:25:16 15 A. Foday is F-O-D-A-Y; S-A-B-A-N-A, Sabana; S-A-N-K-O-H.

16 Q. What was said on this communication?

17 A. In fact, Bazzy said Junior Lion should speak. And in this
18 Corporal Sankoh asked who was speaking on the mic and Lion said,
19 "It is me, Lion, speaking." Then Sankoh replied saying, "There
11:26:09 20 is no Lion in the bush, I am the only Lion."

21 Q. Did he say anything about -- what did Sankoh say on this
22 communication?

23 A. That is what I am explaining. After which he said, that
24 one should not name Junior Lion, he said he has arrive at Lome,
11:26:38 25 so he is talking to the troops that at any time they should
26 expect a ceasefire and from there he knows that when he talked
27 about ceasefire you as a soldier you should relax in the village
28 and drink palm wine. He said you should be on the defensive.

29 JUDGE SEBUTINDE: Ms Pack, we are in a mess here. Is he

1 quoting verbatim what he heard or he's interpreting to us what he
2 heard. This is the same problem we had yesterday. I, for one,
3 am totally confused as to the running of the wording.

4 MS PACK:

11:27:20 5 Q. Witness, I would like you please to tell us what it is that
6 Foday Sabana Sankoh said in this communication and if you could
7 repeat his words as far as you are able to do that. Just the
8 latter part of your evidence?

9 A. This was what I heard. Foday Sankoh said now, he is at
11:27:46 10 Lome and that he was about to implement a ceasefire so, he is not
11 advising that if the ceasefire -- you, as a soldier, should relax
12 and drink palm wine. The troops should be on the defensive.

13 Q. Witness, were there any other communications made around
14 this time with anyone else?

11:28:29 15 A. Well, from that time there was no communication, only that
16 there was an operation made for Mile 38.

17 Q. Prior to the communication with Foday Sevana Sankoh were
18 there any further communications you recall with anyone else from
19 Gberi Bana?

11:28:54 20 A. Yes.

21 Q. Who with?

22 A. This time, Issa also talked to Bazzy.

23 Q. How do you know that Issa talked to Bazzy?

24 A. Well, through the call sign and the channel that he used.

11:29:21 25 Q. What was said on this communication?

26 A. In fact, Issa praised Bazzy for his braveness and for the
27 fact that he has defended the western jungle. He said Bazzy is a
28 brother to him. He said he is very happy about the way Bazzy is
29 handling the western jungle.

1 Q. Were there any other communications about the ceasefire?
2 A. Yes, My Lord.
3 Q. Describe.
4 A. This time it was Mosquito that called.
11:30:06 5 Q. How do you know Mosquito called?
6 A. Through the call sign that he used and the channel.
7 Q. What was said on this communication?
8 A. In fact, Mosquito said, he was telling Bazzy that none of
9 his troops should go to the ceasefire that they are going to ask
11:30:34 10 for.
11 Q. Did you hear when the ceasefire was to be observed from?
12 A. Yes.
13 Q. Do you recall the date when the ceasefire was to be
14 observed from?
11:30:58 15 A. I can't remember the exact date.
16 Q. Did anything happen on the date, on the day that the
17 ceasefire was to be observed from?
18 A. Yes, My Lord .
19 Q. What happened?
11:31:15 20 A. The day when the announcement came over the international
21 media that they have declared a ceasefire with effect from 12
22 midnight --
23 Q. Go on, what happened?
24 A. That particular day, Bazzy prepared -- he called on the
11:31:42 25 operations commander, the director of operations, the second in
26 command and third in command and said we should organisation and
27 immediate operation.
28 Q. Was an operation organised?
29 A. Yes, My Lord, the operation was organised.

1 Q. How do you know?

2 A. Well, it was right in my presence when the commander was
3 called. Even the captain whose name I gave, I wrote, he was one
4 of the men that went for the operation at Mansumana.

11:32:20 5 Q. Could you spell Mansuma please?

6 A. M-A-N-S-U-M-A.

7 Q. Did you go on the attack on Mansuma?

8 JUDGE LUSSICK: Is that the correct spelling? You are
9 saying Mansumana, and yet the spelling he gave was M-A-N-S-U-M-A,

11:32:42 10 which is Mansuma.

11 MS PACK: Yes, I heard Mansuma, but the witness --

12 THE WITNESS: N-A -- Mansumana.

13 JUDGE LUSSICK: M-A-N-S-U-M-A-N-A.

14 MS PACK:

11:33:02 15 Q. It that correct, Witness?

16 A. Yes.

17 Q. Did you go on the operation on Mansumana?

18 A. No, My Lord.

19 Q. Do you know what happened on the operation?

11:33:18 20 A. The only thing I knew was Bazy called on the operations
21 commander and the director of operations. He said they should
22 bring in 81 millimetre mortars, three 81 millimetre mortar guns
23 and plant it in front of me and started firing and said that was
24 to give an overhead support for the infantry troops that were
11:33:49 25 moving.

26 Q. Do you know what happened on the attack on Mansumana?

27 JUDGE LUSSICK: Let's just clear this up. I am having
28 trouble following a lot of this evidence. Bazy said they should
29 bring in three 81 millimetre mortar gun -- singular --

1 MS PACK: Yes.

2 JUDGE LUSSICK: -- and plant it -- singular -- in front of
3 me and start firing. Were there three guns or one gun?

4 MS PACK:

11:34:13 5 Q. Witness, just clarify, how many 81 millimetre mortar guns
6 were ordered to brought in?

7 A. Three millimetre -- 81 millimetre gun.

8 JUDGE SEBUTINDE: Mr Interpreter, is that "gun" or "guns"
9 plural? Mr Interpreter, are you there?

11:34:45 10 THE INTERPRETER: Yes, according to the Witness, it is
11 "gun", not "guns".

12 JUDGE SEBUTINDE: Ms Pack, he says that the gun "should be
13 planted in front of me". Is that in front of the witness or in
14 front of Bazzy?

11:35:05 15 MS PACK:

16 Q. Witness, just clarify these points: You have spoken about
17 three 81 millimetre mortar guns; where were they to be planted?

18 A. That day it was towards the sea. Bazzy stood, the
19 operations commander stood, I was standing, and the operations
11:35:29 20 commander, then the mortar firer.

21 Q. Were these guns used?

22 MR FOFANAH: Objection. It seems my learned colleague is
23 being deliberate about the choice of words. The witness has
24 consistently said "gun" and not "guns". Each time my learned
11:35:49 25 friend is putting questions to the witness she uses the plural
26 and not the singular.

27 JUDGE LUSSICK: You are quite right, Mr Fofanah. I think
28 that question should not be allowed and this issue of "gun" or
29 "guns" should be cleared up. I am not sure whether it is a

1 three-barreled single gun or three separate guns.

2 MS PACK:

3 Q. Were there one, two or three guns, Witness?

4 A. Three millimetre mortar gun. One is planted here, the
11:36:27 5 other one was planted here and the third one is planted.

6 JUDGE LUSSICK: Ms Pack, earlier on it was 81 millimetre
7 guns, now it is three millimetre guns. Exactly what is the
8 witness saying?

9 MS PACK: I will ask.

11:36:47 10 Q. Witness, 81 millimetre gun, is that what you were talking
11 about?

12 A. Three 81 millimetre guns, they were separate. They were
13 planted. One is planted here, the one in the middle and the one
14 in the other side.

11:34:29 15 JUDGE SEBUTINDE: Ms Pack, he has not answered my query:
16 Was this planted in front of him or in front of Bazy?

17 MS PACK:

18 Q. Who were to --

19 A. Bazy was present, the operations commander was present,
11:37:33 20 the second in command and director of operations was present, and
21 I myself stood by the mortar firer, Major Morris.

22 Q. Spell Morris, please.

23 A. M-O-R-R-I-S.

24 Q. Now leaving aside the 81 millimetre mortar gun --

11:38:02 25 MR MANLY-SPAIN: May it please Your Honour. Our problem
26 on this side is that there is no evidence on where these guns
27 came from. We just heard that there was to be an operation on
28 Mansumana and Bazy said three 81 millimetre guns were to be
29 planted. We are not sure where the guns came from.

1 JUDGE LUSSICK: Your are right, Mr Manly-Spaine. This
2 evidence is extremely confusing. For another thing, he said he
3 did not go on the operation to Mansumana and now he has said he
4 is standing by the guns. The evidence is in a mess at the
11:38:37 5 moment, Ms Pack.

6 MS PACK:

7 Q. Witness, were the guns in Mansumana or elsewhere?

8 A. These guns were at Gberi Bana; that was what I said. They
9 were overhead support fire. Whilst the infantry troops were
11:39:00 10 moving, that was to give overhead support fire. These were big
11 guns; these were for overhead -- attacking the enemies without
12 seeing them.

13 Q. Did you yourself go to Mansumana?

14 A. On that operation when the troops went, I did not. I stood
11:39:20 15 where the mortars were.

16 JUDGE SEBUTINDE: Ms Pack, we still don't know where these
17 guns came from, which is what the Defence was asking. We still
18 don't understand. Are these guns that these troops were moving
19 with all along, or are these guns brought in pursuant to Bazy's
11:39:36 20 instructions at Mansumana?

21 MS PACK:

22 Q. Where were the guns from; do you know that, Witness?

23 A. If you remember earlier on I said when we captured Hastings
24 we used 81 millimetre guns and we continued to be with these
11:39:59 25 guns. At Gberi Junction we were able to get one 81 millimetre
26 gun. I spoke about that. And we had three 81 millimetre guns
27 that were in the camp; that was in the G4. These were the guns
28 that Bazy called and we used them right in the presence of me.

29 Q. Did the attack on Mansumana take place?

1 MR FOFANAH: May it please Your Honours. I am sorry for
2 interrupting at this stage. Is the witness now saying he was at
3 Hastings? Because I can verily recall that whilst Bazzy,
4 according to him, was at Hastings commanding the area at
11:40:41 5 Benguema.

6 MS PACK: Your Honours, this is something that my learned
7 friend could always clarify in cross-examination. The evidence
8 that I have noted was that the witness did in fact go as
9 reinforcement to Hastings, albeit that Bazzy was the one who was
11:40:54 10 based there when he was at Benguema. He gave evidence yesterday,
11 or late yesterday afternoon, whenever it was, that he went on
12 reinforcements to Hastings.

13 PRESIDING JUDGE: That is a matter for cross-examination,
14 Mr Fofanah.

11:41:08 15 MR FOFANAH: Okay, Your Honour.

16 MS PACK:

17 Q. Did the operation on Mansumana in the event take place?

18 A. Yes.

19 Q. Did you hear what happened on the operation after it?

11:41:25 20 A. Yes, My Lord.

21 Q. What happened -- very briefly?

22 A. The men who went called on Bazzy and said they have
23 captured Mansumana.

24 Q. What happened after the attack on Mansumana?

11:41:48 25 A. In the morning, the ceasefire started.

26 Q. Witness, I am going to ask you about Gberi Bana and your
27 time in Gberi Bana. Before you started observing the ceasefire,
28 what was going on in the camp in Gberi Bana?

29 A. The only thing that I knew that was going on there, at one

1 time there was one rape that took place that Bazy himself did.

2 Q. One raping did you say?

3 A. Well, yes. This was one of the cousins, or my nephew, who
4 was in the camp.

11:42:37 5 Q. Is it the cousin that you identified in closed session at
6 the very beginning of your testimony? Don't repeat the name now
7 in open session.

8 A. Yes, My Lord. I spoke about that.

9 MR FOFANA: In every respect, that question is clearly
11:42:40 10 leading. It is for counsel to put it to the witness who that
11 cousin was and not to remind the witness about and link that with
12 the testimony of the witness with somebody he had earlier
13 referred to. In my estimation, I object on the grounds that the
14 question is leading.

11:43:16 15 MS PACK: The witness has identified a cousin. At the very
16 beginning of his testimony I asked the witness whether there was
17 going to be an individual he would speak about later on in the
18 testimony who he could identify by name at that stage so that he
19 would not then have to identify that individual in public
11:43:31 20 session, thereby leading him to be identifiable to the public.

21 He has identified an individual in closed session. I don't think
22 it is leading or prejudicial in leading this to the accused in
23 seeking to clarify with the witness without him naming this
24 cousin to link up that name with this individual he is talking
11:43:58 25 about now. If it is a problem, Your Honour, I will ask the
26 witness to write down the name on a piece of paper.

27 PRESIDING JUDGE: Just a moment, Ms Pack. First of all, it
28 is a leading question, and as a leading question it cannot be
29 allowed to stand in that way. Secondly, there has been two

1 relationships named -- a nephew and a cousin. Therefore, it is
2 not only leading, but it is confusing evidence.

3 MS PACK: With Your Honour's leave, I would like to pass
4 the witness a piece of paper and then I will ask him to write
11:44:40 5 down the name of the individual who he is identifying, whether
6 cousin or nephew.

7 Q. Witness, if you would just write in block capitals, please,
8 the name of the individual you have identified. Thank you,
9 Witness. When you have done that -- Your Honour, if I may given
11:45:37 10 leave to see that and my learned friends, and then I would ask
11 that that be tendered as an exhibit under seal, please.

12 PRESIDING JUDGE: Madam Court Attendant, please show the
13 paper written on by the witness to counsel for the Prosecution
14 and then to counsel for the Defence. We will then hear any
11:45:54 15 application. There is application to tender this document.

16 MR FOFANAH: There is no objection, Your Honour.

17 PRESIDING JUDGE: Very well, the document is now tendered,
18 and I think it is P21. Would that be correct, Madam Court
19 Attendant?

11:46:58 20 [Exhibit No. P21 was admitted]

21 MS EDMONDS: That is correct, yes.

22 PRESIDING JUDGE: Please pass it up to the Bench. Madam
23 Court Attendant, please take the exhibit. That exhibit will
24 remain under seal. Ms Pack, please proceed.

11:48:23 25 MS PACK:

26 Q. Just to clarify, Mr Witness, are you able to say whether
27 the individual whose name you have written down on the paper is
28 your cousin or your nephew?

29 A. She was my nephew.

1 Q. Male or female?

2 A. It was a woman.

3 Q. How old at the time?

4 A. About 23 years -- 23 years -- about 23.

11:48:58 5 JUDGE SEBUTINDE: Ms Pack, we can't gloss over this. I am
6 sorry to smile. I have never known of a nephew who is a woman.
7 Maybe in this part of the world there is some other relationship
8 that is known as a nephew not in the English meaning of the word.
9 We need to know that.

11:49:21 10 MS PACK:

11 Q. Witness, have you heard Her Honour Justice Sebutinde?

12 A. Yes, My Lord, it was my mistake. It was my cousin.

13 [TB150605D - CR]

14 JUDGE SEBUTINDE: Mr Witness, the opposite of a nephew is a
11:49:43 15 niece. It's not cousin. But if what you mean is cousin, cousin
16 is someone at the same level as yourself. In other words, the
17 child of your mother's or father's brother or sister, but niece
18 and nephew are the children of your siblings, or your cousins.
19 That is how we understand it in the English term, so was this
11:50:15 20 person a niece or a cousin of yours?

21 THE WITNESS: As far as I understand, it was my mother's
22 sister's child.

23 JUDGE SEBUTINDE: That would be your cousin.

24 THE WITNESS: Yes, My Lord.

11:50:42 25 MS PACK:

26 Q. Witness, what did you hear happened to your cousin in Gberi
27 Bana?

28 A. Whilst I was with the deputy operation, I mean the second
29 in command, and director of operation, I had a call. One of the

1 SBUs came and called me and said your cousin wanted to see you.
2 So, I moved to Bazy's base, his base that was at Gberi Bana. To
3 my surprise, I met this, my cousin, crying.

4 Q. What happened then?

11:51:27 5 A. I asked him what the matter was, because he had the
6 opportunity to go back to Bazy's house. I said, "What
7 happened?" They only said to him that Bazy wanted to see him.

8 JUDGE LUSSICK: I have to interrupt here. He's referring
9 to he and he said this. Is it his female cousin or somebody else
11:51:51 10 he's talking about?

11 MS PACK:

12 Q. Witness, who is the conversation you're having with at this
13 time? Was it your female cousin?

14 A. Yes, My Lord.

11:52:07 15 JUDGE LUSSICK: He's been using the masculine.

16 MS PACK:

17 Q. If you just then tell us, please, what was said by your
18 female cousin during this conversation.

19 A. I asked her - I said, "What is the matter?" She said,
11:52:28 20 well, Bazy sent for her and she did not know what happened. She
21 said okay. I said I would observe and see what happened. So,
22 whilst I was around, I saw Bazy calling the CSO and, from there,
23 the CSO called my cousin and said she was to go and wait in one
24 of the rooms. While my cousin went into this room, later Bazy
11:53:01 25 went into the room. After sometime, I heard some struggle.

26 Whilst this was going on, Bazy called. He said again, "Come,
27 take this man out." In fact, from there he ordered that she be
28 beaten.

29 Q. How do you know that he ordered that she be beaten?

1 A. I was there in his house when he called the CSO, because
2 the CSO was my close friend who I would not call down. He's
3 still my close friend.

4 Q. What, in any event, happened to your cousin after Bazzy had
11:53:42 5 ordered that she be beaten?

6 A. The CSO beat her and put her into one of the boxes that was
7 in Bazzy's compound.

8 Q. By "box" what do you mean? What sort of box are you
9 talking about?

11:54:01 10 A. Well, it was the same kind of box that was at Rosos. It
11 was a very big box in which they put rice. If somebody gets into
12 it, he will be covered.

13 Q. What happened to your cousin after that?

14 A. After which, the cousin called the CSO. He said, "Come, I
11:54:28 15 beg of you. Go and tell Bazzy that I will accept, I have
16 accepted. Let me be taken out of the box, I have agreed."
17 Later, the CSO went inside to Bazzy and --

18 Q. Go on. How do you know that the CSO went to Bazzy?

19 MR FOFANAH: Before that, Your Honour, I accept the witness
11:54:49 20 tells us how he came by that information, the communication
21 between the cousin and the CSO to be clearly baseless. There
22 would be no basis for that answer because the communication was
23 between her sister, who was in the box, and the CSO and he has
24 not told us whether he was present.

11:55:11 25 PRESIDING JUDGE: That's correct, Ms Pack. We've no
26 foundation.

27 MS PACK:

28 Q. How do you know what the CSO said to your cousin, or your
29 cousin said to the CSO?

1 A. As I told you, the CSO was my close friend, I was at
2 Bazzy's place, where just after Bazzy's parlour, you will find
3 the box. Because they did not know that she was my cousin.
4 Nobody knew that. It was between us. You understand, it was
11:55:41 5 between us, so he called the CSO and said, "Please, come. Go and
6 tell the Pa that I have agreed. Let me be taken out of this
7 box."

8 Q. Pause. I just heard your evidence being, "He called the
9 CSO and said, "Go and tell Bazzy, get me out of the box." Who
11:56:02 10 called the CSO?

11 A. My cousin herself called him.

12 Q. Now, what happened after that? What did you see happen?

13 A. After that, the CSO went into the room where Bazzy was and
14 he came back later and told my cousin -- he opened the box. He
11:56:29 15 said, "Come out of the box." My cousin came out of the box and
16 the CSO moved with her into Bazzy's room.

17 Q. Did you find out later what happened to your cousin in
18 Bazzy's room?

19 A. In fact, I stood - I was standing in the parlour until I
11:56:52 20 had been hearing the struggle inside. Later, my cousin had to
21 come out. She came out crying. As she was crying, she came and
22 met me. She met me at the verandah. I said, "What happened?"
23 He said, "[Redacted], that man had raped me." Sorry. Said,
24 "That man had raped me." She called my name and said, "That man
11:57:28 25 had raped me. I said: "I don't have any power here." I said,
26 "If I had power, well, this is our boss, you have to bear." From
27 there, she was still standing there and I went and met my own
28 boss. I explained to him and my own boss came to Bazzy and took
29 my cousin.

1 Q. Thank you, witness. Pause there.

2 MS PACK: Your Honour, I would ask and I'm not going to
3 repeat any name that was mentioned in the last bit of evidence by
4 the witness. I'm not going to repeat it. I would ask that Your
11:57:56 5 Honours would perhaps invite the press to be aware that any name
6 shouldn't be repeated in any reporting of these proceedings.

7 PRESIDING JUDGE: I will leave it at that. There is a
8 point of clarification which I will not raise in open session.
9 Any members of the press that are present are not to record,
11:58:17 10 repeat or disseminate any names mentioned by this witness in this
11 part of his evidence.

12 MS PACK:

13 Q. I'm grateful, Your Honour. Perhaps we can clarify that in
14 closed session.

11:58:34 15 PRESIDING JUDGE: That excludes those members of the troops
16 that have already been named and made public and the commanders
17 who have already been named and made public.

18 [Trial Chamber confers]

19 MS PACK:

11:59:12 20 Q. Witness, do you know what happened to your cousin after
21 this?

22 A. After which when I had met my boss, he came and pleaded
23 with Bazzy and Bazzy said, "Okay, let him go with her." Later,
24 I, the second in command moved with my cousin to our residence.

11:59:33 25 Q. Witness, where did your cousin come from?

26 A. They captured her in Freetown.

27 Q. Witness, I'm going to ask you, please, to look at two maps.

28 MS PACK: Your Honour, I would ask the witness to be shown
29 again Exhibit P11 that he was shown right at the early part of

1 his testimony. It is a map of the Western Area. It's a very
2 large-scale map, Your Honour, P11.

3 [Exhibit No. P11 shown to witness]

4 Q. Witness, I would ask you to look at that map. There are
12:01:06 5 two locations, amongst others, you have identified this morning
6 in your testimony. I want you to mark those on that map. One of
7 them is Waterloo. Would you circle Waterloo and just mark it
8 with a number 1, please?

9 A. [Marks]

12:01:45 10 Q. Witness, would you also circle Benguema and mark that with
11 a number 2?

12 A. [Marks]

13 Q. Have you done that, Witness?

14 A. Yes, My Lord.

12:02:44 15 MS PACK: Your Honours, if I and my learned friends for the
16 Defence could be shown the map.

17 PRESIDING JUDGE: Madam Court Attendant.

18 MS PACK:

19 Q. Witness, just to clarify, you have drawn two circles around
12:03:20 20 two Waterloos and one is scribbled out. Does that mean you meant
21 to encircle another Waterloo?

22 A. The one that I circled, which I scratched, is the airfield
23 area. This is the whole of Waterloo that I put the one.

24 MS PACK: It should become clear when Your Honours and the
12:03:50 25 Defence see the map.

26 JUDGE SEBUTINDE: Ms Pack, I don't think anything will
27 become clearer when looking at these scratches. What is clear,
28 or what should be clarified is what the witness is giving as his
29 evidence. What is one? What does one represent on the map?

1 MS PACK: Waterloo.

2 JUDGE SEBUTINDE: I would rather hear it from the witness.

3 What does the area he has marked as one represent?

4 THE WITNESS: Waterloo.

12:04:21 5 JUDGE SEBUTINDE: Why has he slashed out the other part?

6 MS PACK: There are just two Waterloos on the map.

7 JUDGE SEBUTINDE: I would rather hear the answer from the
8 witness.

9 THE WITNESS: The map, we have two Waterloos. The one is
12:04:33 10 towards the airfield, that's the Waterloo airfield, that's why I
11 scratched it.

12 JUDGE SEBUTINDE: Mr Witness, why did you scratch the other
13 Waterloo? That is the question I wish to know.

14 THE WITNESS: Well, because the one side covers the whole
12:04:51 15 of Waterloo, the whole of Waterloo. The one that I marked one,
16 the one that I scratched, when I was watching at the map, I did
17 not see that side. I did not see this side.

18 JUDGE SEBUTINDE: What do your scratches mean?

19 THE WITNESS: That scratch means that it is not part of the
12:05:12 20 side that I wanted. The side that I marked -- I did not see that
21 particular one. The one that I marked is the one that I want.

22 MS PACK: Your Honour, that map, which is already tendered
23 as P11, should remain as tendered, but with the additional
24 markings noticed as having been made by the witness.

12:06:52 25 PRESIDING JUDGE: There appears to be no objection to that
26 application.

27 MS PACK: I'm grateful, Your Honour. I would ask that the
28 witness be shown a further map, a map of Port Loko District. I
29 have copies of that map for Your Honours.

1 JUDGE SEBUTINDE: Ms Pack, before you continue, perhaps the
2 Court attendant could actually pass us Exhibit P11; we never got
3 to see it. Ms Pack, could you ask the witness, when marking the
4 map, to use a highlighter every time. This is rather unclear.

12:09:07 5 MS PACK: Yes, Your Honour. Your Honours, I am now asking
6 the witness to look at a map of the Port Loko District.

7 Q. Witness, I'm going to ask you, please, to encircle
8 particular locations. I would ask you to do the circling with
9 the highlighter pen. When I ask you to number something, you can

12:10:04 10 use the biro, but if you would use the highlighter pen for the
11 encircling so we can see it clearly on the map. The first
12 location I would ask you to mark, if you can, would you encircle
13 the area in which you think Gberi Bana is located. Witness, if
14 it helps to fold the map, please do so. I notice it is quite a
12:10:49 15 large map for you to have on the desk. If you need to, fold it.

16 A. [Marks]

17 Q. Have you encircled the area where Gberi Bana was located?

18 A. Yes, My Lord.

19 Q. Would you mark the circle, please, with a number 1. Just
12:11:08 20 do the mark of "1" with a biro, please. Have you done that,
21 Witness?

22 A. Yes, My Lord.

23 Q. Witness, you have spoken of a location Mamamah. Would you
24 just repeat the pronunciation of that location?

12:11:30 25 A. Mamamah.

26 Q. Would you repeat, please, the spelling of that location?

27 A. Well, according to the way I spell it, it is M-A-M-M-A-H
28 [sic].

29 Q. Now, Witness, would you please encircle the area in which

1 Mamamah was located on the map and do the circle with the
2 highlighter pen, please. Could you please mark that with a biro
3 with the number 2.
4 A. [Marks]
12:12:52 5 Q. Witness, now I would ask you, please, to circle with the
6 highlighter Port Loko. When you've done that, would you mark
7 Port Loko with a number 3, thank you.
8 A. [Marks]
9 Q. Finally, Witness, Makolo, if you would circle that with a
12:13:36 10 highlighter? Then if you would number that 4.
11 A. [Marks]
12 Q. Witness, you have spoken about Koya Chiefdom. If you can
13 see a reference to the Koya Chiefdom on the map, would you circle
14 that with the highlighter. Just number that reference 5, please.
12:14:02 15 A. [Marks]
16 Q. Thank you, witness.
17 MS PACK: Your Honour, that was all I wanted the witness to
18 mark on this map, if that can be tendered as an exhibit as marked
19 by the witness.
12:14:42 20 PRESIDING JUDGE: Has it been shown to counsel for the
21 Defence yet?
22 MS PACK: No.
23 PRESIDING JUDGE: Madam Court Attendant, show it first to
24 counsel for the Prosecution and then show it to counsel for the
12:14:55 25 Defence, then we will consider the application.
26 JUDGE SEBUTINDE: Ms Pack, while the others are looking at
27 this document, could the witness repeat the spelling of Mamamah
28 again?
29 MS PACK:

1 Q. Witness, you heard Her Honour Justice Sebutinde, could you
2 repeat the spelling of Mamamah, please?

3 A. M-A-M-M-A-H [sic].

4 [TB150605E - SV]

12:19:39 5 PRESIDING JUDGE: Madam Court Attendant, where is the map,
6 please? Just a minute, please. There's been an application to
7 tender this map.

8 MS THOMPSON: No objection, Your Honour.

9 PRESIDING JUDGE: That I think will be P22. Very well.
12:20:07 10 Please pass the map up, Madam Court Attendant.

11 [Exhibit No. P22 was admitted]

12 PRESIDING JUDGE: Madam Court Attendant, could you take
13 that exhibit, please. Ms Pack, please proceed.

14 MS PACK:

12:21:39 15 Q. Just one small matter, Witness. Earlier on in your
16 testimony, it was on the 24th of May in the transcript, page 53,
17 you said that you used radio sets at one point and that point was
18 at West Side. Are you able to say publicly in what capacity you
19 were using radio sets in the West Side?

12:22:09 20 A. Yes, because at that time -- this again I wouldn't like to
21 say it publicly.

22 MS PACK: Your Honour, I would like to apply please now for
23 a short period in closed session. It's to deal with the answer
24 to the last question, a concern I raised about five, ten minutes
12:22:37 25 ago, and also about two or three other outstanding matters which
26 I forecast I would be applying to deal with in closed session
27 towards the close of the witness's testimony. Matters which he
28 indicated at the time, "I don't want to answer this question
29 because I don't want to say anything publicly," or something to

1 that effect. So it's very short little portions of evidence that
2 I just want to clarify in closed session so that the witness's
3 identity isn't revealed to the public.

4 PRESIDING JUDGE: When you say short, Ms Pack, how long is
12:23:12 5 short? I note the time and we're coming up close to the midday
6 adjournment.

7 MS PACK: I would aim to have it finished before the
8 luncheon adjournment.

9 PRESIDING JUDGE: Counsel for the Defence, you've heard the
12:23:27 10 application.

11 MS THOMPSON: Your Honour, we have no objections.

12 [Trial Chamber confers]

13 PRESIDING JUDGE: We will allow the closed session. There
14 are various matters to be dealt with as indicated by counsel for
12:24:14 15 the Prosecution. All matters are to be dealt with in this closed
16 session.

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

18 PRESIDING JUDGE: In accordance with the rules we note that
19 this closed session is being directed to protect the witness's
12:24:35 20 identity and for his safety and has been ordered without
21 objection. Madam Court Attendant, how long do you require to do that?

22 MS EDMONDS: Usually just a few minutes. I will check.

23 PRESIDING JUDGE: We'll remain then.

24 [At this point in the proceedings, a portion of the
12:24:58 25 transcript, pages 63 to 73, was extracted and sealed under
26 separate cover, as the session was heard in camera.]

27 [Whereupon the hearing adjourned at 12.50 p.m.,
28 to be reconvened on Thursday, the 16th day of
June 2005, at 9.15 a.m.]

EXHIBITS:

Exhibit No. P20	28
Exhibit No. P21	51
Exhibit No. P22	61

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334	2
EXAMINED BY MS PACK:	2