

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

THURSDAY, 16 JUNE 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Jim Hodes Ms Melissa Pack Ms Suzanne Mattler (intern) Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Osman K Kamara
For the accused Brima Bazzy Kamara:	Mr Wilbert Harris Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain Ms Viola Trebicka

SCSL - TRIAL CHAMBER II

1 Thursday, 16 June 2005
2 [TB160605A - EKD]
3 [The accused Kanu present]
4 [The accused Brima and Kamara not present]
09:19:41 5 [Open session]
6 [Upon commencing at 9.20 a.m.]
7 WITNESS: TF1-334 [Continued]
8 PRESIDING JUDGE: Good morning. Just before we commence,
9 Mr Fofanah --
09:23:34 10 MR FOFANAH: Yes.
11 PRESIDING JUDGE: -- I note there is someone sitting behind
12 you whose appearance has not been noted by this Court. No
13 appearance was announced. Is this a member of your team?
14 MR FOFANAH: No, she's a member of the Kanu team.
09:23:52 15 PRESIDING JUDGE: Mr Manly-Spain, you failed to inform the
16 Court of this appearance.
17 MR MANLY-SPAIN: I most apologise, Your Honour. She is my
18 assistant Viola Trebicka.
19 PRESIDING JUDGE: Thank you for that. Please note the
09:24:06 20 record. Unless there is some --
21 MR HODES: Your Honours, we also have an intern. This is
22 Suzanne Mattler and she is a legal intern.
23 PRESIDING JUDGE: Thank you, Mr Hodes. Unless there is
24 some other matter I will remind the witness of his oath and we
09:25:01 25 will commence. Mr Witness, you recall when your evidence started
26 that you promised and swore to tell the truth. That promise is
27 still binding on you and you must continue to answer questions
28 put to you by counsel truthfully. Do you understand?
29 THE WITNESS: Yes, My Lord.

1 PRESIDING JUDGE: Thank you. Just before I invite counsel
2 to commence cross-examination, Court Attendant has informed me
3 that one of the accused, Mr Kanu wishes to come into court. He
4 is of course entitled and should properly be in court, and
09:25:38 5 therefore I will direct that he be brought in to court. I have
6 just been reminded we finished in closed session yesterday. This
7 will be an open session. There is no application to make this a
8 closed session. Counsel for the Defence, cross-examination is
9 about to commence. Have counsel for the Defence considered which
09:26:22 10 counsel will open the cross-examination?

11 MR MANLY-SPAIN: I am going to start, Your Honour.

12 PRESIDING JUDGE: Very good. You are the most senior I
13 think, Mr Manly-Spain; isn't that correct?

14 MR MANLY-SPAIN: Yes.

09:26:34 15 PRESIDING JUDGE: I will make a note on the record that
16 Mr Kanu is present in court. Ms Thompson, your client is not in
17 court, Mr Fofanah your client is not in court.

18 MS THOMPSON: The situation remains the same, Your Honour.

19 PRESIDING JUDGE: Thank you, it will be noted accordingly
09:26:52 20 and Rule 60(B) will apply. Please proceed, Mr Manly-Spain

21 CROSS-EXAMINED BY MR MANLY-SPAIN:

22 Q. Good morning, Mr Witness.

23 A. Good morning, My Lord.

24 Q. Mr Witness, I want you to recall the evidence you have
09:27:18 25 given and the period you have given evidence on. I want to ask
26 you a specific question which I hope you will answer yes or no.
27 During the entire period you have given evidence on was Santigie
28 Borbor Kanu ever in command -- overall command of the troops you
29 were with?

1 A. Santigie Borbor Kanu was the chief of staff for the troop
2 in which I was.
3 Q. Mr Witness, it is a simple question. Was he ever in
4 overall command? I did not ask you for his position.
09:28:10 5 A. He was not the overall commander.
6 Q. Do you remember, Mr Witness, the first time you came in
7 contact with the Office of the Prosecution of the Special Court?
8 A. Well, as far as I can recall it was 2004.
9 Q. Mr Witness, after the peace agreement was signed in Lome,
09:29:20 10 did you come back to Freetown?
11 A. Yes, I was in Freetown after the peace agreement.
12 Q. You know that -- do you know that soldiers who were SLA
13 soldiers, who had gone away from Freetown, who later came back,
14 some of them were taken back into the army?
09:29:58 15 A. Yes, because they made an open invitation after the meeting
16 in Liberia, wherein the President called the reinstatement of the
17 national army. So they called on all the SLAs to report.
18 Q. As a member of the SLA did you report?
19 A. Yes, I myself reported at Wilberforce.
09:30:34 20 Q. And did you apply to go back into the army?
21 A. Yes, I went to one of the camps which was called Camp Kobe,
22 which was established for all combatants who were in the jungle.
23 JUDGE SEBUTINDE: I'm sorry, Mr Manly-Spain, could we have
24 these spellings as we go along? Camp something.
09:31:00 25 MR MANLY-SPAIN:
26 Q. Please spell the name Kobe?
27 A. K-O-B-E.
28 Q. And were you taken back into the army?
29 A. Well, in fact, they started paying salaries to me at that

1 time and the other soldiers who reported. They took us again in
2 the army and they said we were to wait for further training.
3 Q. Were you ever discharged from the army?
4 A. I was never discharged from the army.
09:31:53 5 Q. Mr witness, would I be right to say that you still consider
6 yourself to be a member of the army of the Republic of
7 Sierra Leone?
8 A. Yes, as of now I am still a member of the Sierra Leone
9 military force.
09:32:18 10 Q. I don't want you to tell me the -- I wouldn't want you to
11 tell me the rank, but I am going to ask you do you have a rank?
12 A. Yes.
13 Q. Presently.
14 A. I am XXXXXXXX.
09:33:01 15 Q. In 1997, after the coup of the 25th of May, where were you
16 deployed?
17 A. On the 25th of May 1997 I was deployed at State House.
18 Q. Before that where were you deployed?
19 A. Before that time I was in the military police headquarters,
09:33:47 20 Cockrill.
21 JUDGE SEBUTINDE: Spelling please?
22 MR MANLY-SPAIN:
23 Q. Military police, please?
24 A. Cockrill is C-O-C-K-R-I-L-L.
09:34:11 25 PRESIDING JUDGE: Is that a place or is that sort of
26 Italian or whatever they --
27 MR MANLY-SPAIN: No, military headquarters, My Lord.
28 PRESIDING JUDGE: I see, thank you.
29 MR MANLY-SPAIN:

1 Q. Can you tell this Court who deployed you to State House?

2 A. Well, at that time they said all military men should report
3 and at State House I saw that soldiers reported at State House
4 and I myself reported there.

09:34:47 5 Q. I am asking, Mr witness, after that date, after the day of
6 the coup, were you deployed at State House?

7 A. Well, at that time there was no way to go to Cockrill, so I
8 reported at State House because there was a military deployment
9 there.

09:35:12 10 Q. I understand that. I am asking you that after the coup did
11 you continue to be at the military police at Cockrill?

12 A. No.

13 Q. Where were you deployed?

14 A. I was ~~XXXXXXXXXXXXXX~~ at State House.

09:35:41 15 Q. What is it?

16 A. ~~XXXXXXXXXXXXXX~~.

17 MS PACK: Your Honour, I hesitate to interrupt my learned
18 friend but I can see that the questions are veering into matters
19 that may be too specific as to what the witness was doing in
09:35:57 20 terms of his job description, his specific employment at the
21 time, and I was a little concerned because that specific answer
22 to the last question was dealt with in closed session before.
23 Perhaps the witness could clarify if he is concerned that any
24 further questions along this line might reveal his identity to
09:36:15 25 the public.

26 JUDGE LUSSICK: Yes, I think the witness is very alert to
27 the dangers of revealing his identity. I would trust his good
28 sense to say if he feels that he would be compromised by a
29 question.

1 MS PACK: I am grateful to Your Honour for highlighting
2 that for him.

3 MR MANLY-SPAIN: May I say, Your Honour, I have no
4 intention of asking questions which --

09:36:38 5 PRESIDING JUDGE: We have noted or I have noted the care
6 with which you were taking, Mr Manly-Spain. But we will, as my
7 learned brother says, keep alert to this situation.

8 MR MANLY-SPAIN: Yes, I will try to.

9 JUDGE SEBUTINDE: We didn't quite get those last words.

09:36:56 10 MR MANLY-SPAIN: XXXXXXXXXXXX.

11 JUDGE SEBUTINDE: Could we have a spelling? I am sorry
12 about these accents but could we have a spelling of these words?

13 MR MANLY-SPAIN: Yes.

14 Q. Can you please spell XXXXXXXXXXXX?

09:37:09 15 A. X-X-X-X-X.

16 Q. XXXXXXXX?

17 A. X-X-X-X-X [sic].

18 MR MANLY-SPAIN: I think it is XXXXXX actually.

19 JUDGE SEBUTINDE: Well, there is a difference between
09:37:27 20 XXXXX and XXXXXX. That is why I am asking for the spelling.

21 MR MANLY-SPAIN: I know, Your Honour, but I can understand
22 that this is the way it is pronounced here. Instead of saying
23 XXXXXXXX he said XXXXXXXX.

24 JUDGE SEBUTINDE: Could we ask the interpreter to please
09:37:39 25 use the English language which is the official language of the
26 Court. We do appreciate there are similarities with probably
27 some of the local languages but we need to get the English
28 translation through and across to us correctly.

29 THE INTERPRETER: Your Honour, we are a little bit hesitant

1 because this is a court of law and whatever the witness says this
2 is what we have to say exactly. We do not need to add, we do not
3 need to reduce; that is why we are hesitant. So whatever the
4 witness says we have to say, Your Honour.

09:38:11 5 MR MANLY-SPAIN: Let me see whether I can clear the point.

6 Q. Mr Witness --

7 JUDGE LUSSICK: I think, Mr Manly-Spain, he is saying
8 ~~XXXXXXXXXX~~ but he is spelling ~~XXXXXXXXXX~~. But what he
9 is saying is ~~XXXXXXXXXX~~; that is how I understood him.

09:38:29 10 MR MANLY-SPAIN: That is how I understand it also.

11 PRESIDING JUDGE: As Ms Pack has pointed out, this has been
12 covered previously.

13 MR MANLY-SPAIN:

14 Q. Mr Witness, you served in the army throughout the AFRC
09:38:50 15 regime?

16 A. Yes, My Lord.

17 Q. And according to you you were attached to Honourable A?

18 A. Yes, My Lord.

19 Q. I want you to recall January 1998. Do you recall January
09:39:32 20 1998?

21 A. Yes, as far as I can recall 1998.

22 Q. Were you then with Honourable A?

23 A. Well, at that time there was a problem. At the end of
24 January there was a problem where Honourable was involved in.

09:40:10 25 Q. Were you part of that problem?

26 A. Yes. Well, I could not hide it from you. I was a part of
27 the problem.

28 Q. As a result of that problem was Honourable A relieved of
29 his post in the AFRC?

1 A. Yes, My Lord.
2 Q. XXXXXXXXXXXXX? XXXXXXXXXXXXXXXXXXXX
3 XXXXXXXXXXXXX?
4 A. XXXXXXXXXXXXXXXXXXXX.
09:41:18 5 Q. Do you remember that on the 16th of May you testified to
6 this Court that XXXXXXXXXXXXXXXXXXXXXXXXXXXX?
7 A. Yes, I can recall, but I cannot say that now. I cannot say
8 that now because that will reveal my identity completely.
9 Q. If I ask you XXXXXXXXXXXXXXXXXXXX, will that
09:42:03 10 reveal your identity?
11 A. Yes.
12 Q. Also, if I ask you XXXXXXXXXXXXXXXXXXXX, will that
13 also reveal your identity?
14 A. Yes.
09:42:31 15 PRESIDING JUDGE: Mr Manly-Spain, there appears to be a
16 problem in some of the answers.
17 MR MANLY-SPAIN: Yes, My Lord, I will go to another area.
18 PRESIDING JUDGE: I am not dictating how counsel should
19 conduct their cross-examination, but just in the light of
09:43:02 20 previous experience where some answers were written, I wonder if
21 that might be a way to resolve this.
22 MR MANLY-SPAIN: I will go to another area, Your Honour.
23 Maybe later on if it is necessary I will ask for closed session.
24 PRESIDING JUDGE: Very well. We will entertain any
09:43:23 25 application that is made.
26 MR MANLY-SPAIN: I don't want to do so now.
27 PRESIDING JUDGE: Very well.
28 MR MANLY-SPAIN:
29 Q. Mr witness, you said that you were first -- you first came

1 into contact with the Office of the Prosecution in the year 2004.
2 were you the one that contacted them?

3 A. This question that you ask, I will not answer it now
4 because that also will identify me.

09:44:01 5 Q. Can you remember where you were when --

6 JUDGE SEBUTINDE: Mr Manly-Spain, I somehow don't agree.
7 The question was simply were you the one who got in contact with
8 the office of the Prosecutor first? The answer can only be yes
9 or no. Do you, Mr Witness, feel that you can't answer yes or no
09:44:30 10 without revealing your identity?

11 MR MANLY-SPAIN: Well, Your Honour, I am letting these
12 questions or the answers go because I know that demeanour is a
13 part of what you look at. So --

14 JUDGE SEBUTINDE: Mr Manly-Spain, we are not just
09:44:51 15 interested in the demeanour; we are looking at the protective
16 measures in place and we don't want these measures abused. We
17 want the measures to serve their rightful purpose. But where we
18 feel that an answer -- or we don't believe that an answer will
19 reveal the identity, such as in this current question, then I am
09:45:11 20 entitled to ask the witness, really, once again, whether he
21 thinks that a yes or no will reveal his identity.

22 MR MANLY-SPAIN: I agree with Your Honour one hundred
23 percent.

24 JUDGE SEBUTINDE: So let him answer.

09:45:24 25 MR MANLY-SPAIN: As Your Honour pleases.

26 Q. Mr Witness, to remind you, the question was were you the
27 one that contacted the Office of the Prosecution?

28 A. No.

29 Q. Is it the office of the Prosecution who contacted you?

1 A. Yes, My Lord.
2 Q. Where were you then?
3 A. This question I will not answer, sir.
4 Q. Will that reveal your identity?
09:46:20 5 A. Clearly.
6 Q. Okay, we'll come back to it. Since you have been in
7 contact with the Office of the Prosecution, did you make
8 statements to them?
9 A. Yes, My Lord.
09:46:42 10 Q. Do you remember how many statements you made?
11 A. Well, I made statements what I knew about the war. I
12 cannot remember the number of statements.
13 Q. Do you remember how long it took you to make those
14 statements? First of all, do you remember that it was more than
09:47:26 15 one statement that you made?
16 A. Well, it was a continuous process from the start of the war
17 to where I knew.
18 Q. No. Did you make more than one statement; that is what I
19 ask?
09:47:45 20 A. Well, it was not just a day that they used to come and
21 get -- they would come and I would give them statements to the
22 Office of the Prosecution.
23 Q. Whilst you were making these statements were you ever paid
24 any monies by the Office of the Prosecution?
09:48:19 25 A. No, they did not pay me any money.
26 Q. After making these statements were you ever paid any money?
27 A. No, it was out of willingness that I did it. Did not pay
28 me any money.
29 Q. Have you ever been paid any money at all by the Office of

1 the Prosecution?

2 A. They only gave me my transport allowance. That is my
3 transport allowance to go home. That is what I received.

4 Q. Were you never paid any monies for provisions and
09:49:22 5 toiletries?

6 A. That was when I was in their hands. But during the time
7 when I was in my house they did not give me any money except my
8 transport allowance.

9 Q. Mr witness, please, I have not asked you when or where or
09:49:45 10 whatever. You have told us that if you say where, your identity
11 will be revealed. I am not asking you that question. All I am
12 asking is for you to give me --

13 PRESIDING JUDGE: Mr Manly-Spain, just to be clear, your
14 previous question, what you said was by Office of the
09:50:01 15 Prosecution.

16 MR MANLY-SPAIN: Yes.

17 PRESIDING JUDGE: You haven't actually pinpointed the
18 office of the Prosecution in that particular question. Is it
19 still specifically --

09:50:09 20 MR MANLY-SPAIN: The office of the Prosecution.

21 PRESIDING JUDGE: Very well, I will note there.

22 MR MANLY-SPAIN: There are going to be three. They all
23 pertain to the Office of the Prosecution.

24 PRESIDING JUDGE: Thank you.

09:50:18 25 MR MANLY-SPAIN:

26 Q. What I want to ask, just simply yes or no: Were you paid
27 by the Office of the Prosecution any money for provisions and
28 toiletries?

29 A. Well, as of now, I only received that money for my

1 toiletries.

2 Q. So I take it to be yes; is that so, Mr witness?

3 A. Well, yes.

4 Q. Did the Office of the Prosecution also pay you some money
09:51:03 5 for medical charges?

6 A. They did not pay me money for medical. They were the ones
7 taking care of my medical.

8 Q. Thank you. Mr witness, in your evidence before this Court
9 you have said that on various occasions you took part in
09:51:44 10 operations; is that so?

11 A. Yes, My Lord.

12 Q. You have also said that in those operations you did certain
13 things, like shooting, killing, et cetera?

14 A. Well, I was part of the operation. I was part of the
09:52:29 15 operation and I had weapons and exactly what he said.

16 JUDGE SEBUTINDE: Mr Manly-Spain, just pause a minute,
17 please.

18 MR MANLY-SPAIN: Yes.

19 [Trial Chamber confers]

09:55:35 20 PRESIDING JUDGE: Mr Manly-Spain, I should have invited you
21 to sit down; if I had known this was going to take so long. It
22 is nothing of consequence. Please continue with your questions.

23 MR MANLY-SPAIN: Yes, Your Honour.

24 PRESIDING JUDGE: I have recorded part of the witness's
09:57:21 25 answer as "I was part of an operation." I would invite the
26 witness to please repeat his answer for the record so we record
27 it in full.

28 MR MANLY-SPAIN:

29 Q. Mr witness, please repeat your answer.

1 A. Let me have the question that you asked.

2 JUDGE LUSSICK: The answer I recorded, and I think I got I
3 good note of it, was: "I was part of the operation and I had
4 weapons, exactly what you said."

09:57:59 5 MR MANLY-SPAIN: Yes, exactly.

6 Q. Mr witness, can you remember how many operations you went
7 on whilst you were in the provinces; that is, outside Freetown?

8 A. As far as I can recall, I cannot tell you the number of
9 operations that I was involved in. Because since I was under
09:58:31 10 command and I was with a commander who was an operational
11 commander, I used to go with him in almost all operations.

12 Q. Can you remember any specific operations you went on in the
13 provinces?

14 A. Well, like in the provinces, for the capture of -- okay,
09:59:05 15 Operation Pay Yourself in Makeni, I was there; and the capture of
16 Kono, I was there; and then the capture of Koidu, I was there.

17 JUDGE SEBUTINDE: what was that last place?

18 MR MANLY-SPAIN:

19 Q. Can you please spell Koidu?

09:59:34 20 A. Koindu Geiya. Koindu Geiya, Your Honour. Koidu Geiya,
21 Your Honour. K-O-I-D-U G-I-Y-A [sic].

22 Q. And Kono?

23 A. Kono and also during the capture of Jagbwema Fiamma in
24 Koidu.

10:00:05 25 Q. Please spell that for us if you can.

26 A. I cannot recall that spelling.

27 MR MANLY-SPAIN: Maybe if I can try. Something like
28 J-E-G-B-W-E-M-A [sic]. Fiamma F-I-A-M-A is the second word.

29 Q. Please continue if there are any more.

1 A. And the repelling of the ECOMOG soldiers at Sewafe bridge.
2 Q. Sewafe, can you spell that?
3 A. S-E-W-A-F-E.
4 Q. Please continue.
10:01:18 5 A. That was in Kono and also as we moved to Mansofinia after
6 the withdrawal from Koidu.
7 MR MANLY-SPAIN: We have had Mansofinia before.
8 Q. Yes, Mr Witness?
9 A. Also the operation at Camp Rosos, the troops to Camp Rosos;
10:02:00 10 the operation to Gbonkobana.
11 Q. Can you please spell that?
12 A. G-B-O-N-K-O-B-A-N-A.
13 Q. Any more?
14 A. The operation to Gbonkobana and also to go to Gbendugu.
10:02:44 15 Q. Can you spell Gbendugu?
16 A. G-B-E-N-D-U-G-U.
17 Q. Any more?
18 A. And also to Foro Loko, the capture of Mateboi.
19 Q. Can you spell those names Foro Loko, Mateboi?
10:03:33 20 A. F-O-R-O L-O-K-O, M-A-T-E-B-U [sic].
21 Q. Okay, I think I have had enough now about those. whilst in
22 Freetown you have told us about the operation to Kingtom. Did
23 you take part in any other operation; that is after January 6th,
24 1999?
10:04:11 25 A. After January 6th, the only operation in which I took part,
26 that was the operation to Tombo and the operation at Waterloo to
27 defend, and after which the operation at Mammah withdrawal, the
28 operation at Mile 38 withdrawal, and as we went into west Side I
29 took part in the operation at Port Loko and Makolo.

1 Q. Okay, thank you very much. During these operations did you
2 go -- let me say, did you go to these operations willingly,
3 Mr witness?

4 A. Well, this was not my will to go on those operations.

10:05:16 5 Q. Was it your duty?

6 A. Well, whenever an operation was there they would appoint
7 commanders. The commander with whom I was with called come and
8 all commanders send men on operations.

9 Q. Did you go on these operations as part of your duty as a
10:05:37 10 soldier?

11 A. Well, since I was in the jungle and in the jungle there is
12 law minus you, plus you, and I was appointed to go, I would go
13 without my will. But I had to go because it was an order. I had
14 to protect my life.

10:05:59 15 Q. Do you know what a duty is?

16 A. It was an order given and you are to accomplish that order
17 and so it is a duty.

18 Q. Thank you. Mr witness, when you came into contact with the
19 office of the Prosecution, did they offer you anything?

10:06:33 20 A. No, nothing was ever offered to me.

21 Q. When they spoke with you didn't they tell you that you can
22 give your evidence -- you can make your statements but you will
23 not be prosecuted for any crime you may have committed?

24 A. Well, the only thing I was told, because when I listened
10:07:12 25 over the radio that this that has happened, they will not punish.
26 It was only those who were -- who had the direct command. So
27 those were the people that they held responsible. And that was
28 what I was informed. And they only needed my evidence to
29 testify.

1 Q. Okay. After hearing that, did you ask the people you were
2 talking to from the Prosecution to make sure that you will not be
3 prosecuted?
4 A. Well, all I know is that because I was trying to clear my
10:07:58 5 conscience with God --
6 Q. Please, don't go on. I just want you to answer. Did you
7 ask them to make sure; yes or no?
8 A. Yes, I asked them.
9 Q. And you were assured you would not be prosecuted; is that
10:08:19 10 so?
11 A. Yes, My Lord.
12 Q. Mr Witness, I want to take you to the time you joined the
13 Sierra Leone Army. I believe you told us the year. For how long
14 were you trained?
10:08:43 15 A. Well, 199X was the time I went into training and I was
16 given basic military training, which was a three month training.
17 Q. And after that training?
18 A. From the training -- from the military training I was sent
19 to the front.
10:09:15 20 Q. Was there a war in this country at that time?
21 A. Yes, My Lord.
22 Q. What war was that?
23 A. Well, as far as I could remember, we are fighting the war
24 against the RUF.
10:09:56 25 Q. Mr Witness, during the three month training that you took
26 part in were you given any instructions on the laws of war?
27 A. Well, at that time the training that was given was mostly
28 how to counter offensive. It was an offensive training, how to
29 counter the enemy. Mostly that was what we were briefed on.

1 Q. At the time, Mr witness, were you instructed on the Geneva
2 Convention?

3 A. Well, during that training they did not tell us anything
4 about the Geneva Conventions. They did not tell us anything
10:10:57 5 about it.

6 Q. During the period of this war, whilst you were at the
7 front, were there child soldiers in the Sierra Leone Army?

8 A. Well, at the time I was trained, at the age I was young. I
9 did not see any child. I did not see any child soldier.

10:11:41 10 Q. During the fighting, whilst you were fighting, did you see
11 any child soldiers in the Sierra Leone Army?

12 A. No, I did not see any child soldiers the area where I was.
13 All I know they were taking vigilantes into the army.

14 MS PACK: Your Honour, it is a little unclear the time
10:12:05 15 period that this question relates to. If perhaps that might be
16 clarified by my learned friend.

17 MR MANLY-SPAIN: I am asking him during the period of the
18 rebel war up to the time of the AFRC coup.

19 THE WITNESS: Well, to the time when I was fighting I did
10:12:30 20 not see any child soldier. It was the AFRC, when they invited
21 the RUF. That was the time I saw so many child soldiers whom
22 they call the SBS.

23 MR MANLY-SPAIN:

24 Q. The child soldiers were with whom?

10:12:45 25 A. Well, the RUF came with them.

26 MR FOFANAH: Excuse me, Your Honours, may I be excused to
27 use the convenience. Thank you.

28 MR MANLY-SPAIN:

29 Q. You spoke about vigilantes during this period. Did they

1 fight along with the Sierra Leone Army?

2 A. Yes, during the time of the AFRC, the time when I joined
3 the -- from the APC up to the NPRC they were fighting alongside
4 with the army.

10:13:29 5 Q. And were some of them children?

6 A. I have said earlier I did not see any child soldier during
7 the APC and AFRC. No child soldier.

8 Q. Mr witness, after the attack on Sewafe did you get into
9 problems with your superiors?

10:14:17 10 A. The boss themselves were in the attack. There was no
11 problem.

12 MR MANLY-SPAIN: My Lord, I hope you will forgive me for
13 going through different time periods, but --

14 Q. Mr witness, after you had come to Freetown in 1999, I want
10:15:05 15 you to remember the year 2000. Were you in Freetown then?

16 A. Yes, I was there up to June. Up to June I was in Freetown.

17 Q. Some time I believe in May of 2000 did you have any
18 problems with ~~XXXXXXXXXXXXX~~?

19 A. This I cannot explain.

10:15:40 20 Q. Please answer yes if it's yes. Then maybe we'll go into a
21 closed session for that later on. I just want to establish that
22 there was one or there wasn't.

23 A. This I cannot answer.

24 Q. You cannot answer yes or no?

10:16:02 25 JUDGE SEBUTINDE: why, Mr witness, why will you not answer?

26 THE WITNESS: This particular question will reveal
27 something about me if I answer.

28 JUDGE SEBUTINDE: But he has only asked you for an answer
29 of yes or no. He doesn't want extra information. Will that also

1 reveal your identity?

2 THE WITNESS: Yes, My Lord.

3 MR MANLY-SPAIN: I will go to some other question.

4 Q. Mr witness, you have told us of chief of staff. Have you
10:16:58 5 ever heard the words chief of army staff?

6 A. Yes, My Lord.

7 Q. Have you also ever heard the words chief of defence staff?

8 A. Yes, My Lord.

9 Q. As a member of the Sierra Leone Army what is the head of
10:17:47 10 the army called?

11 A. The chief of defence staff.

12 Q. And what position does the chief of army staff hold?

13 A. Well, he is the commander of the army.

14 Q. So he is the boss, the chief of army staff?

10:18:28 15 A. The chief of defence staff.

16 Q. Is the boss?

17 A. Yes, My Lord. Apart from the President who is the
18 commander in chief.

19 Q. Is there a chief of staff in the Sierra Leone Army?

10:18:49 20 A. Yes, My Lord.

21 Q. And what is his position?

22 A. He is the -- he is operate directly with the military.

23 Q. I am putting it to you that there is no such position as
24 chief of staff?

10:19:14 25 PRESIDING JUDGE: Mr Manly-Spain, chief of staff or chief
26 of army staff or --

27 MR MANLY-SPAIN: No, I have put to him that there is a
28 chief of army staff, a chief of defence staff and he is saying
29 that there is a chief of staff. I am putting it to him that

1 there is no chief of staff.

2 THE WITNESS: It's the same Krio that is used. We have a
3 chief of defence staff and we have the chief of army staff. He
4 is presently in the Sierra Leone Army.

10:19:46 5 MR MANLY-SPAIN:

6 Q. I am asking you about just chief of staff. Not defence
7 staff or army staff, just chief of staff.

8 A. Chief of army staff; we cut it short. It's called chief of
9 staff but it should chief of -- COAS, chief of army staff.

10:20:08 10 Q. Please, I just want to clear this point. Is there a chief
11 of staff?

12 MS PACK: Your Honour, the witness has answered the
13 question.

14 PRESIDING JUDGE: He has, Mr Manly-Spain.

10:20:18 15 MR MANLY-SPAIN: I stand to be guided.

16 PRESIDING JUDGE: I understand the witness to say "we cut
17 it short".

18 MR MANLY-SPAIN: No, Your Honour. Your Honour, if you look
19 at the progression of my questions, I asked him about chief of
10:20:30 20 army staff, chief of defence staff and chief of staff. And he
21 said yes, there was a chief of staff. And I said, "I put it to
22 you that there is no chief of staff." That is what I want him to
23 answer.

24 JUDGE SEBUTINDE: And he has answered and explained that
10:20:47 25 they refer to one and the same person in the usage of the phrase.
26 Now, you may accept that or you may not but that is his answer.
27 That they cut the phrase chief of army staff short and refer to
28 the same person as chief of staff. That is how we understand it
29 on the Bench.

1 JUDGE LUSSICK: I note your earlier question,
2 Mr Manly-Spain. You went through chief of army staff, chief of
3 defence staff and then you asked him is there a chief of staff in
4 the Sierra Leonean Army?
10:21:24 5 MR MANLY-SPAIN: And he said yes.
6 JUDGE LUSSICK: And he said yes, he operates directly with
7 the military.
8 MR MANLY-SPAIN: And he specified his --
9 JUDGE LUSSICK: He didn't volunteer at that stage that the
10:21:34 10 chief of staff is in fact one and the same as the chief of the
11 army staff. I have noticed that.
12 MR MANLY-SPAIN: That is exactly what I am saying,
13 Your Honour. That he said that there was this third position,
14 the responsibilities of which he described. Then I put it to him
10:21:50 15 that there is no chief of staff. That is my point.
16 JUDGE SEBUTINDE: And what did he respond, Mr Manly-Spain,
17 when you put it to him that there is no chief of staff? What was
18 his response? We have got his response.
19 MR MANLY-SPAIN: As Your Honour please, I will go on.
10:22:15 20 Q. Mr witness, whilst you were in the bush was there a chief
21 of army staff?
22 A. Yes, My Lord.
23 Q. Did you mention that to this Court?
24 A. Yes, I said about -- I said something about it, the chief
10:22:39 25 of army staff.
26 Q. Was there a chief of defence staff then?
27 A. No. We had a chief in command, the chief in command in the
28 jungle.
29 Q. So that is the CIC, is it?

1 A. The CIC, yes, My Lord.

2 Q. Did you call that chief in command by any other title when
3 you were giving evidence?

4 A. Brigadier. He was a brigadier and head of the brigade
10:23:20 5 administration.

6 Q. That is what you called him when you were giving evidence.
7 Mr witness, when the coup took place in 1997 did the Sierra Leone
8 Army continue to be in existence?

9 A. On the 25th May 1997 the army was still in existence.

10:24:14 10 Q. Did the army ever change its name from Sierra Leone Army to
11 AFRC Army?

12 A. Well, this was what we referred to as the whole army. But
13 the President at that time or the chairman, Johnny Paul Koroma,
14 went over the air and said he had formed a council which was the
10:24:40 15 Armed Forces Ruling Council. So they will be in charge of the
16 government administration.

17 [TB160605B - SV]

18 Q. That is what I'm talking about. The army, did it change
19 its name from the Sierra Leone Army to the AFRC?

10:24:57 20 A. No, the army was still -- the army was still named the
21 Sierra Leone Army while the government had the AFRC.

22 Q. When you said that after the attack by the ECOMOG troops
23 all AFRC troops withdrew from Freetown, did you mean -- do you
24 mean all Sierra Leone Army troops?

10:25:41 25 A. The Sierra Leone Army and both the AFRC government withdrew
26 from Freetown.

27 Q. Leave the government alone, we're talking about the army;
28 the army of which you were a part of. Is that what you were
29 referring to?

1 A. Well, the army as I -- I was one of them who withdrew
2 together with the other soldiers.

3 Q. So you were referring to the army, the Sierra Leone Army?

4 A. Yes, the army withdrew from Freetown.

10:26:30 5 Q. The chief of army staff at the time, did he leave Freetown?

6 A. Yes, My Lord.

7 Q. What about the chief of defence staff?

8 A. He too withdrew from Freetown.

9 Q. Can you remember other senior officers who left Freetown.

10:27:07 10 I don't want you to call names, just their titles?

11 A. As far as I could remember, the director of defence, he too
12 pulled out of Freetown.

13 Q. Can you remember any more?

14 A. Well, I could not know the particular battalions they had
10:27:48 15 in Freetown but I saw other senior commanders which I could name.

16 Q. Okay, I don't want you to call the names of any people,
17 just their titles I am asking for. Mr Witness, you said that the
18 withdrawal was not organised; is that so?

19 A. Yes, My Lord.

10:28:17 20 Q. Do you mean that -- do you mean by not organised that there
21 was nobody in charge directing the withdrawal?

22 A. Nobody was in charge. Everybody was on the defensive. It
23 was a defensive withdrawal.

24 JUDGE SEBUTINDE: Mr Manly-Spain, what withdrawal are you
10:28:46 25 talking about?

26 MR MANLY-SPAIN: Your Honour, I said after the intervention
27 of ECOMOG in 1998, I believe. I did not state the time. I just
28 said after the intervention of ECOMOG. This was in February
29 1998.

1 Q. Was the army ever organised after that, after you had
2 retreated from Freetown?

3 A. Well, even when we left Freetown we were still under the
4 command of Johnny Paul Koroma so we were not organised until we
10:29:53 5 reached Kono and went to Mansofinia. That was the area they
6 started to reorganise the troops.

7 Q. You also mentioned when you were giving evidence-in-chief
8 on the 17th of May that after a meeting in Kabala there was no
9 control; is that so?

10:30:23 10 MS PACK: Your Honour, may it assist to have a time for
11 this or something more specific, and even a place on the
12 transcript might assist.

13 MR MANLY-SPAIN: I have given a time, Your Honour. I said
14 that in his evidence on the 17th of May.

10:30:43 15 PRESIDING JUDGE: Ms Pack, are you objecting on the grounds
16 not of the date of the transcript but the date of the actual
17 incident which counsel is referring to?

18 MS PACK: Date of the incident, Your Honour, yes.

19 MR MANLY-SPAIN: As Your Honour pleases.

10:31:01 20 Q. Mr witness, did you attend a meeting in Kabala?

21 A. As I said, I was in the meeting and I was with Honourable

22 A.

23 Q. And do you remember when that meeting took place?

24 A. I could not recall the call but it was after the withdrawal
10:31:22 25 from Makeni we went to Kabala and that was the time.

26 Q. Do you recall giving evidence of this meeting before this
27 Court?

28 A. Yes. Yes, My Lord.

29 Q. And did you say that after the meeting there was no

1 control?

2 A. I said after the meeting the troops mobilised to collect
3 Johnny Paul Koroma. That was what I said to -- in Magbonkineh.

4 Q. You did not say there was no control?

10:32:15 5 A. I did not say anything about no control. I said after the
6 meeting the troops organised to go to Magbonkineh to collect
7 Johnny Paul Koroma and move to Makeni.

8 Q. Okay. Mr witness, at that time when you were mobilising to
9 go and get Johnny Paul Koroma, who was the overall commander of
10:32:41 10 these SLA troops?

11 A. In Kabala at that time SAJ Musa.

12 Q. No, I'm talking about generally. Who was the top man, the
13 boss?

14 A. Solomon SAJ Musa. He was the top man.

10:32:59 15 Q. What about Johnny Paul Koroma?

16 A. He was not in Kabala. He was in his village in
17 Magbonkineh.

18 Q. Were all the SLA troops in Kabala?

19 A. No, no. Some left in Makeni. Some remained in Makeni and
10:33:22 20 some were as far as Makeni -- Masiaka and while others were in
21 the surrounding areas.

22 Q. Who had overall control of all those different groups of
23 soldiers?

24 A. In Kabala --

10:33:41 25 Q. No, I'm not talking about Kabala. Please listen to me.
26 You have given us that the soldiers were in different areas. Who
27 was the boss of them all?

28 A. Well, where I was is what I know. Where I was in Kabala
29 the boss at that moment was what I know. I don't know about who

1 was in command in other areas but in Kabala SAJ Musa was overall
2 commander.

3 Q. Was he now above Johnny Paul Koroma?

4 A. At that time Johnny Paul was not there, was not in Kabala.
10:34:17 5 He was in his village and SAJ was the immediate senior commander
6 who was there in Kabala.

7 Q. Please just answer my question. Was SAJ Musa then above
8 Johnny Paul Koroma?

9 A. You asked me who was the commander with us in Kabala, SAJ
10:34:39 10 Musa.

11 Q. No, I did not ask you that. I said to you of all the
12 troops that were there in the provinces you gave us the different
13 areas that they were. I said who was the overall commander of
14 them all?

10:34:52 15 MS PACK: The witness has already explained, Your Honours,
16 that he was in a certain area, Kabala, he can't speak to the rest
17 of the surrounding areas and he's answered the question put, in
18 my submission, now twice.

19 PRESIDING JUDGE: I don't think he's actually answered the
10:35:06 20 question put. If he cannot answer the question put then he
21 should say so. I think counsel is entitled to ask that question.
22 If the witness cannot answer it let him say so.

23 MR MANLY-SPAIN:

24 Q. Please answer the question?

10:35:23 25 A. In Kabala it was SAJ Musa that was the commander who was
26 with the troops. He was the immediate senior commander. That
27 was why he mobilised us and said we should go for Johnny Paul
28 Koroma in his village. In Kabala SAJ was the immediate
29 commander.

1 JUDGE LUSSICK: witness, you're being asked who was the
2 overall commander of the army, not who was in charge in kabala
3 but who was the overall commander of the army. That is the
4 question.

10:35:55 5 THE WITNESS: Johnny Paul Koroma was the overall commander.

6 MR MANLY-SPAIN:

7 Q. Mr witness, throughout the period you were in the bush, as
8 you call it, did any person supersede Johnny Paul Koroma as
9 overall commander of the SLA?

10:36:25 10 A. The only thing that I knew was that when Johnny Paul went
11 to Kailahun he became silent. Nobody got information from him.
12 So where I was it was Gullit that was the overall commander. At
13 the area that I was based I did not know about any other
14 commander other than Gullit.

10:36:48 15 Q. Mr witness, I want us to go over this again. Was Johnny
16 Paul Koroma ever replaced as the overall commander of the SLA?

17 A. For me, the only one that I knew was Gullit except when SAJ
18 came SAJ took over the command because we did not know the
19 whereabouts of Johnny Paul Koroma when he went to Kailahun.

10:37:20 20 Q. Are you saying that Gullit replaced Johnny Paul Koroma?

21 A. Yes, even after the death of SAJ it was Gullit who
22 represented him and he was the one that we knew as the overall
23 SLA commander.

24 Q. And did SAJ Musa ever replace Johnny Paul Koroma?

10:37:55 25 A. When SAJ Musa came to Colonel Eddie Town it was he that was
26 the overall commander of the SLA.

27 Q. Am I right that according to you since the moment SAJ Musa
28 went to Colonel Eddie Town, Johnny Paul Koroma was no longer the
29 overall commander of the SLA?

1 A. Because [overlapping speakers] -- yes, at that moment, yes.
2 Q. Okay, that is all I'm asking you to say; yes, no. Do you
3 recall, Mr witness, ever going to Liberia?
4 A. Yes, My Lord.
10:38:55 5 Q. When was that?
6 A. Just after the ceasefire.
7 Q. Why did you go there?
8 A. This I wouldn't like to explain now.
9 Q. Did you meet with anybody in Liberia?
10:39:36 10 A. Yes, My Lord.
11 Q. Johnny Paul Koroma?
12 A. Yes, My Lord.
13 Q. You went there, I'm putting it to you, to meet with Johnny
14 Paul Koroma in Liberia to make sure that as your commander he was
10:40:06 15 still alive?
16 A. My Lord, this has details. If you want me to explain,
17 because Gullit himself was at West Side after which -- after
18 which Gullit, Bazy said they did not recognise the AFRC nor the
19 SLA in the Lome Peace Accord. So in this regard the only thing
10:40:47 20 to do was to capture UNOMSIL officers -- officials and hold them
21 as they said they UNOMSIL should come and take little children in
22 the camp.
23 Q. Mr witness, I'm talking about Liberia?
24 A. No, I'm coming to that area.
10:41:12 25 Q. [Inaudible] all I'm asking you is that you went to Liberia
26 to meet Johnny Paul Koroma to make sure that he was alive. Then
27 after you've answered I will give you the reason why you went,
28 why you went to make sure?
29 A. My Lord, I just want to tell you what made us to know about

1 Johnny Paul Koroma. It was Gullit that was the overall commander
2 but at West Side after the capture of those UNOMSILs Mosquito --
3 wait for me.

4 Q. [Inaudible] what do you want to say?

10:41:48 5 JUDGE SEBUTINDE: Mr Manly-Spain, we can't hear a word
6 you're saying. Maybe you could shift your microphone to the
7 other side.

8 MR MANLY-SPAIN: What I'm saying, Your Honour, I've asked a
9 specific question of why they went to Liberia, why they went to
10:42:04 10 meet Johnny Paul Koroma. That's all I'm asking, not for him to
11 begin to tell us that Gullit was in control. He has said that
12 over and over again. I don't want to bring certain points
13 forward.

14 PRESIDING JUDGE: Very well, Mr Manly-Spain. Mr Witness,
10:42:19 15 do you understand the question that you were asked by counsel?

16 THE WITNESS: Yes, My Lord. That is why I want to explain
17 it a bit.

18 PRESIDING JUDGE: Let us have an answer and if counsel
19 requires an explanation counsel will ask for an explanation.

10:42:36 20 MR MANLY-SPAIN: I'm much obliged.

21 Q. Did you go there to make sure that Johnny Paul Koroma was
22 still alive?

23 A. Well, it's after a communication --

24 Q. Just answer my question?

10:42:50 25 A. -- which Mosquito made.

26 JUDGE SEBUTINDE: Mr Witness, the answer would be yes or no
27 or I don't know.

28 THE WITNESS: My Lord, it was a reason that made me to go
29 to Liberia to know about Johnny Paul Koroma. It was a reason.

1 And according to the lawyer's question he just wants to say that
2 I went to Liberia to go and meet Johnny Paul. That's why I want
3 to explain a little how this came about.

4 MR MANLY-SPAIN:

10:43:30 5 Q. Please answer yes or no first?

6 A. Yes.

7 MS PACK: The witness is entitled to give a further
8 explanation for his answer, your Honour, and not to be cut off by
9 counsel. If he's embarking upon an answer and says there's
10:43:48 10 something further to explain it then he should be entitled to
11 explain that.

12 PRESIDING JUDGE: Ms Pack, he was asked the same question
13 three times and did not answer. He must answer.

14 MR MANLY-SPAIN: I'm much obliged, Your Honour.

10:43:59 15 PRESIDING JUDGE: He has now answered.

16 MR MANLY-SPAIN: He has now answered.

17 Q. Mr Witness, at the time you went to Liberia was Johnny Paul
18 Koroma still the leader of the AFRC?

19 A. The time I went to Liberia, Johnny Paul was -- because that
10:44:28 20 was the time that we saw him and he was the leader of the AFRC
21 then after the ceasefire.

22 Q. You, the group, I mean the group you went with to Liberia,
23 came from Gberi Bana?

24 A. Yes, My Lord.

10:44:54 25 PRESIDING JUDGE: Mr Manly-Spain, I didn't catch that word.

26 MR MANLY-SPAIN: Gberi Bana. We've had it before, Your
27 Honour.

28 Q. Did that group include the indictee Santigie Borbor Kanu?

29 A. No, My Lord.

1 Q. Was that visit just before or after the ceasefire?

2 A. After the ceasefire.

3 Q. According to your evidence yesterday, your group at Gberi
4 Bana was not observing the ceasefire; is that not so?

10:45:59 5 A. The day before the ceasefire --

6 THE INTERPRETER: Your Honours, would the witness please go
7 a little bit slower so as to give the interpreter the time to
8 interpret.

9 PRESIDING JUDGE: Mr Witness, please answer slowly so the
10:46:18 10 interpreter has a chance to keep up with you, please.

11 THE WITNESS: Yes, My Lord.

12 MR MANLY-SPAIN:

13 Q. Would you please answer the question. Were you observing
14 the ceasefire at Gberi Bana?

10:47:09 15 A. That day of the ceasefire the troop at Gberi Bana did not
16 observe it because Bazzy ordered that we should fight for our
17 ground and we captured Mansumana.

18 Q. When you went to Liberia did Johnny Paul Koroma tell you to
19 observe the ceasefire?

10:47:09 20 A. Well, in Liberia Johnny Paul Koroma told us that we should
21 observe the ceasefire. He only explained about the loss -- what
22 brought about the loss in communication and did not explain why.

23 Q. Thank you.

24 PRESIDING JUDGE: Mr Manly-Spain, I note we're around the
10:47:59 25 time we normally have our mid-morning break. Is this a
26 convenient time in your line of cross-examination?

27 MR MANLY-SPAIN: If I can ask just one more question.

28 PRESIDING JUDGE: Certainly. Please do so.

29 MR MANLY-SPAIN:

1 Q. Did you observe the ceasefire when he told you to do so?
2 By that I mean all of you; Gullit, Five-Five, Bazy. All of you.
3 Did you observe the ceasefire?
4 A. Well, when I was there, even at that time the ceasefire was
10:47:59 5 shaky.
6 Q. Did you observe it?
7 A. No.
8 Q. You did not?
9 A. At all not.
10:48:48 10 MR MANLY-SPAIN: As Your Honour please.
11 PRESIDING JUDGE: The witness said something, unfortunately
12 I did not hear it. Mr Interpreter, what did the witness say?
13 THE INTERPRETER: "At all not".
14 PRESIDING JUDGE: "At all not", thank you. That is part of
10:48:48 15 his evidence, I presume, and will be recorded accordingly and
16 we'll now take a short adjournment. Madam Court Attendant,
17 please adjourn court for 15 minutes.
18 [Break taken at 10.45 a.m.]
19 [Upon resuming at 11.05 a.m.]
11:09:57 20 PRESIDING JUDGE: Yes, please proceed, Mr Manly-Spain.
21 MR MANLY-SPAIN:
22 Q. Good morning, Mr Witness?
23 A. Good morning, My Lord.
24 Q. Mr Witness, I want to ask you personally whether since the
11:10:13 25 coup of the AFRC -- let me just say this: was the AFRC ever
26 disbanded?
27 A. Later, as we went into the jungle we heard an announcement
28 over the international media from the president that the Sierra
29 Leone Army had been disbanded.

1 Q. I was going to ask you that but the question was about the
2 AFRC. You're quite right, the president announced that the
3 Sierra Leone Army was disbanded but was the AFRC ever disbanded?
4 A. Well, I knew about the army, that it was disbanded.
11:11:12 5 Q. Let me remind you, some time in the year 2000 Johnny Paul
6 Koroma was appointed to an office; is that so?
7 A. Yes, My Lord.
8 Q. Do you know the name of the office?
9 A. Yes, My Lord.
11:11:36 10 Q. What is the name of the office?
11 A. The CCP.
12 Q. Does that mean the consolidation office for the -- the
13 Commission for the Consolidation for the Peace?
14 A. Chairman for the Consolidation of Peace.
11:12:07 15 Q. Chairman for the Consolidation of Peace. Did he disband
16 the AFRC after that?
17 A. Well, in Liberia Johnny Paul openly said that -- he said
18 that the members of the AFRC should forget about the AFRC.
19 Q. What I'm asking you, please, is in Freetown when Johnny
11:12:58 20 Paul was chairman of that commission did he disband the AFRC?
21 A. Well, I did not hear --
22 THE INTERPRETER: I did not get the last bit, Your Honours.
23 PRESIDING JUDGE: Mr Witness, please repeat your answer for
24 the interpreter.
11:13:18 25 THE WITNESS: I said I did not hear about any AFRC when
26 Johnny Paul came back. They just called him CCP.
27 MR MANLY-SPAIN:
28 Q. Mr witness, did you at any time during this period you have
29 given evidence about until you returned to Freetown -- did you at

1 any time consider any other person to be the commander of the
2 AFRC apart from Johnny Paul Koroma?
3 A. Well, what I knew was that the CCP chairman, Johnny Paul
4 Koroma. I did not hear about AFRC anymore, only the CCP
11:14:01 5 chairman. I did not hear about anybody being the leader of the
6 AFRC.
7 Q. When you came to Freetown in January 1999 with the other
8 troops did you say you told people you had come to reinstate the
9 army?
11:14:39 10 A. It was in Waterloo that that happened. In Waterloo that
11 was what SAJ Musa told us to tell the people but in Freetown we
12 did not hear anything about that.
13 Q. Okay, that he had come to reinstate the army; is that so?
14 A. Yes, at Waterloo.
11:15:12 15 Q. Between what areas did SAJ Musa lead your troops, the
16 troops you were with?
17 A. From Colonel Eddie Town up to Benguema.
18 Q. Were you coming to Freetown then to reinstate the army?
19 A. Well, I was not the commander. It was what the commander
11:15:44 20 told us, that we were coming purposely to reinstate the army.
21 Q. Thank you. So that was your purpose for coming to
22 Freetown?
23 A. That was what the commander told me.
24 Q. Yes, and that was what you were fighting for?
11:16:07 25 A. We were going through a command and the command said that
26 we were coming to Freetown to reinstate the army.
27 Q. Personally were you coming to reinstate the army? That's
28 what you were personally fighting for; to get back into the army?
29 A. Yes, because I was a member.

1 Q. You were not coming or fighting to reinstate the AFRC?

2 A. Yes, My Lord, and even in Liberia it was clearly stated,
3 because I went and represented the SLA, to reinstate the SLA.

4 Q. Thank you. What I want to ask you now is that at the time
11:17:02 5 you were retreating from Freetown in February 1998 were you loyal
6 to the army or to Johnny Paul Koroma?

7 A. Well, at that time, the army that was left, we had been
8 classed as AFRC so I was loyal to Johnny Paul Koroma.

9 Q. You were loyal to Johnny Paul Koroma?

11:17:33 10 A. Yes, My Lord.

11 Q. Would you say that of your comrades that were with you?

12 A. Well, I did not know their aims. Since I was with an
13 honourable -- to me personally at that time I was still loyal to
14 them, to the AFRC.

11:18:01 15 Q. Mr Witness, you said that when you were in Kono there were
16 two operational commanders; is that so?

17 A. Yes, My Lord.

18 Q. Who were the operational commanders?

19 A. You had an operational Commander A for the SLA and you had
11:18:44 20 operation commander for the RUF who was Superman, Denis Mingo
21 alias Superman.

22 Q. You also said there was a joint command too; is that so?

23 A. A joint operation. That was what I said. We had a joint
24 operation.

11:19:27 25 Q. Well, between Mr A and Superman who was superior?

26 A. Well, at that time Superman was the boss because it was
27 from him that Operation A took command or ammunition that was
28 sent.

29 Q. At that time was Santigie Borbor Kanu there?

1 A. I told you last time that Santigie Borbor Kanu only came
2 only once in Kono and he withdrew to Kabala and he said he was
3 going to SAJ.

4 Q. On that one occasion that he went to Kono was he the
11:20:24 5 overall commander?

6 A. No, no, no. Bazzy at that time was the commander.

7 Q. Do you remember how long Santigie Borbor Kanu spent in Kono
8 on that occasion?

9 A. As far as I can recall it was just two days. The day he
11:20:54 10 came, he slept. The other day he left Kono.

11 Q. At that time when you went there was there any mining going
12 on in Kono?

13 A. The time that Santigie Borbor Kanu went there, at that time
14 there was no mining going on. The time that he went there no
11:21:25 15 mining had been taking place.

16 Q. Did he take part in any operation in Kono?

17 A. No, My Lord. Only two days. He said he only went there to
18 see the ground and he went and told SAJ.

19 Q. I believe you said that you took part in the operation or
11:22:00 20 the operations that went on in Kono?

21 A. Yes. I was with Operation Commander A and we moved to the
22 front line together with him and it was an order.

23 Q. Okay. At the time you were in Kono where was Johnny Paul
24 Koroma?

11:22:35 25 A. As I said, Johnny Paul Koroma, after the first ambush he
26 later returned. When he came he resided between Tankoro and
27 woima, a village close to woima.

28 Q. How do you spell that woima?

29 A. W-A-I-M-A. Sorry, W-O-I-M-A.

1 Q. Were you part of the team who took Johnny Paul Koroma from
2 Makeni to Kono?
3 A. Yes, My Lord.
4 Q. And you said you were in the first group, the vanguard or
11:23:48 5 so?
6 A. No, the advancing troop.
7 Q. The advancing troop, thank you. Please could you tell the
8 Court the role of this advancing troop?
9 A. Well, this advance team, it was responsible for repelling
11:24:10 10 any enemy attack on the way.
11 Q. How did you travel? Was it by foot?
12 A. We used vehicles from Mabonike up to Koidu Town.
13 Q. Would you spell Mabonike for the benefit of the Court?
14 A. M-A-B-O-N-I-K-E.
11:25:06 15 Q. You have told that you went on operation --
16 A. Sorry, Magbonkineh. Magbonkineh.
17 Q. Was that Johnny Paul Koroma's village?
18 A. Yes, My Lord.
19 Q. So am I right to say you left Kono, went to Magbonkineh,
11:25:41 20 took Johnny Paul Koroma and brought him to Kono?
21 A. Yes, My Lord.
22 Q. Was Mr A also part of that team?
23 A. Yes, My Lord.
24 Q. Is it the case that you were well armed at that time, your
11:26:09 25 group?
26 A. Yes, My Lord.
27 Q. You had gone there, your group had gone there, to get
28 Johnny Paul Koroma because he was your leader?
29 A. When they said my group, it's the group in which I was and

1 with the commander with whom I was. It was I and the commander
2 and the soldiers that went together with Superman to Magbonkineh
3 to take Johnny Paul.

4 Q. Yes I agree with that [inaudible] because he was your
11:26:51 5 leader?

6 JUDGE SEBUTINDE: Mr Manly-Spain, we don't hear half of
7 what you're saying. I had advised that you shift your microphone
8 to the other side so that when you -- lift it like this.

9 MR MANLY-SPAIN: Okay, Your Honour. I'll stoop a bit.

11:27:09 10 MS PACK: I think also in fact my learned friend, if he's
11 listening to the Krio, may be cutting in and speaking -- asking
12 the question in English before it's cut back to the English.
13 Perhaps that's the reason because I'm also not hearing the first
14 part often of my learned friend's questions.

11:27:33 15 MR MANLY-SPAIN: Okay. I'm sorry.

16 Q. You are saying that you went to get him because he was your
17 leader?

18 A. Yes, My Lord.

19 Q. Mr Witness, I want you to understand that now that I'm
11:27:51 20 asking these questions about you I mean your group, the group you
21 were with, not you alone; okay? You were concerned about his
22 safety?

23 A. Well, this was a command and when we were at Koidu they
24 told us that Johnny Paul said we should go to Kailahun. This was
11:28:20 25 at Kailahun. This was a command and I was acting under command.
26 when operation A said we should move I joined him up in the
27 operation to go for Johnny Paul.

28 Q. And I ask you was Mr A concerned about the safety of Johnny
29 Paul Koroma?

1 A. Yes, My Lord. He was very concerned.

2 Q. Would you know, Mr Witness, whether this concern was there
3 until you met with Johnny Paul Koroma in Liberia?

4 MS PACK: Your Honour, I didn't jump up the first time my
11:29:09 5 learned friend asked the question but I'm not sure how far the
6 witness is able to say whether someone else felt concern about
7 the safety or otherwise of Johnny Paul Koroma.

8 PRESIDING JUDGE: There is an element of speculation there,
9 Mr Manly-Spain.

11:29:24 10 MR MANLY-SPAIN: As Your Honour pleases.

11 PRESIDING JUDGE: We have dealt with this question of
12 speculation and other people's feelings before.

13 MR MANLY-SPAIN: Yes, Your Honour.

14 Q. Were you personally ever concerned about the safety of
11:29:41 15 Johnny Paul Koroma?

16 A. At first I was concerned about my own life and I was going
17 on order. I was thinking more about my own life than Johnny Paul
18 Koroma.

19 Q. Mr Witness, you mentioned in your evidence-in-chief that
11:30:14 20 when SAJ Musa went to meet you at Colonel Eddie Town he mentioned
21 something about war crimes; is that so?

22 A. Yes, My Lord.

23 Q. Can you please tell this Court what he actually said?

24 A. SAJ Musa said he went to study in Britain and he studied
11:30:55 25 law and therefore he was warning the troops against crimes --
26 against crimes against humanity. He said he as a commander and
27 presently leading the troops, nobody should partake in the
28 burning of houses, neither amputating.

29 Q. Did you understand what he was explaining to you? I mean

1 you personally?

2 A. Well, according to the explanation he gave I clearly
3 understood.

4 Q. After that, Mr witness, did you go on an operation at
11:31:57 5 Mange?

6 A. Which of the operations? After SAJ --

7 Q. After SAJ had warned you?

8 A. It was the whole troops that moved to Mange.

9 Q. Did you take part in any attack on Mange?

11:32:29 10 A. Well, in Mange, the troops, according to -- as I was also
11 in the front line, just attacked. But the enemy, we were not
12 able to locate them. By then they had withdrawn. We entered
13 with heavy fire. And this was an order to clear the highway.

14 Q. After that operation did you get into trouble with SAJ
11:33:06 15 Musa?

16 A. This I will not explain now, My Lord.

17 Q. Did you at any other time get into trouble with SAJ Musa
18 after an operation?

19 A. This, My Lord, I have said as I have said it before. I
11:33:39 20 could not explain anything concerning it because it would clearly
21 identify me because of my security.

22 Q. Whilst you were at the RDF camp coming to Freetown did you
23 get into trouble again with SAJ Musa?

24 A. Well, I never had any problem with SAJ.

11:34:17 25 Q. At the RDF camp?

26 A. Myself, I never had any problem with SAJ at the RDF camp.

27 Q. Finally about SAJ Musa, at Colonel Eddie Town did you get
28 into any problem with him?

29 A. Well, I had no problem. I had no problem but I had a

1 problem with Operation Commander A.

2 Q. what was that problem?

3 A. well, this problem all started after Gullit called together
4 Five-Five, Bazzy, Woyoh, Abdul Sesay, including Colonel Eddie, to
11:35:24 5 a meeting, including Ibrahim Bioh Sesay. I was there with them
6 as I escorted Operation Commander A, Operation A. Gullit said
7 now that SAJ was coming SAJ should take command under him, he
8 said because he had led the troops up to this time because SAJ
9 should take command under him. So while this discussion was on
11:35:51 10 Operation Commander A and Ibrahim Bioh Sesay they say well this
11 should not happen, this will not be right. Since SAJ Musa was
12 the most senior commander. He had sent troops ahead. SAJ should
13 still be in command.

14 After this happened, after this argument, when the meeting
11:36:17 15 was over, then at the same time myself, Supervisor A sat down.
16 We saw the deputy operation commander, at that time 0-Five, came
17 and said to arrest Ibrahim Bioh Sesay. So immediately Operation
18 A intervened and said this should not happen. Since he was the
19 operation commander, whatever order that was given -- Gullit had
11:36:56 20 given he must be informed, rather than the deputy operation
21 commander to arrest the supervisor Ibrahim Bioh Sesay. So while
22 Operation A stopped this deputy operation 0-Five, 0-Five went to
23 the front towards the 5th Battalion and incited the soldiers and
24 who came shooting in the camp.

11:37:25 25 During this shooting, while Operation A was talking to SAJ
26 about the developments, the men he came with firing, including
27 0-Five, arrested Gullit, arrested Five-Five, arrested Bazzy,
28 arrested Abdul Sesay, arrested Coachy Borno and after which they
29 arrested Operation A and said well, since President Kabbah said

1 he not wanted the passengers but he wanted the driver, so they
2 will hand over Gullit, Bazy, Five-Five, Operation A and the
3 others to President Kabbah if they are not united. Later the
4 problem was resolved and they arrested Operation A and Ibrahim
11:38:33 5 Bioh Sesay at the mess until the arrival of SAJ in the camp.
6 That was the problem that was there.
7 Q. Mr witness, you have not answered my question. My question
8 was simply: Did you have any problem with SAJ Musa at Colonel
9 Eddie Town?
11:38:58 10 A. I had no problem with him. It was my commander. My
11 commander had problems with him at Colonel Eddie Town. But you
12 said I should explain. That was the explanation I have given, My
13 Lord.
14 Q. Okay. Let us move on. During this entire period you have
11:39:22 15 given evidence on, how many times did you get into trouble with
16 your commanders?
17 A. After this operation I had only once but I couldn't
18 explain. I had only one problem.
19 Q. One problem, okay?
11:39:36 20 A. One problem. Not one more, but one.
21 Q. Mr witness, you used certain terms and you told this Court
22 that certain people were first of all appointed as military
23 supervisors. Can you explain the meaning of that?
24 A. Yes. They were to supervise the various battalions.
11:40:29 25 Q. Were these supervisors superior in command to the
26 commanders of the battalions?
27 A. Yes, My Lord. All the supervisors Gullit appointed were
28 members of the AFRC. They were honourables and they made -- he
29 appointed them to supervisors at the moment he was there.

1 Q. How many of them were appointed in total by Gullit, as you
2 say?
3 A. Even Five-Five who was supervising as I said it --
4 Q. You see, you don't answer questions, Mr Witness. We're
11:41:12 5 spending a lot of time because you don't answer questions. I
6 said how many and you're telling me even Five-Five. That's not
7 an answer. Please answer the question. How many were appointed
8 by Gullit according to you?
9 A. I'm naming them. I want to name them.
11:41:29 10 Q. Tell us the number first. If you want to name them, I will
11 allow you to do so, I will let you do so, but tell us the number?
12 A. They were four in number.
13 Q. You can name them now?
14 A. Ibrahim Bioh Sesay who was supervisor. Abdul Sesay was a
11:42:12 15 supervisor -- Colonel Abdul Sesay, sorry. Colonel Woyoh also was
16 a supervisor. We had Colonel Santigie Borbor Kanu who was chief
17 of staff, he too was supervising A Company that was changed to A
18 Battalion.
19 Q. All right. How many battalions were there?
11:42:42 20 A. We had four companies before you go to battalions.
21 MS PACK: Your Honour, it's going to be difficult, in my
22 submission, for the witness to answer these questions if there's
23 not a specific time period attached to the questions that are
24 being asked because of course there were various times which the
11:42:59 25 evidence gave evidence to there being various formations and
26 structures. So if my learned friend could be more specific it
27 may assist in understanding.
28 MR MANLY-SPAIN: As Your Honours please.
29 Q. I'm talking about the first time, according to the witness,

1 that Gullit made appointments.

2 A. Well, in Mansofinia we had A Company, B Company, C Company
3 and D Company.

4 Q. Did you have battalions then?

11:43:33 5 A. Later. It changed to battalions in Colonel Eddie Town.

6 Q. Okay. These military supervisors, what were they
7 supervising; battalions or companies?

8 A. At first they were companies. Then later when they were
9 changed to battalions they were still supervising the battalions.

11:44:07 10 Q. Okay. Now that we have battalions, how many battalions
11 were there?

12 MS PACK: Again, Your Honour, there have been various
13 structures to which the witness has testified where there were
14 battalions in the structure. If my learned friend could be
11:44:20 15 specific about what period he's talking about, that may assist.

16 MR MANLY-SPAIN: Your Honour, I believe I am quite
17 specific. He said later the companies changed to battalions and
18 my question was now that there were battalions how many were
19 there? I think that is very specific.

11:44:37 20 PRESIDING JUDGE: Are you talking about after Colonel Eddie
21 Town or at Colonel Eddie Town?

22 MR MANLY-SPAIN: Yes, My Lord. Let me just put the
23 question.

24 Q. Where did you first have battalions?

11:44:56 25 A. In Colonel Eddie Town after 0-Five arrived the companies
26 changed to battalions.

27 Q. Yes. Now how many battalions were there?

28 A. When 0-Five came there were four battalions -- I mean four
29 companies. They changed them to battalions and later they formed

1 the Red Lion Battalion and the 5th Battalion.
2 Q. So how many?
3 A. Well, in all there were six in number, battalions.
4 Q. Six battalions?
11:45:38 5 A. Yes.
6 Q. Were there still four supervisors?
7 A. Well, yes. Those supervisors were still supervising the
8 battalions up until the arrival of SAJ and he enlarged and
9 appointed other supervisors.
11:45:58 10 Q. So which battalions did not have supervisors?
11 A. Well, the battalions had supervisors only that one
12 supervisor was acting for the two battalions. He would go to
13 this battalion and go to that battalion.
14 Q. Okay. The 1st Battalion was supervised by whom?
11:46:25 15 A. The 1st Battalion, it was Five-Five that was supervising
16 it.
17 Q. The 2nd Battalion?
18 A. The 2nd Battalion, Abdul Sesay was there.
19 [TB160605C-SGH]
11:45:40 20 Q. The 3rd Battalion?
21 A. The 3rd Battalion had Ibrahim Biyoh Sesay.
22 Q. 4th Battalion?
23 A. Woyoh was the 4th Battalion.
24 Q. What about the 5th Battalion?
11:46:54 25 A. Well, this also Woyoh was in the 5th Battalion.
26 Q. And the Red Battalion?
27 A. The Red Lion Battalion.
28 Q. Red Lion Battalion.
29 A. This at this time was there, I don't know the supervisor

1 that was really in charge of the Red Lion.

2 Q. Is it therefore the case that there was only one person
3 supervising two battalions?

4 A. Well, according to what I know, Woyoh was supervising the
11:47:32 5 4th and the 5th Battalion.

6 Q. Okay. You have said that Santigie Borbor Kanu was also a
7 supervisor. Was he at that time also a chief of staff?

8 A. Yes, My Lord, he was a chief of staff and supervisor for
9 the A Company. The A Company, later to force battalion.

11:48:04 10 Q. As chief of staff do you know what his duties were?

11 A. Well, he was in charge of the whole army at that time, the
12 whole troops. Mostly when we had muster he will report to the
13 second in commander, then the second in command will report to
14 chief in command.

11:48:37 15 Q. You told us about the appointment of operational
16 commanders; is that so?

17 A. Yes, My Lord.

18 Q. Do you know what their duties were?

19 A. Well, the operation commander was in charge of operations.
11:49:01 20 Military operations.

21 Q. At Kono were there any operational commanders?

22 A. We had one for the SLA. One operation commander for the
23 SLA and the other for the RUF.

24 Q. Who was the commander for the -- operational commander for
11:49:26 25 the SLA?

26 A. Operation commander A.

27 Q. In or at Colonel Eddie Town, how many operational
28 commanders were there?

29 A. There was one operational commander who was Operational

1 Commander a.

2 Q. Was there at any time during the period until, you know,
3 you came to Freetown and went back, was there at any time more
4 than one operational commander.

11:50:28 5 A. The only thing after that problem Gullit changed Operation
6 Commander A and appointed O-Five as operation commander.

7 Q. So all the time we are talking about there was only one
8 operational commander?

9 A. Yes, My Lord.

11:50:59 10 Q. You told us also about the brigade administration; is that
11 so?

12 A. Yes, My Lord.

13 Q. First of all, I want you to, if you can, tell this Court
14 how many men made up a brigade?

11:51:29 15 A. Well, the brigade consisted of several battalions.

16 Q. The total number of men in a battalion. Okay. Can you
17 tell me how many men made up a battalion?

18 A. Well, a battalion could have 100 men. 150 could make a
19 battalion. 150 could make a battalion.

11:52:11 20 Q. So did you know the function of the brigade administration?

21 A. Yes, I was there.

22 Q. [Microphone not activated]

23 A. Well, we had different people -- different people who were
24 assigned to the brigade administration who had different duties
11:52:29 25 to perform.

26 Q. Like what duties?

27 A. Well, the brigade administration, the adjutant has his own
28 duty. The brigade major had his own duties. The head of the
29 military police had his own duty. The task force commander had

1 his own duty. The IO has his own duties. These all make up the
2 brigade administration.

3 Q. Please go slowly and please give us the names of the
4 positions of the people who made up the brigade administration at
11:53:01 5 the time.

6 MS PACK: Which time, Your Honour?

7 MR MANLY-SPAIN: Your Honour, I believe we are at Colonel
8 Eddie's Town, that is where the brigade administration force came
9 up.

11:53:23 10 Q. Is that so, Mr witness? Was it at Colonel Eddie Town
11 that a brigade administration was first set up?

12 A. I told you that from Mansofinia the brigade administration
13 was set --

14 Q. [Microphone not activated]

11:53:40 15 A. -- in Mansofinia.

16 Q. Thank you very much. At Mansofinia when the brigade
17 administration was set off, who were the officers, I mean the
18 officers, the whole, not the names who composed this, who were
19 members of this brigade administration?

11:54:05 20 A. We had Gullit who was head of the brigade administration.
21 We had Ibrahim Bazy Kamara. He was the deputy, chief in
22 command. He was a member of the brigade administration. We had
23 Santigie Borbor Kanu. He was the chief of staff. He, too, was a
24 member of the brigade administration. He had the Operation
11:54:32 25 Commander A. Also was a member of the brigade administration.

26 We had the camp commandant at that time. He was Major Eddie. He
27 was a member of the brigade administration. We had the
28 OC military police. He was Major King. He too was a member of
29 the brigade administration. We had the adjutant, Captain

1 Charles. He too was a member of the brigade administration. We
2 had the IO, intelligent officer, who was Captain Sammy. He, too,
3 was a member of the brigade administration. We had the task
4 force commander who was Captain Osman Sesay, alias Changamulanga.
11:55:29 5 He too was a member of the brigade administration. We had the
6 RSM Fasuluku. He, too, was a member of the brigade
7 administration. And the military supervisors Woyoh. He was a
8 member of the brigade administration. We had Supervisor
9 Abdul Sesay member of the brigade administration. We had Ibrahim
11:55:58 10 Biyoh Sesay, also a member of the brigade administration.
11 Q. Thank you. Mr Witness, what about the operational
12 commander; was he a member?
13 A. I said earlier the operational commander was a member of
14 the brigade administration.
11:56:30 15 Q. [Microphone not activated] Did you at any time attend --
16 first of all did the brigade administration hold meetings at
17 Mansofinia?
18 A. I told you that after -- after Gullit, Bazy, Operation
19 Commander A, came to Mansofinia and later the arrival of
11:56:57 20 Five-Five from SAJ, immediately Gullit called a meeting wherein
21 he made the administration. He himself appointed and showed his
22 administration.
23 Q. Were you present at that meeting?
24 A. Yes, My Lord. I was with the Operation Commander A.
11:57:19 25 Q. In what capacity?
26 A. Well, I was personal security to Operation Commander A at
27 that time.
28 Q. Were you the only personal security that was present?
29 A. No, My Lord. We had other personal security to the other

1 military commanders.

2 Q. So, in total, how many people would you say were present at
3 that meeting?

4 A. Well, indeed the commanders that I have named and the
11:58:09 5 battalion commanders and the company commanders before their
6 appointment were all there. This was not something that was
7 closed. Everybody was there when Gullit was making his
8 administration.

9 Q. [Microphone not activated] I said I asked about how many
11:58:28 10 people were there?

11 A. We were many. I cannot recall the number.

12 Q. Was it held in a building or in a closed space; the
13 meeting?

14 A. Well, since at that time we feared jet raids it was a
11:58:58 15 covered area. It was a big compound.

16 Q. What do you mean by covered area?

17 A. Well, there were houses because it was at Mansofinia. The
18 houses -- we had a big compound at Mansofinia. There Gullit and
19 the others all went.

11:59:23 20 Q. Was it inside a house?

21 A. No. It was on the veranda and we had been watching. Not
22 inside the house, it was on the veranda. The compound was at
23 Mansofinia. It was a big compound.

24 Q. Do you know whether any other meeting of the brigade
11:59:49 25 administration was held at Mansofinia?

26 A. No, My Lord. Just after that the troop had to leave for
27 Mansofinia.

28 Q. [Microphone not activated] were you at Mansofinia
29 Mr witness, I am asking you whether at Mansofinia, apart from the

1 meeting you have described, was any other one held there?
2 A. No, My Lord.
3 Q. From Mansofinia did you go to Colonel Eddie Town?
4 A. From Mansofinia we moved to Rosos, Camp Rosos.
12:00:47 5 Q. How long did you spend there?
6 A. We spent some time. Almost until September. I can recall
7 September.
8 Q. What year?
9 JUDGE SEBUTINDE: Mr Manly-Spain, how long did he spend where?
12:01:06 10 MR MANLY-SPAIN: He said he had gone to Camp Rosos.
11 JUDGE SEBUTINDE: So are we now at Camp Rosos?
12 MR MANLY-SPAIN: Yes, Your Honour.
13 JUDGE SEBUTINDE: You are asking how long they spent there?
14 MR MANLY-SPAIN: Yes, Your Honour.
12:01:41 15 Q. Mr witness, did the brigade administration hold any
16 meeting at Camp Rosos?
17 A. At Camp Rosos after the arrival, yes.
18 Q. Do you recall how many meetings?
19 A. Well, as far as I can recall, the first meeting was how to
12:02:06 20 defend the area. That was the first meeting.
21 Q. [Microphone not activated] I don't want you to give me
22 details now, I just want to know the number of meetings that were
23 held at Camp Rosos?
24 A. Well, as far as I can recall, at Camp Rosos we had two
12:02:37 25 meetings which were held by the brigade before we finally left
26 Rosos.
27 Q. When you left Rosos where did you go to?
28 A. Colonel Eddie Town.
29 Q. At Colonel Eddie Town were any meetings of the brigade

1 administration held?

2 A. Yes, they used to hold several administration meetings.

3 Q. Did you attend any of these meetings?

4 A. Yes, My Lord.

12:03:37 5 Q. Was it all of them?

6 A. Well, the ones to which my commander was invited I knew
7 about them and I went.

8 Q. Am I right to say that there were some that you did not
9 attend?

12:04:10 10 A. Well, anyone apart from the meetings any -- I was always
11 there with my commander, Operation Commander A.

12 Q. Mr witness, during these meetings -- first of all, do you
13 know what minutes are? Minutes.

14 A. Well, these minutes, these are -- this is a sort of agenda.
12:04:41 15 You see, at any time -- that these are things that are read and
16 said, this, this, this and this.

17 Q. [Microphone not activated] Can I help a bit. These are
18 records of what was said in the meeting. What I want to ask you,
19 were decisions of these brigade administration meetings recorded?

12:04:57 20 A. Yes, yes, yes, yes.

21 Q. Was that done all the time you were there?

22 A. Yes, most of the meetings to which I attended, which were
23 the important ones, you had the brigade administrator who was FAT
24 who had been doing all that writing, the minutes and the writing.

12:05:34 25 Q. Who was he?

26 A. The brigade administrator; FAT Sesay.

27 Q. Where is he now; FAT Sesay?

28 A. He was in the army, but I heard that he had gone out.

29 Q. What I want to ask you about, when everything was over and

1 the peace had been achieved, do you know whether he was
2 reinstated into the army?

3 A. Yes, My Lord, he was a captain in the army.

4 Q. Is he the same person that you mentioned made an
12:06:44 5 announcement on the radio after you went to State House?

6 A. Yes, My Lord. Yes, My Lord.

7 Q. Mr Witness, according to you, Santigie Borbor Kanu held two
8 positions whilst you were at Colonel Eddie Town; is that so?

9 A. Yes, My Lord.

12:07:20 10 Q. To be specific he was chief of staff and military
11 supervisor?

12 A. Yes. Yes, sir. Yes, My Lord.

13 Q. Did he at any other time hold any other position?

14 A. Well, just after -- before the invasion in Freetown he had
12:07:53 15 a position.

16 Q. What was that position?

17 A. After the death of SAJ he was the chief of staff and third
18 in command.

19 Q. According to you, at Colonel Eddie Town what position was
12:08:18 20 he in command?

21 A. Colonel Eddie Town, he was chief of staff and supervisor.
22 Military supervisor for 1st Battalion.

23 Q. [Microphone not activated] what I am putting, you say
24 after the death of SAJ he became third in command. At Colonel
12:08:42 25 Eddie Town wasn't he third in command according to you?

26 MS PACK: Your Honours may recall that there were two different
27 structures at Colonel Eddie Town, so perhaps my learned friend could
28 clarify whether it was before or after the arrival of SAJ Musa. That
29 might assist in clarifying.

1 MR MANLY-SPAIN: Your Honour, I am talking about before the
2 arrival of SAJ Musa.

3 Q. When you say Gullit made his administration, wasn't he
4 appointed -- wasn't he third in command after Gullit and Bazzy
12:09:17 5 according to you at Colonel Eddie Town?

6 A. The only appointment that Gullit announced was the chief of
7 staff and supervisor. He did not appoint any third in command at
8 Colonel Eddie Town.

9 Q. I want to get that clear. At Colonel Eddie Town, Santigie
12:09:47 10 Borbor Kanu was not appointed by Gullit to be third in command;
11 is that so?

12 A. I said after that appointment he continued to hold onto
13 that appointment as chief of staff and supervisor for 1st
14 Battalion.

12:10:05 15 Q. Mr witness, please let us get it clear. I am not talking
16 about his supervisor, chief of staff, I am talking about the
17 higher position first, second, third in command. I am talking
18 about third in command. According to you, wasn't he appointed to
19 be third in command at Colonel Eddie Town?

12:10:31 20 A. No, it was not at Colonel Eddie Town that he was appointed.

21 Q. At Colonel Eddie Town, before the arrival of SAJ Musa, who
22 was first in command?

23 A. It was Gullit.

24 Q. Who was second in command?

12:11:00 25 A. Bazzy.

26 Q. Who was third in command?

27 A. This position -- Gullit did not make any third in command.
28 The only thing Five-Five was the chief of staff. Yes, he did not
29 appoint anybody as third in command. What happened I would not

1 be able to explain.

2 Q. Did Gullit at any time appoint Santigie Borbor Kanu as
3 third in command?

4 A. Yes, My Lord.

12:11:35 5 Q. [Microphone not activated]

6 A. After the death of SAJ, we took Koba water.

7 Q. Mr witness, how long did you spend at colone1 Eddie town?

8 A. well, we spent about four months and we left in December,
9 Colone1 Eddie Town.

12:12:30 10 Q. So was it September of 1998 or August of 1998 that you went
11 to Colone1 Eddie Town?

12 A. September.

13 Q. I want us to have this sequence correct. You left Freetown
14 on what date in 1998?

12:12:56 15 A. It was in February.

16 Q. How long did it take you to get to Kono?

17 A. Kono, it was about two weeks. It was a continuous
18 movement. when Johnny Paul left Masiaka. It was continuous
19 movement. Just about two weeks and we arrived in Kono.

12:13:39 20 Q. would I be right to say you arrived in Kono before the end
21 of February 1998?

22 A. Yes, around that, March, early March.

23 Q. Before arriving in Kono you spent time in various places
24 along the way; is that so?

12:14:13 25 A. well, the only time that we spent -- sometime we spent a
26 day or two and then we moved. So that was how the troop had been
27 moving.

28 Q. First of all, let me ask you, how long did you spend at
29 Benguema?

1 A. Which time are you referring to?
2 Q. [Microphone not activated] when you were withdrawing from
3 Freetown. The first occasion.
4 A. We spent about a month in Benguema.
12:15:05 5 MS PACK: Was that withdrawing from Freetown in 1999 or
6 1998.
7 MR MANLY-SPAIN: I said 1998 the first time. 1998.
8 Q. February 1997 -- you left Freetown in February 1998 and
9 by the end of February, early March you were in Kono.
12:15:24 10 A. Yes, yes.
11 Q. How long did you spend at Benguema?
12 A. During the intervention?
13 Q. Yes.
14 A. We did not go to Benguema.
12:15:42 15 Q. [Microphone not activated]
16 A. Tombo, we went to Tombo.
17 Q. You went to Tombo, you passed through Tombo?
18 A. Yes.
19 Q. Did you stop at Newton?
12:15:58 20 A. Yes, we slept at Newton and moved the other day.
21 Q. And did you go to Masiaka?
22 A. Yes, My Lord.
23 Q. How long did you spend there?
24 A. We spent about three days at Masiaka and we moved -- sorry.
12:16:26 25 Q. Was it during those three days that you went on an
26 operation to Bo?
27 A. Yes, the operation in Bo was just a day. It was not a long
28 operation. We moved from there and we rescued the people and
29 returned. It was not a long operation.

1 Q. From where did you go to?
2 A. I came back to Masiaka.
3 Q. [Microphone not activated] Masiaka where did go to?
4 A. From Masiaka, I, Operation Commander A, Bazy, moved to
12:17:01 5 Makeni.
6 Q. Did you spend any time at Makeni?
7 A. Well, in Makeni, yes. Just about two days and moved
8 forward.
9 Q. To where?
12:17:34 10 A. We moved directly to Kabala.
11 Q. Did you stay at Kabala?
12 A. Well, we spent some days, about three days, in Kabala
13 before we moved -- before we moved to Magbonkineh.
14 Q. Please bear with me. How long did you spend there at
12:18:05 15 Magbonkineh?
16 A. Magbonkineh, the day that we reached and we collected
17 Johnny Paul and moved to Makeni.
18 Q. Let's move now to early March. You were then at Kono.
19 Early March 1998. How long did you spend at Kono?
12:18:41 20 A. I mean, in Kono, we were there March, April, May. Mid --
21 the end of May we moved from Kono.
22 Q. What I want to ask you, Mr witness, during all these stops
23 did you come across Santigie Borbor Kanu until you got to Kono?
24 A. The only side that I came across Santigie Borbor Kanu was
12:19:29 25 in Makeni in the 2nd Battalion, the barracks. Before -- before
26 me and operation --
27 THE INTERPRETER: Your Honours, would the witness please go
28 over that bit?
29 PRESIDING JUDGE: [Microphone not activated] and try and answer a

1 little more slowly.

2 THE WITNESS: I said -- I said the only time that I saw
3 Santigie Borbor Kanu was withdrawing, I saw him in Makeni in the
4 2nd Battalion in the barracks where I and Operation A went. That
12:20:05 5 is where we met him, together with Abdul Sesay.

6 MR MANLY-SPAIN:

7 Q. So, Mr witness, the next time you saw him after that I am
8 asking you was it at Kono where he went for only a day or two
9 days?

12:20:25 10 A. The other side that I saw him, it was where I and
11 operation -- when we left Kabala, when we came up with Johnny
12 Paul to Makeni, he also joined the convoy to go to Kono. He,
13 Bazzy, they joined the convoy SAJ to go and capture Kono. But
14 they retreated. That was the second time.

12:20:43 15 Q. Whilst you were in the provinces now during that period
16 before you got to Kono, did you go on any operation in which
17 Santigie Borbor Kanu took part?

18 A. The only operation was to capture Kono. There he
19 participated, but they retreated with SAJ, Johnny Paul, they
12:21:11 20 retreated. After the Kamajors attacked, they retreated to
21 Makeni.

22 Q. So, am I right to say that up to that time you were aware
23 of only one operation that he took part in?

24 A. Yes, sir. Yes, My Lord.

12:21:44 25 Q. Mr witness, coming back to Santigie Borbor Kanu, apart from
26 being chief of staff, being supervisor and you said third in
27 command, was he ever given any other role to play whilst you were
28 all together?

29 A. Yes, My Lord.

1 Q. what was that role?

2 A. He was in charge of the women.

3 Q. was that role called by any name?

4 A. well, at that time all I knew was that he was in charge of
12:22:43 5 the women. I did not know the name that was given to that, but
6 he was in charge of the women. If there was any complaint, he
7 was the one who would take action.

8 Q. Mr witness, you are saying now that this man, this Santigie
9 Borbor Kanu, was at one and the same time the person responsible
12:23:00 10 for the entire troops as chief of staff, and at the same time
11 responsible for the women?

12 A. Yes, My Lord, as chief of staff.

13 Q. Mr witness, I want to ask you now about the people you
14 named as supervisors. I want to ask you whether you can tell us
12:23:48 15 where they are now. Okay? Please, can you tell us where
16 Ibrahim Sesay is?

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

18 PRESIDING JUDGE: Mr witness, please repeat your answer.

19 THE WITNESS: Ibrahim Sesay, he is presently in detention
12:24:14 20 at the Pademba prisons.

21 MR MANLY-SPAIN:

22 Q. Abdul Sesay.

23 A. Abdul Sesay. Since I was in town from August, I have not
24 been able to see him. I heard that he had gone to Banjul.

12:24:28 25 Q. Woyoh.

26 A. Woyoh, he died in Freetown during the invasion.

27 Q. Do you know how many of the people that were with you
28 during this period that were members of the brigade
29 administration who are now held at Pademba Road prison?

1 A. Yes, I know.

2 Q. [Microphone not activated]

3 A. This man Sesay, alias Changamulanga, who was the task force
4 commander, he was also there. And later the supervisor for
12:25:43 5 Freetown, who was Colonel Terminator, and Gullit later appointed
6 him after the death of SAJ. He had injury. He is also there in
7 prison.

8 Q. Can you remember only two?

9 A. These were the only two supervisors whom -- sorry, member
12:26:25 10 of the brigade administration.

11 Q. Well, now, can you please tell this Court the people that
12 you know who were with you during this period who are now in the
13 Sierra Leone Army?

14 A. Well, as far as I can recall, Captain Charles is in the
12:26:57 15 army now, who was the adjutant in the army. Because Colonel
16 Eddie has died -- FAT was also in the army. But FAT has gone to
17 do some course, FAT Sesay.

18 Q. Do you know, Mr witness, whether Santigie Borbor Kanu was
19 taken back into the army when you returned to Freetown?

12:27:59 20 A. All I know is that he has -- he had returned, he said,
21 because they did not pay his benefits in the army. They all had
22 the privilege of taking their benefits from the army.

23 Q. Do you know whether he was honourably discharged from the
24 army?

12:28:23 25 A. Well, according to discussion that I had face to face with
26 him, he said -- he said he had asked for retirement from the army
27 and it had been granted to him and he had had his benefit.

28 Q. So, I go back to my first question on this area, do you
29 know whether he was taken back in the army?

1 A. Well, as I came together with them, they were all members
2 of the -- they were still members of the Sierra Leone Army. They
3 were getting their salaries. As I went with my operation
4 Commander A to collect his salary, they too went and signed and
12:29:03 5 collected theirs.

6 Q. So, please just cut it short for a minute. Do you accept
7 or do you know that he went back into the army.

8 A. He was in the army, even though he was not putting on
9 uniform, but he was still receiving salary.

12:29:41 10 Q. Mr Witness, I want you to go to Colonel Eddie Town again.
11 Yes?

12 A. Yes.

13 Q. [Microphone not activated]

14 THE INTERPRETER: The witness is pressed.

12:29:52 15 PRESIDING JUDGE: Does the witness want a short break or is
16 that what he requires, to leave the Court? What we could do is
17 it is only 15 minutes away from the lunch time adjournment, so
18 perhaps we will take an early lunch time adjournment.

19 Madam Court Attendant, please adjourn court now for lunch
12:30:22 20 time adjournment to 2.15 p.m. please.

21 [Luncheon recess taken at 12.26 p.m.]

22 [TB160605D - EKD]

23 [Upon resuming at 2.15 p.m.]

24 PRESIDING JUDGE: Yes, please proceed, Mr Manly-Spain.

14:21:46 25 MR MANLY-SPAIN:

26 Q. Good afternoon, Mr Witness.

27 A. Good afternoon, My Lord.

28 Q. Mr Witness, do you know when Santigie Borbor Kanu was
29 appointed to look after the women?

1 A. Yes, sir, My Lord.
2 Q. When was it?
3 A. Well, it was during the time when we were at Mansofinia up
4 to the time that we came to Freetown and he was still in charge
14:22:35 5 of them.
6 Q. Was he still in charge of the women whilst you were
7 retreating from Freetown?
8 A. Yes, My Lord.
9 Q. I want to ask you whether you know whether looking after
14:23:05 10 the women involves looking after their welfare?
11 PRESIDING JUDGE: Is being in charge and looking after
12 exactly the same, Mr Manly-Spain?
13 MR MANLY-SPAIN:
14 Q. Being in charge of the women involves looking after their
14:23:23 15 welfare?
16 A. Well, in fact, he was in charge of them. If there was any
17 problem concerning the women, Five-Five, it was to him that they
18 reported to.
19 Q. Yes, I know you've said that. He was to look after them,
14:23:44 20 protect them?
21 A. Well, as the women were in to their various men, so
22 whatever problem -- so whatever problem --
23 PRESIDING JUDGE: Mr Interpreter, could you please move
24 closer to the mic; we are having trouble hearing. Thank you.
14:24:10 25 Please start again.
26 THE INTERPRETER: Thank you, Your Honour.
27 MR MANLY-SPAIN:
28 Q. Please continue, Mr Witness.
29 A. I said for whatever problem which happened, which took

1 place, which happened with the women, it was Five-Five that would
2 take necessary action.

3 Q. [Microphone not activated] please. Was he to protect them?

4 A. In connection with any problems he was to take action.

14:25:00 5 Q. Mr witness, do you know who appointed him?

6 A. He was appointed by Gullit from Mansofinia.

7 Q. You said this morning that whilst you were with your
8 troops, the troops, you were taking orders and your carried out
9 orders; is that so?

14:25:42 10 A. I did not get your question clearly.

11 Q. When I asked you this morning whether you did what you were
12 doing willingly, you said you were acting under orders; is that
13 so?

14 A. Yes, My Lord. It was under orders.

14:26:00 15 Q. Mr witness, the soldiers who were with you at the time were
16 also acting under orders; is that not so?

17 A. I did not get your question clearly.

18 Q. I am asking you whether the soldiers who were with you at
19 that time were acting under orders?

14:26:42 20 MS PACK: Perhaps it may assist if my learned friend
21 clarifies where and when he's talking about because it seems
22 quite a broad question.

23 MR MANLY-SPAIN: Yes, Your Honour. The original question
24 this morning was a broad one. I had asked him on specific points
14:26:58 25 about areas which he took part in attacks, et cetera, et cetera,
26 and I finally put to him that you did it willingly -- you carried
27 out those attacks willingly. He said it was under orders. It is
28 generally I am talking about, Your Honour, that the men who were
29 with him at the time were all acting under orders.

1 JUDGE SEBUTINDE: But, Mr Manly-Spain, the question
2 presupposes were they acting willingly or acting under orders.
3 Isn't that what you're asking?

4 MR MANLY-SPAIN: No, no, no, My Lord. His answer when I
14:27:39 5 asked him whether he acting willingly he said under orders.

6 JUDGE SEBUTINDE: That was himself. Now you are asking him
7 to give you an answer for the others.

8 MR MANLY-SPAIN: Yes, Your Honour. That the others with
9 him were acting under orders. I am not going to the subjective
14:27:56 10 whether they were doing it willingly or not.

11 Q. Under orders; is that so?

12 A. Well, I did not have any soldiers as my under men. I was
13 just a ~~XXXX~~ to the operation commander. I do not know about other
14 soldiers. As the operation went on --

14:28:24 15 THE INTERPRETER: Your Honours, I have not been able to get
16 what the witness is saying. Would he please go over what he
17 said?

18 PRESIDING JUDGE: Mr Witness, you heard the [Microphone not
19 activated] for what you have said again.

14:28:43 20 THE WITNESS: My Lord, I said I did not have any soldiers
21 that were under me. I myself was under and I was subject to
22 order -- I was -- and whatever operation that any -- and whatever
23 order that was given to me, it was that order that I would have
24 to abide by.

14:29:10 25 MR MANLY-SPAIN: [Microphone not activated].

26 PRESIDING JUDGE: Mr Manly-Spain --

27 JUDGE SEBUTINDE: we didn't hear you at all.

28 MR MANLY-SPAIN: I merely said I understand that. I did
29 not ask a question.

1 Q. Did you, Mr Witness, go on any operation by yourself alone?

2 A. I -- most of the time I went with my commander Supervisor
3 A, or at times if he did not go, if they send -- they said they
4 were to send soldiers from the various commanders, most times my
14:29:58 5 commander would choose me to go.

6 Q. What I want you to understand is that I am asking you about
7 the other soldiers you went on operations with. I am asking you
8 whether they went on orders.

9 A. Well, this was on order and they called them from various
14:30:27 10 battalions. They also were acting under orders.

11 Q. Thank you. Mr Witness, when we started this morning I put
12 to you a question whether Mr Santigie Borbor Kanu ever had
13 overall control and your reply was no; is that so?

14 A. I said he was the chief of army staff.

14:31:06 15 Q. I know you said that but the first question I asked you is
16 what I'm referring to. Do you remember whether he was at any
17 time the overall commander of your troops?

18 A. No.

19 Q. You remember that question?

14:31:29 20 A. The question that you asked me, you said what position
21 which Santigie Borbor Kanu had as a chief of staff and what was
22 his responsibilities and I told you that he was in charge of the
23 soldiers.

24 Q. No, Mr Witness. I want you to remember the very first
14:31:49 25 question I asked you. I asked you whether Santigie Borbor Kanu
26 ever was in overall command of the troops you were with?

27 MS PACK: Your Honour, this has been asked and answered
28 this morning.

29 PRESIDING JUDGE: It has been asked and answered, Mr

1 Manly-spain, after a somewhat protracted questioning.

2 MR MANLY-SPAIN: No, My Lord, it was not put. It was the
3 very first question I asked and he answered readily. I am only
4 reminding him, I am not asking him again. I am only reminding
14:32:19 5 him.

6 PRESIDING JUDGE: Move on then.

7 MR MANLY-SPAIN: It is not in dispute.

8 PRESIDING JUDGE: Yes. Move on then, Mr Manly-spain.

9 MR MANLY-SPAIN:

14:32:26 10 Q. You would agree with me that Mr Kanu was acting on orders
11 whilst you were in the bush?

12 A. Well, I would not be able to say about that. What I knew
13 was that the operations -- when the operations came he was --
14 Gullit, Bazzy, Operation A would come and whatever order they
14:32:54 15 gave, he was the one that would reinforce that as chief of staff.

16 Q. Let me ask you this: Did Mr Kanu ever appoint himself to
17 any position?

18 A. Well, as far as I could recall, it was Gullit that
19 appointed him to a position.

14:33:30 20 Q. I am putting it to you again that the fact of the matter is
21 that Mr Kanu all the time was acting under orders of his
22 superior?

23 MS PACK: That has actually been asked already and answered
24 by the witness. I think it was a couple of questions ago; do you
14:33:56 25 agree with me that Mr Kanu was acting under orders in the bush.

26 MR MANLY-SPAIN: May I be reminded of the answer please.

27 PRESIDING JUDGE: The reminder that I have recorded and it
28 can be checked is that: I cannot say. Gullit, Bazzy, A, they
29 would come and whatever orders they gave he reinforced that.

1 Does that accord with the record?

2 MR MANLY-SPAIN: You see, that is my problem, Your Honour.
3 I do not believe that that is an answer to my question.

4 JUDGE SEBUTINDE: The answer that I have to the specific
14:34:28 5 question is, "I cannot say". You asked him does he agree with
6 you, et cetera, and he says, "I cannot say. All I know is", et
7 cetera, et cetera. So that would be the answer. If you are
8 putting a suggestion to him he is saying to you, "I cannot say".
9 In other words, he doesn't agree or disagree with you but all he
14:34:56 10 knows is what he saw happening. That is how I understand his
11 response.

12 MR MANLY-SPAIN: Yes, Your Honour. I just want to pry a
13 little further, maybe he will give the correct answer.

14 Q. Mr witness, while you were at Mansofinia and Mr Kanu was
14:35:21 15 appointed, was it by an order?

16 PRESIDING JUDGE: Mr Manly-Spain, just for clarification,
17 he was appointed to more than one position. Which one are you
18 referring to?

19 MR MANLY-SPAIN: To take care of the women.

14:35:49 20 Q. Yes, Mr witness?

21 A. Gullit, as he was giving his administration, said he had
22 appointed Santigie Borbor Kanu as the chief of staff and
23 supervisor for A and he was also in charge of the women in case
24 there was any problem -- in case of any women that were with the
14:36:17 25 soldiers, he was responsible.

26 Q. So the three appointments were at the same time at
27 Mansofinia?

28 A. Yes, My Lord. This was an open one that Gullit made.

29 Q. Are you quite sure about that?

1 A. Yes, My Lord.

2 Q. Did you, when you were giving evidence-in-chief, mention
3 that he was appointed to look after the women at Mansofinia?

4 A. Indeed. I talked about his appointment and that he was in
14:37:23 5 charge of women. I said that even at Karina he was responsible
6 for women.

7 Q. You said that in chief. Mr witness, you have given
8 evidence about meetings of the AFRC - is that so - which were
9 attended by Mr A?

14:37:56 10 A. Yes, during the reign of the AFRC in Freetown.

11 Q. Did you actually go into -- were the meetings held in an
12 office?

13 A. At any time that I escorted -- I drove Operation Commander
14 A to the office of the chairman -- I mean, the residence of the
14:38:30 15 chairman, because mostly that was where they used to hold
16 meetings. I was always outside and they would get inside and
17 come.

18 Q. You did not go into the room where they were holding the
19 meeting?

14:38:48 20 A. Yes, My Lord. I have never gone inside there.

21 Q. You said in evidence-in-chief that you read the minutes of
22 those meetings?

23 A. Yes, mostly when Honourable A would come from these
24 meetings. And when he came, whatever minutes or documents they
14:39:24 25 gave him, he would always show them to me so that I could read
26 myself and do the necessary interpretation to him as I
27 understood.

28 Q. Mr witness, I want to know whether you understand what
29 minutes are. Do you understand what they are?

- 1 A. Well, the only thing that I understand about minutes, that
2 whatever happened in the meeting and what would have to be and
3 that was a sort of agenda which they made. And it was from there
4 that they will go through, they will discuss in the meeting.
- 14:40:14 5 Q. Let me ask you: When you were referring to minutes in
6 evidence-in-chief did you really mean agenda?
- 7 A. Well, in the military we do not talk about agenda, we talk
8 about minutes. That was what I understand. The minutes for this
9 meeting -- any meeting, they talked about minutes.
- 14:40:47 10 Q. Are you saying that immediately -- that whenever Mr A
11 leaves a meeting of the AFRC he would have with him the minutes
12 of that meeting?
- 13 A. Any important document which Honourable A came with from
14 the meeting, he would show me that document.
- 14:41:22 15 Q. Listen to my question. I am asking you specifically about
16 minutes, whether whenever he came out of a meeting of the AFRC he
17 would give to you the minutes of that meeting?
- 18 A. Any minutes that he got from meetings, he would show them
19 to me.
- 14:41:51 20 Q. Mr Witness, during the beginning of the AFRC period, after
21 25th May 1997, did you listen to the radio?
- 22 A. Yes, I was conversant with radio listening.
- 23 Q. Did you hear decrees of the AFRC being read on the radio?
- 24 A. Like the anti-looting decree. That is why they clearly
14:42:38 25 read it out, as a warning to every soldier or honourable or
26 whosoever was holding a responsible position.
- 27 Q. Apart from that one, did you hear the very first
28 proclamation which declared the establishment of the AFRC?
- 29 A. Yes, that I also heard. They announced it on the national

1 radio to confirm all those that were appointed by the chairman.

2 Q. Mr witness, the first one did not appoint anybody. That is
3 the one I am talking of, the one which established the AFRC.

4 A. I want you to repeat your question, sir.

14:43:41 5 Q. My question is whether you heard the first decree, the
6 proclamation which established the AFRC?

7 A. After the taking over, and this proclamation was clearly
8 read on the national radio for the establishment of the AFRC.

9 Q. My question now is this document was not given to you by
14:44:18 10 Mr A to read?

11 A. Which of the documents?

12 Q. [Overlapping speakers] you have identified in court which
13 you have just answered that you heard clearly on the radio.

14 A. This particular proclamation where the AFRC administration
14:44:38 15 was, I saw it with my own eyes, you see, which showed the
16 chairman, the vice-chairman, right down to the appointment of the
17 honourables.

18 MR MANLY-SPAIN: Your Honour, may I please have Exhibit P4?
19 You can give me the bundle. I don't want it singularly, I will
14:45:30 20 be going through all of them. Can I have the file containing the
21 exhibits? Please, can you pass it to the witness?

22 [Exhibit No P4 shown to witness]

23 Q. Yes, Mr witness, please look at that document and take your
24 time to read it. Yes, Mr witness, are you through?

14:50:28 25 A. Yes, sir.

26 Q. [Overlapping speakers] whether you heard that on the radio
27 or whether it was given to you by Mr A?

28 A. This document, I saw it. Then the appointment of the
29 council was announced on the radio.

1 Q. So you didn't hear this on the radio?

2 A. The appointment, I heard about that, this number one part
3 of it.

4 Q. Which part of it?

14:51:21 5 A. Number 2 page and the first side of it.

6 Q. "Hereby establish a council to be known as the Armed Forces
7 Revolutionary Council"; you heard that one?

8 A. Yes.

9 Q. You say you also read this document?

14:51:50 10 A. Yes, My Lord.

11 Q. Do you remember when you read it?

12 A. As far as I could recall, this was about the time that I
13 was with Honourable A and when he made this announcement of the
14 appointment. I cannot remember the right date.

14:52:24 15 Q. Mr witness, does that document contain any appointments?

16 A. Well, in this second part of the page and one clearly shows
17 that they would establish a council that would be called the
18 Armed Forces Revolutionary Council.

19 Q. Yes, that is true. But my question was does it contain any
14:52:57 20 appointments?

21 A. Well, it's from this that they read the appointment, but
22 here there are no appointments.

23 Q. There are no appointments. Do you remember the document
24 that contained the appointment of Mr A?

14:53:24 25 A. Yes, after they had made a proclamation which made this
26 announcement and appointed the chairman, a deputy chairman.

27 MR MANLY-SPAIN: May I please have Exhibit P7? Can I
28 please return that. May I have Exhibit P7? Pass it to the
29 witness.

1 [Exhibit No P7 shown to witness]
2 Q. Have you seen that document before?
3 A. Yes, My Lord.
4 Q. I want you to turn to the page numbered 324. Have you seen
14:55:47 5 it?
6 A. Yes, My Lord.
7 Q. Is there on that page the words "Armed Forces Revolution
8 Council with effect from the 25th day of May 1997"?
9 A. Yes, My Lord.
14:56:11 10 Q. Is there a list of persons headed by Major Johnny Paul
11 Koroma, chairman?
12 A. Yes, My Lord.
13 Q. Okay. Where did you see that document before?
14 A. This document, it was the time when Honourable A that I was
14:56:38 15 with came with this document. I went through, especially the
16 names; I saw them.
17 Q. So was it given to you by Honourable A?
18 A. Yes. I looked through it. I went through it and I saw it.
19 Q. Is the date on it 1st day, 18th September 1997?
14:57:09 20 A. Well, I can't recall the date.
21 Q. [Overlapping speakers]
22 A. Yes.
23 Q. Do you see a date there?
24 A. Yes, My Lord.
14:57:26 25 Q. What is the date?
26 A. 18th September 1997.
27 Q. Please go back to the page where there is the list. Do you
28 see the name of Honourable A in that list?
29 MS PACK: Can the witness be cautioned not to read it out

1 if he should be tempted to do so?

2 MR MANLY-SPAIN: Yes.

3 Q. Don't read out the name but if it is there you can tell us
4 the number?

14:58:07 5 PRESIDING JUDGE: Even the number would identify.

6 MR MANLY-SPAIN: Sorry. As Your Honour pleases.

7 THE WITNESS:

8 [By order of the Court this portion of the transcript, page
9 74, lines 7 to 9 were extracted and filed under seal]

14:58:27 10 MS PACK: Is that something, Your Honour, that could be
11 redacted from the public record of the transcript? I made an
12 application in these terms before, but when the public version is
13 released if that could be redacted, just that last answer.

14 PRESIDING JUDGE: Yes, the Bench agrees that this should be
14:58:51 15 redacted from the public version and if there are any media
16 reporters in the public gallery that particular piece of evidence
17 should not be publicly reported.

18 MS PACK: I'm grateful.

19 MR MANLY-SPAIN:

14:59:05 20 Q. I am putting it to you that Mr A's name is not there?

21 [By order of the Court this portion of the transcript, page
22 74, lines 21 to 23, was extracted and filed under seal]

23

24 MS PACK: If there are to be any further questions might my
14:59:34 25 learned friend apply to go into closed session on this specific
26 document because I am very concerned about what is being asked.

27 MR MANLY-SPAIN: [Overlapping speakers] I will come to that
28 in closed session.

29 MS PACK: Again if that answer could be redacted

1 immediately from any record.

2 MR MANLY-SPAIN: I have no objection to this.

3 PRESIDING JUDGE: Yes, please note, Court Management that
4 should be redacted and again I repeat what I said; if there are
14:59:57 5 any members of the media they should not record that particular
6 answer or put it in public.

7 Q. Mr witness, do you remember the time at Kurubola?

8 A. Yes, My Lord.

9 Q. You spent some time there; is that so?

15:00:40 10 A. Well, we didn't spend the night there. We didn't spend the
11 night at Kurubola.

12 Q. Can you please spell it first, please?

13 A. Or Mongor Bendugu. I didn't say Kurubola. Mongor Bendugu.
14 Mongor Bendugu where SAJ was based. Sorry, Mongor Bendugu.

15:01:09 15 Q. Were you ever at Kurubola?

16 A. I have never been to Kurubola.

17 MR MANLY-SPAIN: [Overlapping speakers]

18 JUDGE SEBUTINDE: We didn't catch that.

19 MR MANLY-SPAIN: K-U-R-U-B-O-L-A is the spelling I have for
15:01:30 20 it.

21 Q. You said you were at Mongor Bendugu?

22 A. The only time that I talked about Mongor Bendugu was when
23 I, Operation A, Gullit, Bazzy, IB, Honourable Abdul Sesay moved
24 to SAJ at Mongor Bendugu.

15:02:25 25 Q. Okay. I believe we had the spelling before. When you went
26 there to meet SAJ Musa did you meet soldiers there with him?

27 A. Yes.

28 Q. Were these soldiers Sierra Leone Army soldiers?

29 A. Most of them that I knew were members of the Sierra Leone

1 Armed Forces.

2 Q. Do you know, Mr witness, of a squad known as the Special
3 Task Force?

4 A. Yes, the STF. The STF, yes.

15:03:30 5 Q. Were they under the command of somebody called General
6 Bopleh?

7 A. Yes, My Lord.

8 MR MANLY-SPAIN: I think it's B-O-P-L-E-H.

9 Q. Did you meet General Bopleh and the STF at Mongor Bendugu?

15:04:03 10 A. Yes, My Lord, he was there at Mongor.

11 Q. Do you know during the period before the intervention of
12 ECOMOG troops where this STF were stationed?

13 A. Well, as far as I can recall, the STF were with the army.
14 They were with the army.

15:04:55 15 Q. Were they stationed in any particular place?

16 A. Yes, they were in one area, but I have missed the area.

17 Q. Was it at Sulima?

18 A. I can't recall the place, but they were there. The STF
19 were there.

15:05:22 20 Q. When you met them at Mongor Bendugu were they under the
21 command of SAJ Musa?

22 A. When I went to Mongor Bendugu I went with commanders. I
23 didn't go there to monitor, to find out who was under what. So I
24 went to SAJ directly.

15:05:44 25 Q. That is exactly the point, Mr witness. You have been
26 telling us that you know so much about what was going on and you
27 did not know what was going on in Mongor Bendugu?

28 A. Mongor -- that was the first time I went to Mongor Bendugu
29 and I went with commanders to meet SAJ as we are heading for the

1 north, and I was just from Kono with the commanders. So I wasn't
2 able to know. So I only spent a day at Mongor.

3 Q. Thank you. Mr witness, I want you to answer me if you know
4 not. Apart from SLA troops that were in Freetown before the
15:06:34 5 intervention of ECOMOG into Freetown, were there SLA troops in
6 any other place in the country?

7 A. As far as I know, they were at Kono, Bo, they were in
8 Kenema, they were in Makeni.

9 Q. I take it they were deployed all over the country?

15:07:11 10 A. Yes, sir.

11 Q. Except for Kailahun?

12 A. Yes, My Lord.

13 Q. Is it the case that these troops had their commanders
14 according to where they were stationed?

15:07:41 15 A. Like, Makeni they had their brigade commander. Bo had a
16 brigade commander. Kenema had a brigade commander.

17 Q. Mr witness, when you entered Freetown on the 6th of January
18 you were one of the first people to do so?

19 A. Well, I was with a commander. I was with the commanders.

15:08:35 20 I was not alone to enter Freetown. We enter Freetown with the
21 commanders.

22 Q. Let me put it another way. The group that you were with
23 was one of the first to enter Freetown?

24 A. This group that I was with consisted with this commanders
15:08:59 25 that I have named. As I told you, from Calaba Town, Allen Town
26 and to Wellington I was with the commanders themselves.

27 Q. I agree to that but you were the first group to enter into
28 Freetown?

29 A. Well, as I said, yes, we are the advance troop with these

1 commanders to enter Freetown.

2 Q. When you entered Freetown you were happy.

3 A. My Lord, this question -- you want me to say what I don't
4 know because it was a war. I was not happy because we had not
15:10:02 5 yet captured the ground. It was a war.

6 Q. I will take you as you had not yet captured the ground so
7 you were not yet happy. When you arrived at State House were you
8 happy?

9 A. My Lord --

15:10:25 10 MS PACK: I'm not [Overlapping speakers] what the happiness
11 of the witness at this time, or any other time, in fact is.

12 PRESIDING JUDGE: Are you objecting on grounds of relevance
13 or some other grounds?

14 MS PACK: Relevance. It is irrelevant.

15:10:40 15 PRESIDING JUDGE: Mr Manly-Spain, there has been an
16 objection on grounds of relevance. What have you to say?

17 MR MANLY-SPAIN: My Lord, I believe that the witness's
18 elation or whatever I can say is very, very relevant to the case.
19 We are talking about what they had achieved. If you remember,
15:11:03 20 Your Honour, I asked him what they were coming for and he said
21 they were coming to reinstate the SLA and he was a part of the
22 SLA, so I think it is right for me to ask this question. But if
23 not maybe I can ask another question.

24 PRESIDING JUDGE: Just let us rule on that, Mr Manly-Spain.

15:11:21 25 MR MANLY-SPAIN: Yes.

26 [Trial Chamber confers]

27 PRESIDING JUDGE: The question is allowed.

28 MR MANLY-SPAIN: Much obliged.

29 Q. Please answer the question.

1 A. My Lord, still, as I said, I was not happy because that was
2 not the end of the battle. Because the battle was ahead so there
3 was no happiness in my face.

4 Q. Thank you. Thank you very much. Can you now tell us what
15:12:09 5 was the battle that you saw that was ahead?

6 A. Well, one, we've captured State House, Pademba prison was
7 there. We're also thinking about Wilberforce barracks where we
8 heard that there was heavy reinforcement there. We were not
9 happy. So whilst we were coming we lost some of our colleagues
15:12:36 10 so we don't know our position.

11 Q. Thank you very much. Mr witness, Wilberforce barracks, did
12 you attempt to go to Wilberforce barracks?

13 A. We didn't make any attempt. I told you the area that I
14 stopped.

15:12:59 15 Q. Why didn't you attempt to go to Wilberforce barracks?

16 A. I was with commanders. I was not the commander of the
17 troops, there were commanders. They were responsible to say
18 let's go there and whenever they say, we'll go.

19 Q. But you do know the reason why you were not commanded to go
15:13:20 20 to Wilberforce barracks?

21 A. Well, the only reason I later knew while at State House was
22 that the troops were to go because of the families that were
23 captured there.

24 Q. Please make it clear for me. You said the troops were to
15:13:51 25 go or were not to go to Wilberforce?

26 A. What I know is when we reach up to the Hillcot area up to
27 stadium and we returned back to State House and we had an
28 information from a civilian who came and said they wanted to kill
29 our families at Wilberforce. So Gullit said the troops should

1 not bombard, we should not go there.

2 Q. Okay. I want you to explain, please, what you mean by the
3 families at Wilberforce. What you mean by that?

4 A. Well, most of the soldiers who came, including Gullit, they
15:14:35 5 had -- Operation A's mother was there, the family was there. So
6 most of them --

7 Q. Take it slowly so we can get it clearly.

8 A. I said most of the soldiers whom I know, who came with the
9 troop to Freetown, had their families at Wilberforce barracks?

10 Q. So from the information you had was it the members of their
11 families who were captured, or what, in Wilberforce?

12 PRESIDING JUDGE: Mr Manly-Spain, I am not quite clear what
13 you asked. Could you please repeat it.

14 MR MANLY-SPAIN: I am not clear about his answer. He said
15:15:39 15 they had most of their families at Wilberforce.

16 Q. From the information what happened to their families?

17 A. I can't tell what happened. According to the civilian, he
18 said ECOMOG troop has captured them. So I don't know what
19 happened with them.

15:15:53 20 Q. [Overlapping speakers] the civilian told you ECOMOG troops
21 had captured the families of people who were in your group; is
22 that so?

23 A. Yes. Yes, My Lord.

24 Q. So you were not to go to Wilberforce. Mr Witness, in that,
15:16:17 25 your group, apart from people who were regular soldiers of the
26 Sierra Leone Army were there civilians fighting with you?

27 A. Yes, My Lord. As I said, the civilians that we brought
28 from Kono and Karina and we train them at Rosos, so they were
29 there. And even at Colonel Eddie Town we sent some people from

1 Tonko Limba -- the people from Tonko Limba sent their children to
2 join the movement.
3 Q. They sent them voluntarily?
4 A. Well, according to them, they said this indicates that they
15:17:02 5 are giving support because of -- they had other soldiers that
6 came from that area that joined the movement. So they are giving
7 support.
8 Q. What I am asking now is were there people with you who left
9 Freetown after the intervention -- were they in your group, who
15:17:38 10 were civilians from Freetown?
11 A. Yes, I knew some, yeah.
12 Q. And they came back to Freetown with you?
13 A. Yes, My Lord.
14 Q. They were fighting with you?
15:17:53 15 A. Yes, My Lord.
16 Q. Would I be right to say that they also had families at
17 Wilberforce barracks?
18 A. Well, like the two, three that I knew had families at
19 Wilberforce barracks.
15:18:16 20 Q. Mr Witness, talking about civilians that were fighting with
21 you, do you know of any prominent person in your group that was a
22 civilian?
23 A. The most -- which time are you referring to?
24 Q. From the period of the ECOMOG intervention until you came
15:18:51 25 back to Freetown?
26 A. When we came to Freetown there were prominent people
27 present. Momoh was there. You yourself, you were there.
28 Q. No, the fighters.
29 A. The fighters that I knew, I don't see any prominent one.

1 They were all small boys.

2 Q. What about Junior Lion?

3 A. Well, Junior Lion formerly, what I know is he was -- he
4 joined -- he was enlisted in the army. I don't know much about
15:19:32 5 his performance in the army. I don't know whether he was a
6 civilian or not, but I knew he was with Tom Nyuma.

7 Q. Thank you. You don't know whether he was a member of the
8 army. What command did he hold at any time?

9 A. What time are you referring to?

15:20:07 10 Q. Okay, let me begin with Colonel Eddie Town.

11 A. I told you that I was ~~XXXXX~~ to Honourable -- I mean,
12 operation --

13 Q. You misunderstood the question. Not you. I said he,
14 Junior Lion.

15:20:26 15 A. Oh, Junior Lion. In Kono he was the CSO to Bazzy. At
16 Colonel Eddie Town -- I mean, Mansofinia he was appointed as
17 commander of the D Company up till Colonel Eddie Town, after
18 which Gullit appointed him as task force commander for Freetown
19 invasion.

15:21:07 20 Q. That appointment, was it before or after the death of SAJ
21 Musa?

22 A. It was after the death of SAJ. That was the time the
23 appointment -- he was appointed as task force commander.

24 Q. When you were at the place you call West Side did Junior
15:21:50 25 Lion take part in any peace negotiations?

26 A. I myself went with him. I myself took part in the peace
27 negotiation.

28 Q. So we now talk about peace. Mr Witness, do you recall
29 during the period of the AFRC any peace negotiations between the

1 AFRC and the ousted government of President Kabbah?

2 A. Well, I can only recall that there was a Conakry Peace
3 Accord which was held, which said they should give 6 months to
4 the AFRC to stay in power. I can remember that.

15:22:59 5 Q. Do you remember the month of that accord?

6 A. No, I can't recall the month but I remember that there was
7 a peace accord.

8 Q. Can you remember whether it was October 1998?

9 A. My Lord, I can't recall the right date or the month.

15:23:35 10 Q. Let me ask you this: You said that the Conakry Peace
11 Agreement gave 6 months to the AFRC to continue; is that so?

12 A. Yes, that we heard over the radio, international radio.

13 Q. Did you yourself read the agreement?

14 A. This, I did not lay hands on the agreement. But I heard
15:24:12 15 about it. It was written on the newspapers and it was widely
16 spoken about on the international media.

17 Q. You have told this Court that the intervention by ECOMOG
18 was in February 1998. Do you know whether the 6 months given to
19 the AFRC had lapsed when ECOMOG intervened?

15:24:48 20 A. My Lord, all I knew was that the 6 months did not lapse.
21 It did not finish when the ECOMOG forces intervened. Because
22 Johnny Paul went on the air and said he was not going to hand
23 over power until 2004, so that is what made the ECOMOG forces
24 oust the AFRC.

15:25:19 25 Q. Did you hear that announcement?

26 A. Yes, when Johnny Paul went on the air. On that day when
27 they announced in Conakry that they had given six months to the
28 AFRC he went on the air and said that he was not going to hand
29 over until 2004, which made the foreign minister whom we had

1 during that time, Paolo Bangura, did not come again with the
2 delegation.

3 Q. Are you sure about what you are talking?

4 A. I am sure of this announcement. Even all the soldiers were
15:25:59 5 angry and I myself that I am sitting here was also angry.

6 Q. What radio was that said by Mr Johnny Paul Koroma?

7 A. After the Conakry Peace Accord when they interviewed Johnny
8 Paul over the BBC, RFI and Voice of America. They interviewed
9 him on those three radio stations. Johnny Paul said --

15:26:52 10 Q. Mr Witness, when you left Freetown after that intervention
11 and you were at Masiaka, you said Johnny Paul also made an
12 announcement on the radio?

13 A. Yes, My Lord.

14 Q. And you said he said operation Pay Yourself?

15:27:14 15 A. Yes, My Lord.

16 Q. Was this is in an interview with Robin White of the BBC?

17 A. Yes, this was a clear international interview over
18 international media, BBC.

19 Q. Did he say in that same interview, when asked by Robin
15:27:44 20 White, that he was somewhere over the hills of Freetown?

21 A. Yes, because this was the first question that Robin White
22 put to him, saying now that the ECOMOG have taken over Freetown
23 where are you? He said he was on the hills around the peninsula.

24 Q. Do you know of any other interview with Johnny Paul Koroma
15:28:11 25 at that time, the time you were at Masiaka?

26 A. This was the only interview and that was the day he talked
27 about operation Pay Yourself. He said he had nothing to give the
28 soldiers so he had declared operation Pay Yourself.

29 Q. I want you to assist me now regarding the appointment you

1 allege that was made by Gullit at Colonel Eddie Town.
2 Mr witness, did he say "I appoint" or did he say "I approve" the
3 appointment of --
4 A. These appointments which Gullit made were from Mansofinia
15:29:40 5 and these appointments continued up to Rosos up to Colonel Eddie
6 Town. The only thing was that he approved of promotions.
7 Q. I am asking whether he said "I approve the appointment" or
8 "I appoint"?
9 A. What I am trying to say is that in Colonel Eddie Town he
15:30:10 10 gave promotions to officers.
11 Q. And what did he say -- how did he say it?
12 A. He said he, Gullit, he was very happy to approve the
13 promotions of so and so commander.
14 Q. Were you at that time given a promotion?
15:30:45 15 A. At Colonel Eddie Town they commissioned ~~XXXXXXXXXXXX~~
16 and I was amongst.
17 Q. At Colonel Eddie Town did you have RUF soldiers with you?
18 A. Yes, My Lord.
19 Q. Were they with you until you came to Freetown?
15:31:47 20 A. Yes, My Lord.
21 Q. Was there from that time or at that time -- at the time at
22 Colonel Eddie Town was there a joint command?
23 A. They were under direct command of Gullit, because they were
24 small in number.
15:32:32 25 Q. Were there any RUF officers there amongst them?
26 A. Well, the only officer that I knew was -- I mean, Captain
27 Stagger and also the radio man.
28 Q. Mr witness, please clear this point for me. When you came
29 to Freetown was it Brookfields Hotel which you captured or

- 1 Brookfields?
- 2 A. We captured Brookfields Hotel here and the whole of
3 Brookfields, which was captured by Tito, and this Jomo Kenyatta
4 Road.
- 15:34:09 5 Q. When you were going back - that is after you had captured
6 Freetown, you were retreating - did you meet with Mr Santigie
7 Borbor Kanu at Waterloo?
- 8 A. Yes, My Lord. At Benguema, sorry, Benguema.
- 9 Q. I am asking you Waterloo.
- 15:34:43 10 A. In Benguema, there we met him. He received the troops with
11 which we came in Benguema.
- 12 Q. Did you meet him at Waterloo also?
- 13 A. No, My Lord, we met him at Benguema.
- 14 Q. Mr Witness, when you met Mr Kanu at Benguema did you and
15 him spend any number of days there?
- 15:35:08 16 A. He himself was there, yes, with my commander and Operation
17 Commander A. They were together at Benguema barracks.
- 18 Q. Did you spend some time there together?
- 19 A. Well, mostly where they were, the Operation Commander A
15:35:34 20 would go to them. It was just a stone throw.
- 21 Q. No, I don't mean whether you were in the same place. Did
22 you spend a number of days together at Benguema?
- 23 A. Yes, in the same camp.
- 24 Q. At that time was he carrying any weapons?
- 15:36:00 25 A. My Lord, the man was with his weapons. He was always with
26 his weapon.
- 27 Q. What was his weapon?
- 28 A. He had a pistol, he had -- his SBU was carrying AK47.
- 29 Q. Did you see him carrying a weapon that looked like a cane

1 that fired bombs?

2 A. I don't know about a cane that fired bombs. I knew that he
3 held a pistol.

4 Q. You didn't see him with anything like that?

15:36:51 5 A. I don't understand this sort of thing.

6 Q. Walking stick, was he carrying a walking stick that would
7 fire bombs?

8 A. I knew that he would hold something, but I do not know
9 whether that would fire bombs, except now that you are saying it.

15:37:15 10 Q. Thank you. Mr Witness, during your retreat from Freetown
11 can you tell the number of women that went with you?

12 A. My Lord, I would not be able to tell that number, because
13 the women were many. Young girls as well as young women.

14 Q. You say it was the duty of Mr Santigie Borbor Kanu to look
15:38:07 15 after these women?

16 A. Yes, My Lord.

17 Q. I want to ask you, Mr Witness, at the time you were at
18 Benguema did cooking take place there?

19 A. Everybody was busy cooking.

15:39:00 20 PRESIDING JUDGE: Mr Manly-Spain, could I ask you if you
21 are coming near the end of a line of questioning as we are
22 approaching the time for the afternoon break for the witness and
23 others.

24 MR MANLY-SPAIN: My Lord, I would have to go on for a while
15:39:15 25 on this particular topic concerning the looking after of the
26 women.

27 PRESIDING JUDGE: Perhaps this will be an appropriate time
28 to take a short adjournment.

29 MR MANLY-SPAIN: As Your Honour pleases.

1 PRESIDING JUDGE: And allow that to continue later. Madam
2 Court Attendant, please adjourn court for 15 minutes.
3 [Break taken at 3.35 p.m.]
4 [TB160605E-SGH]
15:30:20 5 [On resuming at 3.52 p.m.]
 PRESIDING JUDGE: Yes, please proceed, Mr Manly-Spain.
7 MR MANLY-SPAIN:
8 Q. Good afternoon, Mr witness?
9 A. Good afternoon, My Lord.
15:56:46 10 Q. Mr witness, before we had the break I believe you said that
11 people were cooking all the time; is that so?
12 A. Yes, My Lord.
13 Q. Were people cooking at any particular time of the day or
14 throughout the day?
15:57:03 15 MS PACK: Could we just repeat the location just so the
16 witness is absolutely sure of it, Your Honour.
17 MR MANLY-SPAIN:
18 Q. At Benguema.
19 A. In Benguema, Five-Five, together with Mammy Tina, the wife
15:57:19 20 of late SAJ Musa, they went round and made sure that nobody
21 cooked within that time when the place has started brightening.
22 One side at Benguema where they said everybody should go and do
23 his cooking and also at Samuel Town because there there was a
24 jungle. Therein cooking took place generally so that the jets
15:57:40 25 could not bombard.
26 Q. I am not sure whether you answered.
27 JUDGE LUSSICK: I did not understand what he said, Mr
28 Manly-Spain.
29 MR MANLY-SPAIN: Can I put the question again?

1 PRESIDING JUDGE: Please.
2 MR MANLY-SPAIN:
3 Q. Mr witness, it will be a little different, but what I want
4 to ask you is was cooking done generally during the day?
15:58:12 5 A. Yes.
6 Q. Was cooking done at night?
7 A. It was very rare to see cooking being done at night
8 because --
9 Q. Yes, go on, please.
15:59:06 10 A. Mostly in Benguema in the morning the families moved to
11 Samuel Town which had a jungle where they would cook. That was
12 the duty of Five-Five and Mammy Tina. She moved the women to
13 make sure that they cooked so that the jets could not bombard at
14 Benguema.
15:59:28 15 Q. So, again, was any cooking done at Benguema?
16 A. I, myself, I had somewhere to cook. I used to cook with
17 coal. I used to cook at Benguema, but the majority it was at
18 Samuel Town and one other area where they used to cook.
19 Q. Do you know the reason why cooking was restricted at
15:59:56 20 Benguema?
21 A. Yes, it was because of the jet raid.
22 Q. Do you mean it was expected that the jets would see the
23 smoke and then raid you?
24 A. And in fact not only the smoke, but through the passing up
16:00:27 25 and down of the women in the barracks that would locate, because
26 Five-Five and Mammy Tina and even the other senior commanders,
27 could pass around so that nobody could pass up and down so that
28 the jets could not see somebody and bombard.
29 Q. Would you agree with me by taking the women to Samuel Town

1 to cook, Santigie Borbor Kanu was protecting them?

2 A. It was not they alone that they are protecting because the
3 jets hadn't got any friend. I say even my own life was
4 concerned, even he himself was concerned about his own life.

16:01:27 5 Q. [Microphone not activated] when you left Benguema I believe
6 you stopped at Newton; is that so?

7 A. Yes, My Lord.

8 Q. Was any cooking being done in the area that you were
9 stationed at Newton?

16:01:55 10 A. My Lord, in fact cooking had been going on with those in
11 the ambush and Newton had a forest. It had, I mean, areas that
12 were covered. So mostly the cooking was done in the jungle.

13 That is the jungle that was around Newton. Because there was a
14 law in the morning everybody should have gone to Sokoehun which
16:02:20 15 we called -- which we normally refer to as a place where we go
16 and take cover, except the fighters.

17 Q. Was it Santigie Borbor Kanu who took these women to the
18 place where they cook?

19 A. Santigie Borbor Kanu, he was very aggressive about that.
16:02:48 20 So that the women could go in the morning to Sokoehun until when
21 he came from Newton, that was the time that Commander Tito took
22 that responsibility.

23 Q. Please, just answer my question. He did that, he took them
24 to where they could cook?

16:03:15 25 A. In the morning Santigie Borbor Kanu would move with other
26 soldiers to make sure that as day breaks -- day broke, these
27 people would be moved to the jungle where they would cook.

28 Q. From Newton where did you go to?

29 A. From Newton we withdrew to Makolo, after which Mammah.

1 Q. At Makolo, did you perform the same functions with the
2 women?

3 A. My Lord, what I said was that it was at Newton that we were
4 when Five-Five, Gullit, O-Five, and Bulldoze, Gunboot and other
16:04:03 5 soldiers, left us, the troop, and headed for Makeni.

6 Q. After Santigie Borbor Kanu left for Makeni, did you meet
7 with him again?

8 A. The only time that I met with Santigie Borbor Kanu, that
9 was the time when they came at west Side. When he came that was
16:04:57 10 after the signing of the peace. He was the one that came and
11 took the children from the camp.

12 Q. Can you tell us the month and year that was?

13 A. Just after the signing of the ceasefire that was -- that
14 was sometimes we heard over the international media that Santigie
16:05:42 15 Borbor Kanu that Superman were in Freetown. And later Santigie
16 Borbor Kanu would come to west Side and they took the abducted
17 children. He was the one who would come right into the camp and
18 he took the children.

19 Q. Was that, if you can fix a time, was that after May 1999?

16:06:14 20 A. Well, I would not be able to recollect the month when they
21 signed the ceasefire, the month of the ceasefire. You see, it
22 was about that -- it was about a month after the ceasefire.

23 Q. Mr witness, do you know where they took the children to?

24 A. Well, when Santigie Borbor Kanu used to come to the camp
16:06:42 25 they said he was sent by Johnny Paul to come and make sure that
26 he would normally come with -- he normally came with some people
27 who were responsible for children -- for the children that have
28 been abducted. They were over Magbeni. He would come into the
29 camp. From there they would hand over the children to him, women

1 as well as little children. Then he would cross with them in a
2 boat to Magbeni and get them into a vehicle. Then bring them
3 down to Freetown.

4 Q. Thank you. You do know that he was coming from Freetown?

16:07:21 5 A. That is what he said. That is what he used to say that he
6 came from Freetown. In fact, there used to be a communication
7 before he came to the camp.

8 Q. He would communicate with?

9 A. He would call -- he would call to the camp first to Bazzy
16:07:41 10 and Bazzy would approve that he had prepared some children to go
11 until December when the disarmament started.

12 Q. Was Five-Five -- Santigie Borbor Kanu ever stationed at
13 Gberi Bana?

14 A. At times he used to sleep there. There was a certain time
16:08:09 15 when he himself travelled with Superman, Mike Lamin and others
16 when he gave information that they were coming. When at that
17 time we just came from Liberia. They were arrested. In fact, he
18 was the one that gave the plan when Bazzy said that Superman
19 should be arrested and Mike Lamin and Leather Boot escaped. At
16:08:35 20 that time he spent some time in the camp before later, after some
21 negotiation he came to Freetown.

22 Q. What I was hoping to ask, which I probably did not put it
23 clearly, was Five-Five one of the people who set up that camp?

24 A. No, he was not there when the town camp was set. It was
16:09:00 25 after the cease-fire, he, Gullit and the others came.

26 Q. Mr witness, you said that the first time that you saw child
27 soldiers was when the RUF came after the coup d'etat in 1997; is
28 that so?

29 A. Yes, My Lord.

1 Q. Do you know whether before ECOMOG intervention child
2 soldiers were disarmed?

3 A. I don't know about that because I used to see them with the
4 RUF. They are still with the RUF.

16:10:12 5 Q. Do you know of any programme to disarm them?

6 A. Well, I did not have any basic knowledge about that because
7 at that time there was war.

8 Q. Have you ever come across the name Major Kula Samba?

9 A. Yes, I knew that he was one of the commanders, a woman
16:10:52 10 commander, who was in the Sierra Leonean army. She was one of
11 the people that were executed.

12 JUDGE SEBUTINDE: would you assist us with that spelling,
13 please?

14 MR MANLY-SPAIN: Your Honour, the first name is K-U-L-A,
16:11:17 15 and the second is S-A-M-B-A.

16 Q. Mr witness, do you know that this lady was appointed in
17 charge of children and general affairs by Johnny Paul Koroma,
18 Secretary of State?

19 A. That was later. When they had killed her, that was the
16:12:03 20 time that I knew that that was her appointment. But I didn't
21 know anything before that.

22 Q. You said a few minutes ago, Mr witness, that at that time
23 when you said you don't know about disarmament of child soldiers,
24 you said there was war; is that so?

16:12:33 25 A. Yes, My Lord.

26 Q. Can you tell this Court who were the fighting parties?

27 A. It was a combined force; the SLA was with the RUF, they
28 were fighting against the ECOMOG forces.

29 Q. And at that time do you know where the front was?

- 1 A. Yes, My Lord.
- 2 Q. Where was it?
- 3 A. Jui was one front line. It was a combat camp.
- 4 Q. Was there anywhere else?
- 16:13:35 5 A. The only -- also Hastings, that was another area because
6 there was a troop from Benguema to Hastings, and Hastings was
7 occupied by ECOMOG soldiers and Jui.
- 8 Q. I want you to remember now, Mr Witness, during this period,
9 the first few days after the coup of 25th May 1997, did anything
16:14:20 10 happen?
- 11 A. Just after the 5th May 1997, the 2nd June, there was an
12 invasion by the ECOMOG forces. They came -- they used Jui and
13 they came by Jui and they also came by Aberdeen from Mammy Yoko
14 area.
- 16:14:39 15 Q. When they came, what did they do?
- 16 A. Well, in that area they came with heavy bombardment. They
17 tried to penetrate towards State House. But the troops, which
18 went there when I was also there, repelled the ECOMOG forces from
19 that area and they surrendered at Mammy Yoko.
- 16:15:28 20 Q. Do you know how many surrendered?
- 21 A. Well, the number was large because from my eyes they were
22 about clearly, 100 including senior commanders.
- 23 Q. Do you know what happened to them eventually?
- 24 A. Yes, My Lord, they were brought to Cockrill. From Cockrill
16:16:01 25 later Johnny Paul released them and they went back to Jui.
- 26 Q. Until the time of the ECOMOG intervention in February 1998,
27 were there any other attacks on your forces by ECOMOG?
- 28 A. Yes, My Lord.
- 29 Q. Do you know how many?

1 A. He had several attacks.

2 Q. Was it a daily attack?

3 A. Well, not really daily. It was not a daily. Only that the
4 jets raided almost every day.

16:17:40 5 Q. What do you mean by raided?

6 A. Well, like State House -- the State House, the Jets had
7 been raided the State House and they have bombed in Cockrill and
8 made sure that any military patrol that they saw it will raid and
9 normally they used to hide from the jets.

16:18:09 10 Q. What I am asking: when they flew over did they drop bombs?

11 A. Yes, My Lord, they dropped bombs.

12 Q. Did these bombs kill people?

13 A. Well, the only bomb that I knew that damaged people, that
14 was in Cockrill. And also they bombed at Water Quay, but people

16:18:40 15 did not die there. And also they dropped a bomb at this FM
16 station around Hill Station.

17 Q. You say Cockrill; we've had the spelling before. Is it
18 Cockrill headquarters you are talking about?

19 A. Yes. Yes, My Lord. The military headquarters.

16:19:07 20 Q. Then you said Water Quay and that was given as the Queen
21 Elizabeth Quay, Your Honour. And where else did you say?

22 A. The FM pole around Hill Station. There again they dropped
23 a bomb.

24 MS PACK: Your Honour, I am not sure of the relevance of
16:19:38 25 this line of questioning about ECOMOG bombing during the AFRC
26 period. So I object to its continuance on the grounds of
27 irrelevance.

28 MR MANLY-SPAIN: Your Honour, I believe this came up earlier in
29 the trial. The charges are that the indictees, when part of AFRC,

1 destroyed the country by doing certain things which the Prosecution is
2 trying to prove. It is our duty to show that they did not -- that
3 certain other people lead. That is what I am trying to do.

4 PRESIDING JUDGE: We consider that the Defence is entitled
16:21:11 5 to put this line of questioning and the objection is overruled.

6 MR MANLY-SPAIN: Much obliged.

7 Q. Mr Witness, you mentioned Cockrill headquarters. Did
8 you personally go there after the bombing?

9 A. I was at Hill Station near Honourable A while this
16:21:37 10 bombardment was happening. At that time he was supposed to have
11 gone to a meeting there. He went there and saw this damage that
12 happened there.

13 Q. No, did you go there - you, yourself?

14 A. Yes, I and Honourable A went there.

16:21:55 15 Q. So please just tell this Court what you saw?

16 A. Well, at that time I wasn't able to go right in because
17 everybody was afraid. I just went to the area and observed that
18 the headquarters were damaged. There were damages. And we went
19 to 34 and we saw wounded soldiers that were damaged.

16:22:29 20 Q. Mr Witness, yes, you said 34. What is 34?

21 A. That was the military hospital, sorry. The military
22 hospital, sorry, at Wilberforce.

23 Q. You mentioned yesterday about a bombing by jets at PZ.

24 MS PACK: Perhaps my learned friend could clarify the time he is
16:23:15 25 talking about here. This earlier questioning I think was on 1997 in
26 Freetown and I think my learned friend has moved on to 1999.

27 MR MANLY-SPAIN: Yes. January 7, I believe, 1999.

28 Q. You said that there was a bombing at PZ by a jet. Is that
29 so?

- 1 A. Yes, My Lord.
- 2 Q. Mr Witness, I want to ask you at that time did your army
3 have a jet fighter, a jet plane?
- 4 A. No, My Lord.
- 16:24:09 5 Q. Do you know which faction was fighting with jets?
- 6 A. It was the ECOMOG force that had jets that were bombing.
- 7 Q. Can you, Mr Witness, tell this Court any other area that
8 you were when these jets raided and dropped bombs?
- 9 A. The only time that I can recall was the time that on
16:24:57 10 January 7 that the jet bombarded. But from that time we became
11 very cautious on how the troops were moving, so I cannot remember
12 any other bombardment by the jet.
- 13 Q. What about the time you were at Benguema?
- 14 A. Well, also in Benguema the jet only raided. It came and
16:25:28 15 flew over there again. It would come in the morning. So almost
16 all women would go to their Sokoahun while the fighters were
17 inside, and it was not able to see any location.
- 18 Q. You are using a word I do not understand, Sokoahun. Can
19 you spell it for me?
- 16:25:59 20 A. I cannot remember that -- I cannot spell it. But that was
21 the usual word that they used to use. That is to take cover, I
22 know, from the jet.
- 23 Q. Was it a word that meant going to somewhere safe?
- 24 A. Yes, for safety, Sokoahun.
- 16:26:25 25 Q. You said that a bomb was dropped at Water Quay. Did you go
26 there yourself?
- 27 A. Well, at Water Quay --
- 28 MS PACK: Could we clarify again just when that was, Your Honour?
- 29 PRESIDING JUDGE: More specific, Mr Manly-Spain.

1 MR MANLY-SPAIN: Pardon?

2 PRESIDING JUDGE: I said more specific on the time.

3 MR MANLY-SPAIN: Yes, yes.

4 Q. Do you remember when this was done, when the bomb was
16:27:17 5 dropped at Water Quay?

6 A. It was during the AFRC reign in Freetown.

7 Q. Did you go there yourself?

8 A. I went there because all honourables went there. I also
9 went with my own Honourable and we saw that Shed 1 was damaged
16:27:45 10 where the bomb -- the jets dropped a bomb.

11 Q. Mr witness, when you were retreating -- now I am talking
12 about 1999, after February 13. That was when you were
13 retreating; is it so?

14 A. In what year?

16:28:30 15 Q. 1999 when you were retreating. You know when you said you
16 lost State House.

17 A. Yes, I can remember well.

18 [TB160605F - EKD]

19 Q. During that period you were retreating under heavy fire
16:29:32 20 from the opposite side. You said you used to call them enemy
21 forces?

22 A. Yes, My Lord.

23 Q. Since you left State House were the troops all together?
24 That is your troops?

16:29:41 25 A. No. Just like I said, you had a combat camp at that time
26 when we started to retreat, which was a fighting force, whilst
27 the family members were behind us with the G4. They were at the
28 rear. So reinforcement used to come and they would start
29 fighting with the ECOMOG forces, whilst the switch was going on.

1 Q. So you were fighting all the time while you were
2 retreating?

3 A. Well, yes. Yes, we used to give them tactical retreating.

4 Q. [Overlapping speakers] that word before. Can you please
16:30:29 5 explain that for us?

6 A. You yourself had explained that, that while there was
7 firing we also would fire and we would be retreating. We retreat
8 that way. We fire and we retreat.

9 Q. Did you, Mr Witness -- first of all you told us that you
16:31:01 10 first stopped at Eastern Police, then Mountain Cut, Savage
11 Squire, Upgun, PWD Junction?

12 A. Ferry Junction.

13 Q. I want to ask how long did it take you in this retreat from
14 Eastern Police -- from State House to Ferry Junction?

16:31:29 15 A. Just as I explained, the first retreat, when we came to
16 Ferry Junction we went back and captured State House. The second
17 retreat, we moved where we lost Colonel Woyoh. The third one, we
18 were not able to capture and we withdrew finally and we started
19 to withdraw. This was a hasty withdrawal. We'll withdraw and
16:31:54 20 base, we'll withdraw and base. I mean, it was a hasty
21 withdrawal.

22 Q. That is what I am asking. How long did it take on this
23 third occasion when you were retreating? How long did it take
24 you, let me see now, from Eastern Police to Ferry Junction and
16:32:17 25 PWD?

26 A. Well, we just spent about five -- or a week, about that,
27 whilst the third week we were retreating. You see, we had been
28 retreating --

29 Q. [Overlapping speakers]

1 A. -- within that time. I cannot state the right time but it
2 was within that time.

3 Q. Going away from Freetown, it was the case that the family
4 was ahead of you?

16:33:01 5 A. The only side where the family was ahead was the time when
6 we finally lost Upgun and we came to Ferry Junction. That was
7 the time Five-Five, Gullit, Bazzy moved with the families to a
8 location which is the mental home, a location by the mental home.

9 Q. What I am asking is that when you picture the direction
16:33:32 10 leaving Freetown, going towards the provinces, they were in front
11 of you, you were at their rear. That is the family.

12 A. I want to get your question clearly.

13 Q. Let me explain it to you. You are now facing the east end
14 of Freetown, leaving Freetown by the east end of Freetown, Kissy
16:34:05 15 Road. You get that?

16 A. The withdrawal, you mean?

17 Q. Yes, yes. The family were in front you, going away from
18 Freetown?

19 A. When we started losing State House, Eastern Police mostly
16:34:28 20 the families had already gone and based at PWD. The G4 and
21 everything had based at PWD.

22 Q. The place where they were based is further east of Freetown
23 than you were?

24 PRESIDING JUDGE: Did I hear the family again?

16:34:58 25 MR MANLY-SPAIN: Yes, Your Honour.

26 Q. They were further away from Freetown than you were. You
27 were at the back, fighting.

28 A. When you talk about the back - I don't know whether it is
29 the interpretation - I am not getting you clear. I need to get

1 it clear before I answer. I can't answer a question that I don't
2 get clear.

3 Q. Is it the case that you sent the family ahead of you?

4 A. The only thing, after we started losing State House,
16:35:37 5 Eastern Police the family withdrew to PWD.

6 Q. Who remained there?

7 A. I said the family withdrew and the front line, the combat,
8 it was soldiers that were in the front line. I'm making it clear
9 for you to understand.

16:36:04 10 Q. Thank you. Mr witness, after Santigie Borbor Kanu and
11 others had retreated with the family, when did you see him again?

12 MS PACK: Your Honour, the question is again very general
13 and vague. I am not clear as to what time -- from where they
14 retreated that my learned friend is talking about.

16:36:43 15 MR MANLY-SPAIN: I will try, Your Honour, but I believe the
16 witness just said that the family retreated and went and based at
17 Moyiba, is it? PWD.

18 Q. I am asking you about that time. You said Santigie Borbor
19 Kanu and others took the family ahead, okay; is that so?

16:37:08 20 A. That was the time when we reach at Uppun, Ferry Junction
21 finally. That was the time Santigie Borbor Kanu, Bazy and
22 Gullit moved with the family. By the time we are at Eastern
23 Police they came with reinforcement. They come with the
24 reinforcement.

16:37:29 25 Q. [Overlapping speakers] moved with the family when you were
26 at Uppun. Since that time when did you see Santigie Borbor Kanu
27 again?

28 A. It was at mental home, at mental home. At mental home I
29 saw him because that is where they said we should withdraw. That

1 is where I met him.

2 Q. From mental home when you saw him again, did he move with
3 the family?

4 A. At that moment the whole family stayed at first because the
16:38:11 5 Guinean troops, the ECOMOG troops took over the entire town and
6 they were patrolling. So we were at the old road up to the
7 mental home.

8 Q. Yes, did he move with the family from there?

9 A. That was the whole troop after the bombardment. The whole
16:38:36 10 troop moved, he was not alone. The whole troop moved.

11 Q. [Overlapping speakers] family?

12 A. Yes, after Gullit -- because this time -- at this time
13 after the bombardment, after we've lost Steve Bio and others and
14 the guys were -- the enemies were still bombarding our position,
16:38:54 15 the entire troop moved. This was a troop movement.

16 Q. Okay. What kind of bombardment was it?

17 A. Well, we had mortar. They were firing mortar.

18 Q. I want you now, Mr Witness, to remember just after the
19 ceasefire -- just before the ceasefire. You said that there was
16:40:14 20 a meeting at Newton with UNAMSIL and Archbishop Ganda?

21 A. UNOMSIL.

22 Q. UNOMSIL and --

23 A. United Nations Observer Force. That was not the armed
24 force.

16:40:39 25 Q. And Archbishop Ganda. I want you to tell me amongst your
26 own forces who attended that meeting?

27 A. Five-Five was there, Gullit was there, Bazzy was there,
28 Junior Lion was there, Operation Commander A was there, I myself
29 was there.

1 Q. Who did you have as spokesman?
2 A. At that time Gullit was the spokesman. He was the
3 commander and he had Coachy Borno and Five-Five also spoke.
4 Q. Mr witness, during the period, during the time you
16:42:09 5 described what happened to ~~XXXXXX~~ at Gberi Bana, was
6 Santigie Borbor Kanu at Gberi Bana?
7 A. My Lord, I had said earlier that Santigie Kanu, Gullit and
8 the other commanders that I had named left Newton and went to
9 Makeni.
16:42:44 10 Q. Mr witness, I want you to understand that there are certain
11 specific questions I have to put to you. Don't get impatient,
12 okay.
13 A. I'm not vexed, My Lord.
14 Q. [Overlapping speakers] there is a reason for that, okay.
16:43:06 15 A. Yes, My Lord.
16 Q. You mentioned that --
17 PRESIDING JUDGE: Mr Hodes, which of us are you
18 communicating with?
19 MR HODES: It was just for Ms Pack, Your Honour.
16:43:33 20 MR MANLY-SPAIN:
21 Q. Whilst you were going now -- I am going back to Mammah,
22 going towards Mile 38, were you involved in any fighting with
23 Kamajors?
24 A. Well, while we are retreating to Mammah, we didn't engage
16:43:59 25 with any Kamajors.
26 Q. I want you to tell me who were the prominent people in that
27 group when you went from Mammah to Mile 38 when you were
28 retreating?
29 A. Bazy was the overall commander, we had Tito, we have

1 Operation Commander A, you have Junior Lion and you also have
2 MTR, you have KBC, Stagger, you have Cambodia, you have Colonel
3 Pikin, you have honourable -- I mean, Supervisor Ibrahim Bioh
4 Sesay and I was also among.

16:45:50 5 Q. Thank you. I am asking you the question again. Was
6 Santigie Borbor Kanu amongst that group?
7 A. No, My Lord.

8 Q. Mr witness, you spoke about young girls being the wives of
9 commanders, did you?
16:46:42 10 A. Yes, My Lord.
11 MS PACK: If there are going to be further questions along
12 this line then perhaps some dates and places would assist.
13 MR MANLY-SPAIN: Yes, Your Honour.

14 Q. I am talking about the time you were retreating from
16:47:02 15 Freetown after January 6th, 1999?
16 A. Yes, My Lord.
17 Q. I want to ask you did Santigie Borbor Kanu have a wife with
18 him?
19 A. Yes, he also had one young lady with him.

16:47:34 20 Q. Do you remember the name of the lady?
21 A. No, no, no, no, because it was only in Freetown that I knew
22 him. I saw him, I mean.
23 Q. You saw her?
24 A. Yes. Till the retreat from Freetown -- Joe Town.

16:47:55 25 Q. Do you know whether the lady was his actual wife, married
26 to him?
27 A. No, no, that was not his married wife. He never married
28 her. It was from Freetown that he got her.
29 Q. Can you describe this girl for me, please?

1 A. She was a very young girl, beautiful girl. Very beautiful.
2 He himself, the wife he had, Santigie Borbor Kanu and Operation
3 Commander A, his wife ran away and surrendered later - that was
4 what we learned - to ECOMOG.

16:49:05 5 Q. Was she fair in complexion?

6 JUDGE SEBUTINDE: Are we talking about the wife or the very
7 beautiful young girl?

8 MR MANLY-SPAIN: That is the wife, Your Honour.

9 JUDGE SEBUTINDE: We are talking about two different
16:49:15 10 people. He says his own wife ran away and then you are also
11 talking about this very young, beautiful girl that he picked up
12 in Freetown.

13 MR MANLY-SPAIN: That is the wife. That is the wife.

14 JUDGE SEBUTINDE: No, the witness has clearly distinguished
16:49:31 15 between the two.

16 MR MANLY-SPAIN: As Your Honour pleases, I will go over the
17 question.

18 Q. Did you know Mr Kanu's wife?

19 A. Yes. Whilst we are coming he said that was a very nice
16:49:50 20 girl that he had, one lady. Whilst the troop was coming he was
21 with her. She was a Fullah by tribe.

22 Q. Do you know her name?

23 A. I can't recall her name. I can't recall.

24 Q. Was it Neneh Binta?

16:50:21 25 A. I can't recall the right name but he had a Fullah girl that
26 stayed at -- very close to Portee Junction. That was where her
27 family was.

28 JUDGE SEBUTINDE: Please spell the name of this junction.

29 MR MANLY-SPAIN: P-O --

- 1 Q. Carry on, please.
- 2 A. Okay. Brima Lane Junction, new road. That was the area
3 where -- B-R-I-M-A L-A-N-E.
- 4 Q. This might be troubled waters, but do you know the age
16:51:15 5 of -- the age at which people can marry in Sierra Leone?
- 6 A. Well, the present state of the country, I can see from 18
7 years to 20 years people get married.
- 8 Q. Don't you know that 14-year-old girls get married?
- 9 A. Well, I don't know about that.
- 16:51:51 10 Q. You know that we have customary marriages in this country
11 according to local tribal customs?
- 12 A. Well, I know that we are trying to fight to cut off that,
13 because I have never seen the married woman at the age of 13.
- 14 Q. You've never seen that?
- 16:52:20 15 A. I have never seen that with my eyes.
- 16 Q. Mr witness, before you saw Mr Santigie Borbor Kanu with
17 this girl you did not know her?
- 18 A. In fact this woman was not with him. This [translation
19 interrupted] --
- 16:53:02 20 Q. You did not know this girl or woman before you saw her with
21 Mr Kanu?
- 22 A. Which of the women?
- 23 Q. The one -- the woman you said he went back with from
24 Freetown?
- 16:53:17 25 A. Okay. No, My Lord, I never knew her before. I never knew
26 her.
- 27 Q. You did not see him abduct her?
- 28 A. Well, what I knew is that --
- 29 Q. Did you see him abduct her?

1 MS PACK: The witness should be allowed to finish the
2 answer to the question.

3 PRESIDING JUDGE: Mr Witness, repeat your answer, please.

4 THE WITNESS: I said I saw her with him from State House.
16:53:54 5 He had this lady with him and I never knew that girl with him
6 since his wife ran away.

7 MR MANLY-SPAIN:

8 Q. My question, Mr witness: Did you see him abduct her? If
9 you saw him say yes?

16:54:13 10 A. Well, it was at State House that I saw him with this woman.
11 I know obviously that he --

12 THE INTERPRETER: Your Honours, can the witness please
13 repeat the last segment of his response?

14 PRESIDING JUDGE: Did you hear, Mr witness, the interpreter
16:54:31 15 would ask that you repeat the last part of your answer.

16 THE WITNESS: No, My Lord. I never saw where he abducted
17 her, but I saw him with this woman.

18 MR MANLY-SPAIN:

19 Q. Do you know whether he had a relationship with her
16:54:58 20 before?

21 A. My Lord, all I know is that that girl -- I don't know
22 whether they had any relationship before but she was a new
23 person. I never saw her before.

24 Q. She was a new person to you?

16:55:20 25 A. Yes, My Lord.

26 Q. Mr witness, did you talk to Santigie Borbor Kanu about this
27 lady?

28 A. The only thing was that young lady, I greeted her, because
29 when he was with her I said, "Mammy, how are you" and greeted her

1 and I asked her and she said she was a schoolgirl. That was all
2 I know.

3 Q. Do you know the school leaving age in Sierra Leone?

4 A. I don't know that age.

16:57:03 5 Q. But you do know that people sometimes go to school until
6 they are over 21 in Sierra Leone?

7 A. Well, that is open. It depends on your family, because by
8 the age of 21 you ought to have completed schooling.

9 MR MANLY-SPAIN: Are you sure about that? May it please,
16:57:43 10 Your Honour, I want to crave your indulgence if I can stop at
11 this stage. I would like next to move into closed session but I
12 will crave your indulgence to do it in the morning.

13 PRESIDING JUDGE: That seems an appropriate place. Have
14 you given notice to counsel for the Prosecution of an application
16:58:01 15 for a closed session.

16 MR MANLY-SPAIN: I believe I mentioned this morning that
17 for certain issues I will be applying.

18 PRESIDING JUDGE: Yes, indeed you did. Very well. We will
19 adjourn until tomorrow morning. I will first remind the witness
20 of the obligations.

21 Mr witness, I know I've told you many times but I'm telling
22 you again today. You have taken the oath and until all your
23 evidence is finished you should not discuss your evidence with
24 any other person. Do you understand?

25 THE WITNESS: Yes, My Lord.

26 PRESIDING JUDGE: Madam Court Attendant, if you could
27 please adjourn our court until 9.15 a.m. tomorrow.

28 [whereupon the hearing adjourned at 4.55 p.m.,
29 to be reconvened on Friday, the 17th day of

1 June 2005, at 9.15 a.m.
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334 2

CROSS-EXAMINED BY MR MANLY-SPAIN: 3