

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

MONDAY, 20 JUNE 2005
9.18 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg Ms Sidney Thompson
For the Registry:	Mr Geoff walker
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
For the accused Brima Bazy Kamara:	Mr Wilbert Harris Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain

SCSL - TRIAL CHAMBER II

1 [TB200605A - SV]

2 Monday, 20 June 2005

3 [Open session]

4 [The accused Kanu present]

5 [Accused Brima and Kamara not present]

6 [Upon commencing at 9.18 a.m.]

7 WITNESS: TF1-334 [Continued]

8 PRESIDING JUDGE: Good morning. I note the presence of
9 Mr Kanu, one of the accused, and the absence of the others. We
09:22:59 10 have received a message that someone else is coming to the Court.
11 Is that correct or incorrect?

12 MR FOFANAH: Yes, Your Honour. My client Mr Kamara
13 indicated that he's coming but I haven't seen him.

14 PRESIDING JUDGE: well, when he arrives we will all see
09:23:15 15 him.

16 MR FOFANAH: Thank you.

17 PRESIDING JUDGE: Thank you, Mr Fofanah. Unless there are
18 some other matters I will remind the witness of his oath and we
19 will recommence. Ms Thompson.

09:23:27 20 MS THOMPSON: Thank you, Your Honour. Witness --

21 PRESIDING JUDGE: I haven't reminded him of his oath yet.

22 MS THOMPSON: Sorry, Your Honour.

23 PRESIDING JUDGE: Mr witness, you will recall that every
24 morning I remind you that you have taken an oath to promise to
09:23:43 25 tell the truth. You recall that?

26 THE WITNESS: Yes, My Lord.

27 PRESIDING JUDGE: That promise is still binding on you and
28 you must continue to answer the questions truthfully. Do you
29 understand?

1 THE WITNESS: Yes, My Lord.

2 PRESIDING JUDGE: Now, Ms Thompson, please proceed.

3 MS THOMPSON: Thank you, Your Honour.

4 CROSS-EXAMINED BY MS THOMPSON: [Continued]

09:24:18 5 Q. Witness, if you recall on Friday we were talking about
6 abductions. Now, when you gave evidence-in-chief you mentioned
7 that the person you referred to as Gullit had a 12-year-old girl
8 with him at State House. Do you recall that?

9 A. Yes, My Lord.

09:24:40 10 Q. Did you actually see him abduct this girl?

11 A. All I know is that I did not see him myself when he was
12 abducting this lady. He was with this lady and when I was at
13 State House I saw him with her.

14 Q. So you don't know whether he actually abducted this girl or
09:25:03 15 not?

16 A. The only thing that I knew was that this lady had not been
17 [indiscernible]. I saw him with this lady at State House.

18 Q. Thank you. Did you see him abduct any other person in any
19 other place during the time that you claim to have been with this
09:25:26 20 person you refer to as Gullit?

21 A. I did not see him.

22 Q. I think you said -- Mr Interpreter, can you interpret that
23 again, please, because I'm not sure what you said actually
24 reflects what I heard.

09:25:53 25 THE INTERPRETER: Your Honour, would the attorney please
26 put the question to the witness again?

27 MS THOMPSON:

28 Q. Did you ever see the person you referred to as Gullit ever
29 abduct any person at any time during the period that you say you

1 were with him?

2 A. The only thing that I said was that I saw him with that
3 lady at State House whilst the troop was withdrawing. But I did
4 not know whether he abducted her, but there were people with her.

09:26:29 5 Q. Can you answer in the way that you answered before because
6 I heard what your answer was. So if you could repeat your
7 previous answer, please?

8 PRESIDING JUDGE: Ms Thompson, I had recorded that your
9 previous question was abduct any other person at any other place.
09:26:48 10 But you changed it to abduct any other person at any other time.

11 MS THOMPSON: Sorry.

12 Q. Any other place. I'll put the question again to you.
13 Abduct any other person at any other place and you had given an
14 answer for which the interpretation wasn't quite correct. So if
09:27:03 15 you could actually answer again to that question, please?

16 A. I did not see him abducting any person any other place, but
17 some other people are with him.

18 Q. Now, when you were retreating from Freetown the second time
19 did all the forces, all members of the SLAs that is -- did you
09:27:40 20 all use the same route from Freetown?

21 A. Yes, My Lord.

22 Q. Do you recall going to a place called Magbere?

23 A. I cannot recall that place that you called Magbere.

24 MS THOMPSON: Your Honours, I'll spell that for you.
09:28:15 25 M-A-G-B-E-R-E.

26 Q. Orugu. Do you remember going to Orugu?

27 A. Yes, Allen Town. That's the place that some people call
28 Orugu again.

29 MS THOMPSON: Your Honour, that's O-R-U-G-U.

- 1 Q. What about Regent?
- 2 A. The only time that I can recall Regent, that was the time
3 that the troop was withdrawing. But that was the time that we
4 were with withdrawing. That Grafton area. The Grafton area is
09:28:58 5 one that I know of, not Regent.
- 6 Q. Okay. Did you specifically go to Regent?
- 7 A. No, I have never gone to Regent during the withdrawal from
8 Freetown.
- 9 Q. What about Mount Aureol?
- 09:29:22 10 A. I cannot recall that name, but the routes that I used at
11 the time that Gullit had gone was that Grafton/Hastings area and
12 the mountain that I used.
- 13 MS THOMPSON: Your Honour, Mount Aureol is Mount, and
14 Aureol is A-U-R-E-O-L.
- 09:29:48 15 Q. So you did not go to Mount Aureol?
- 16 A. What I know is that I cannot recall the name of the
17 mountain. The routes that I used with the last troop that
18 withdrew from Freetown is the route that I'm telling you,
19 Grafton/Hastings route. I am not conversant with the names of
09:30:08 20 those places.
- 21 Q. But you know where Mount Aureol is, do you?
- 22 A. I'm not conversant with the names of those areas.
- 23 Q. Do you know where Fourah Bay College is?
- 24 A. Yes, I know where Fourah Bay College is.
- 09:30:33 25 Q. Do you know what that place where Fourah Bay College is is
26 called?
- 27 A. No, My Lord.
- 28 Q. And you were born and bred in Freetown?
- 29 A. Yes, My Lord.

1 Q. Did you have a Colonel James with you?

2 A. The only James that I knew was one, but he was not a
3 colonel. The one that I knew, he was not a colonel, James.

4 Q. I'll ask you the question again. Did you have a Colonel
09:31:18 5 James with you?

6 A. As far as I can recall I cannot remember that name.

7 Q. Did you have a Corporal Bastard with you?

8 A. The only corporal, I'm sorry for the language, he was
9 called Bastard Pikin. He was at Kukuna and we lost him at
09:31:53 10 Kukuna. That's after the Kukuna operation. That was the one
11 that I knew.

12 Q. Can you spell Kukuna for us, please?

13 A. K-U-K-U-N-A.

14 Q. And where exactly is that in Sierra Leone?

09:32:04 15 A. Kukuna is around Tonko Limba, Kambia. Tonko Limba
16 Chiefdom, Kambia District.

17 Q. Did you have a Commander Daramy with you?

18 A. Well, the only commanders that I can recall -- these are
19 the commanders that I have named. I can't recall all commanders
09:32:45 20 during that time. Those are -- the ones that I recalled were the
21 ones that -- whose names I gave.

22 Q. So you may have had a commander called Daramy but you
23 cannot recall; is that what you're saying?

24 A. Well, I cannot recall this name that you've called to me.

09:33:00 25 Q. Was Foday Bah with you at this time?

26 JUDGE SEBUTINDE: I'm sorry, could we have the spelling of
27 the former?

28 MS THOMPSON: I'm sorry. D-A-R-A-M-Y. Daramy. I beg your
29 pardon, Your Honours.

1 Q. Foday Bah, was he with you at this time?

2 A. The withdrawal from Freetown, Foday Bah was with us up to
3 Allen Town and when Gullit had left, Foday Bah were -- the one
4 that left later before the troop that was with us left.

09:33:50 5 Q. What about Captain Snake? Was there someone called Captain
6 Snake with you?

7 A. Yes. I knew about one Snake, yeah.

8 Q. Saaneh. Was there someone called Saaneh?

9 A. Well, as far as I recall, let me say I am not familiar with
09:34:19 10 all the names. The names that I am familiar with that are the
11 names of who the commanders that were with me. Those are the
12 names that I gave.

13 MS THOMPSON: Saaneh is S-A-A-N-E-H.

14 Q. What about Gold Teeth? Was he with you at this time?

09:34:48 15 A. Well, Gold Teeth, these were the ones that first withdrew
16 together with Gullit, Five-Five and Bazzy. These were the ones
17 that withdraw from Allen Town where they left me and other
18 commanders.

19 Q. Jackaol, J-A-C-K-A-O-L. Was that person with you on the
09:35:33 20 retreat?

21 A. Yes, Jackaol, I knew him.

22 JUDGE SEBUTINDE: Mr Witness, when you are asked a question
23 was so and so with you on retreat and you answer I knew him, you
24 are not answering the question. She's not asking you whether you
09:35:33 25 knew one Jackaol, she says was Jackaol with you. So please
26 answer accurately the question that you've been asked.

27 THE WITNESS: Yes, ma'am. The last troop that I was with,
28 the Jackaol had gone ahead.

29 MS THOMPSON:

1 Q. Was he part of the retreating troops?

2 A. Yes, My Lord.

3 Q. Now, when you were retreating was your movement by day or
4 by night?

09:36:22 5 A. Like the last day for the retreat from Freetown, it was
6 during the day. It was during the day, midday, that we walked
7 from Freetown.

8 Q. When you say it was during that you walked from Freetown,
9 where did you go? By the end of the day where were you?

09:36:53 10 A. The last withdrawal from Freetown was from the mental home,
11 it was during the day. The whole troop left and we moved.
12 Before the end of the day we were already at Allen Town. Around
13 4.00 and 5.00 we were already at Allen Town.

14 Q. And from Allen Town was your retreat -- your continued
09:37:34 15 retreat by day or by night?

16 A. Well, the troop with whom I was, it was during the night
17 that we left, the last troop. It was during the night that we
18 left, that we left Allen Town.

19 Q. Did you eventually get to Mile 38?

09:37:50 20 A. Yes, My Lord.

21 Q. Can you tell us how long it took you from Allen Town to
22 Mile 38?

23 A. Well, like from Freetown to Allen Town to Benguema, it was
24 about three days that we spent. And in Benguema we took some
09:38:17 25 time, about a month. From Benguema we also spent some time at
26 Newton after which, when Gullit and others had pulled out, we
27 continued to stay in Newton until the ECOMOG forces started to
28 advance and the troop started to withdraw unto Mile 38.

29 Q. Would your estimate be about a total of two months from

1 Allen Town to [overlapping speakers]?

2 A. Well, two months. Yes, yes, about two months.

3 Q. Now, when you were retreating from Freetown were you aware
4 amongst your number of any former politicians? For example, the
09:39:43 5 former President Momoh with you?

6 A. Yes, they were all among the group.

7 Q. Did they get to Waterloo with you?

8 A. The only thing that I knew was that they left us at Allen
9 Town, all the other politicians and the other people who were
09:40:24 10 freed from prison, they moved ahead with Gullit.

11 Q. Do you know where they went?

12 A. As far as I can recall, when I went to -- when I reached at
13 Benguema I was not able to set eyes on these people.

14 Q. Did you hear about them being taken to Makeni? Did you
09:40:24 15 hear about that?

16 A. Well, that was the rumour that I got at Benguema; that the
17 politicians and other important people had gone back to Makeni.

18 Q. When you heard that rumour did you also hear about who took
19 them to Makeni or how they got to Makeni? Did you hear about how
09:41:04 20 they got to Makeni?

21 A. No. Well, I did not go into those details. All I knew was
22 that they were taking them to Makeni.

23 Q. Okay. Perhaps I can jog your memory. Did you not hear
24 that it was Tamba Brima who had driven a vehicle from Makeni to
09:41:44 25 come and pick them up to take them back to Makeni?

26 A. My Lord, as far as I know the days that I spent at -- from
27 the withdrawal from Allen Town, it was three days. When I
28 went -- we reached at Benguema I did not see these people. I did
29 not know how -- the movement about them.

1 Q. Mr Witness, are you sure that Tamba Brima was with you
2 whilst you were retreating?
3 A. Yes, My Lord.
4 Q. I'm going to suggest to you that he was not amongst the
09:42:01 5 retreating troops?
6 A. Well, My Lord, just as you say you suggest, but I saw him
7 with my eyes and he was a commander. When I retreated to
8 Benguema I saw him with my eyes there.
9 Q. Now, you mentioned that there was a meeting after the
09:42:35 10 retreat with Bishop Ganda and members of UNOMSIL. You earlier
11 mentioned that regarding the release of some children.
12 A. Yes, My Lord.
13 Q. You said you were present at that meeting?
14 A. I did not say that they released children. I said that
09:43:02 15 they demanded that some children be released and I said that I
16 was at that meeting.
17 Q. I didn't say you said that they released children. That's
18 not my question.
19 A. It's the interpretation that I got.
09:43:18 20 Q. You were present at that meeting?
21 A. Yes, My Lord.
22 Q. In what capacity did you attend that meeting?
23 A. Well, this meeting was an open meeting. Other people were
24 there. It was not I alone that was there. It was an open
09:43:44 25 meeting.
26 Q. Attended by whom?
27 A. These senior commanders were there. Other junior
28 commanders were there.
29 Q. So I'll ask you the question again. In what capacity did

1 you attend that meeting?

2 MS PACK: Your Honour, I would just caution my learned
3 friend and perhaps the witness may be cautioned that if there's
4 any concern about his identity being revealed by the answer. I
09:44:34 5 don't know, but that sort of question seems quite specific as to
6 possibly matters that might reveal his identity.

7 JUDGE LUSSICK: well, he's done pretty well protecting his
8 identity so far, Ms Pack. I don't know whether any caution is
9 warranted.

09:44:34 10 MS PACK: I'm grateful, Your Honour.

11 MS THOMPSON: Thank you, Your Honour.

12 Q. Do you want me to repeat the question?

13 A. Yes, My Lord.

14 Q. In what capacity did you attend that meeting?

09:45:13 15 A. Well, I was just a xxxxxx at that time. I was still a
16 xxxxxxx xxxxxxx when I reached at Newton.

17 Q. Throughout your time from the period when the AFRC took
18 over to the end, up to when you went into the jungle and to the
19 end of the period we're talking about now, were you always a
09:45:53 20 xxxxxxx xxxxxxx?

21 A. Well, it was during the AFRC that I was a xxxxxxx, a
22 xxxxxxx xxxxxx, and after which, later, I still continued
23 before -- it's just like I've explained in closed doors.

24 Q. You never became a clerk or anything like that, or any
09:45:53 25 position like that?

26 A. During the AFRC I was not a clerk.

27 Q. No, I'm talking about the period after February '98 and you
28 had gone into the jungle, you continued being a xxxxxxx
29 xxxxxxx. Is that your evidence?

1 A. well, I disclosed what I was in closed doors.

2 Q. Mr witness, this bit of the evidence wasn't in closed
3 doors. It's just a simple yes or no answer. We know who you
4 were working for, who you were close to. I just want to verify
09:47:14 5 that throughout the period, I can limit it in time for you,
6 February '98 I will say now, let's be precise, February '98 to
7 the end, the period we're at now, you were always in that
8 position. That's what I'm talking about?

9 A. well, I had discussed my position in closed doors so if I
09:47:14 10 discuss it now then it will just identify me. That was what I
11 meant.

12 Q. okay. I'll leave it at that. Now, after all of this you
13 were all invited back to the army, were you not?

14 A. Yes, My Lord.

09:48:03 15 Q. Are you aware that Tamba Brima was honourably discharged?

16 A. well, since I had discussed during closed doors after which
17 I reported and later in that problem which I found myself, I did
18 not know much about whether he is discharged from the army. I
19 did not hear about that at all.

09:48:03 20 Q. Now, on Friday I asked you whether you were aware that
21 Tamba Brima had been arrested in Kailahun by Mosquito. Do you
22 recall me asking you that?

23 A. Yes, My Lord.

24 Q. And you said you were not aware. Do you recall that?

09:48:44 25 A. I said the only thing that I knew was that when he came to
26 Kono and that at Five-Five's spot, the area where we were, that
27 was where he disclosed that he was under arrest in Kailahun.
28 That was the time that I knew, according to what he said.

29 Q. So you are now saying that you were aware that he said he

1 was under arrest?

2 A. That is what he said when he came to Kono.

3 Q. Did you also hear that from other soldiers who had been at
4 Kailahun?

09:49:13 5 A. Well, I would like you to clarify the question.

6 Q. The issue of Tamba Brima's arrest, did you hear that from
7 other soldiers who had also been at Kailahun? Did you hear that
8 at all?

9 A. My Lord, all that I know is that -- I said the time that he
09:49:44 10 came to Kono, at that meeting at Five-Five's spot, that was where
11 he said he was captured. That was the time that I knew about
12 that. I did not hear that from any other soldier.

13 Q. Do you remember when you made your various statements to
14 the investigators from the Special Court, do you remember telling
09:50:07 15 them that some soldiers had mentioned that Tamba Brima had been
16 under arrest in Kailahun. Do you remember saying that at all?

17 A. The only thing that I said was what I have said. That when
18 Tamba Brima came at that meeting, that was where he disclosed
19 that he was captured in Kailahun.

09:50:32 20 Q. Well, perhaps I can put this statement to you. First of
21 all, you've told us that you recall making various statements to
22 the investigators. You told us that?

23 A. Yes, My Lord.

24 Q. Do you recall making one on 24th November 2003?

09:51:05 25 A. Well, as far as I can recall, I had disclosed that the
26 place where I found myself, at the time that I'm talking about,
27 what I can remember is what I have said to the Court.

28 Q. Can you just answer yes or no. Do you recall making a
29 statement on 24th November 2003? You may not remember the exact

1 date but do you recall making a statement around about that time?

2 A. well, just like I said, it's only now that you are
3 reminding me of those dates. It's now that I recall that.

4 Q. when you made those statements were they read back to you?

09:52:01 5 Do you recall them being read back to you by the interviewer?

6 A. well, in the position in which I found myself during that
7 time, it took time and later they read them to me.

8 MS THOMPSON: Your Honours, I'm looking at page 6670 from
9 line 18 downwards.

09:52:35 10 Q. I'll read this to you and perhaps you can say whether or
11 not this is what you told them?

12 JUDGE SEBUTINDE: Is this a statement or a transcript?

13 MS THOMPSON: A statement, Your Honour. It's a statement
14 dated 24th November 2003 and it's actually page 6670 from line 18
09:53:01 15 downwards.

16 Q. okay, Mr witness, you were asked a particular question and
17 your answer to that question was this:

18 "Actually, the RUF didn't trust us at the time for us to
19 maintain radio contact with other places or to actually talk on
09:53:41 20 the radio sets. But what they did was, whenever there was any
21 communication between them and our commanders at Kailahun they
22 will get us together and then give us briefing as to details of
23 those conversations. Some SLAs who left Kailahun on foot to Kono
24 would also tell us the situation on the ground. At some point
09:54:14 25 even some told us that Gullit was maltreated at Kailahun and he
26 was arrested and so on and so forth."

27 It is that last sentence that I'm on about: "At some point
28 even some told us that Gullit was maltreated at Kailahun and he
29 was arrested and so on and so forth". Do you recall saying that

1 to the interviewer?

2 A. My Lord, the only thing that I said is what I have said to
3 the Court this morning. That Gullit, he himself came and told us
4 in that meeting that he was arrested in Kailahun. It was from
09:55:23 5 him that I knew that he was captured in Kailahun.

6 Q. Is it your evidence that no other person told you about
7 Gullit's arrest in Kailahun?

8 A. My evidence, as far as I know, is just Gullit, he himself
9 that told us in that meeting that he was arrested in Kailahun.

09:55:44 10 JUDGE SEBUTINDE: Mr Witness, I'm not satisfied that you've
11 answered the question. Nobody's doubting what you've stated
12 earlier about Gullit stating how he was treated. The question
13 that the lawyer has asked you is whether apart from Gullit there
14 were other soldiers that mentioned Gullit's arrest and that's
09:56:24 15 what we want to focus on and we want to understand what your
16 answer is or your response is to that question.

17 THE WITNESS: Okay.

18 MS THOMPSON:

19 Q. Do you have an answer or do you want me to repeat the
09:57:04 20 question?

21 A. The only thing that I know is there was rumour but the
22 confirmation was from Gullit himself when he came and said it to
23 us that he was arrested. The rumour, it was from soldiers that
24 when he went to Kailahun that they arrested Gullit. But Gullit
09:57:04 25 himself came and confirmed it, confirmed the rumour. It was the
26 confirmation that I was talking about. It was Gullit himself who
27 confirmed that he was captured in Kailahun.

28 Q. So you had heard about that before?

29 A. Yes, this was a rumour that was running around.

1 Q. [Overlapping speakers]?

2 A. Yes, My Lord.

3 Q. Do you speak French?

4 A. No, My Lord.

09:57:43 5 Q. On the 15th of June when you said at Shelenka secondary
6 school you captured Malian troops who were French speaking and
7 you said that interviewed them, that's how you knew they were
8 Malians, how did that interview take place?

9 A. The only way, I used to ask them in English but they
09:58:24 10 replied in French. So we're not able to get anything. So that
11 is why I said interviewed. We asked them and they were speaking
12 in French. We asked them, they would speak in French. So I was
13 not able to get anything from them.

14 Q. You did not understand anything that they were saying?

09:58:24 15 A. No. Yes, My Lord.

16 Q. So that was not an interview?

17 A. Well, these were questions that I was asking them but they
18 were replying in French so I was not able to get anything from
19 them.

09:58:44 20 Q. In which case how did you know that they were Malian
21 troops? Because you see you had said that you knew they were
22 Malian troops from your interview with them. Now you're saying
23 you were not able to get anything from them because you couldn't
24 understand what they were saying. Do I understand that to be
09:59:24 25 your evidence?

26 A. I did not understand the language but from their ID card
27 and their uniform and during the announcement on the radio that
28 the Malian troops were attacked in Port Loko, clearly showed that
29 they were Malian soldiers.

1 Q. Let's take that stage by stage. Their ID card, was that in
2 English or in French?
3 A. Well, the ID card was French. You saw the Malian country.
4 Q. So you couldn't tell from the ID card whether they were
10:00:04 5 Malians or not?
6 A. See, on the ID card I was able to see they wrote that --
7 they wrote M-A-L-I, it was written on that. And that really
8 showed that it was the Republic of Mali.
9 Q. And this you confirmed from the radio announcement?
10:00:44 10 A. Yes, My Lord.
11 Q. That radio announcement, was it instantaneous, I mean as
12 the capture had happened, or was it some time later?
13 A. After the operation in Port Loko, that same day. The other
14 day on the radio, they made this announcement on the
10:00:44 15 international radio.
16 Q. Junior Lion, was he SLA or RUF?
17 A. All that I knew about Junior Lion was a member of the SLA.
18 Q. Are you absolutely sure about that?
19 A. Well, from the time that I knew him I used to see him with
10:01:26 20 SLA uniform up to AFRC when he was with Bazzy in Freetown, I saw
21 him in complete SLA uniform and he carried the rank of an SLA.
22 Q. When was the first time that you met him? You said from
23 the time that you knew him, when was that first time?
24 A. Junior Lion, the time that I saw him in Kono, during the
10:01:51 25 NPRC regime, I saw him in Kono. That was the time that I knew
26 him.
27 Q. Around what time, what year was that?
28 A. Well, it was close to '95, 1995.
29 Q. Were you aware of a dispute between Junior Lion and Tamba

1 Brima?

2 A. Well, I cannot recall about any problem. The only thing
3 that I know is that in Kono Junior Lion went and fired at Tamba
4 Brima's brother.

10:02:37 5 Q. So you are aware of a dispute between Tamba Brima and
6 Junior Lion?

7 PRESIDING JUDGE: It sounds more like a dispute between
8 Junior Lion and Tamba Brima's brother, Ms Thompson.

9 MS THOMPSON:

10:02:53 10 Q. Tamba Brima's family. Are you aware of a dispute between
11 Junior Lion and Tamba Brima's family?

12 A. Yes. At the time that we were in Kono I clearly
13 understood -- knew about that problem. I did not know whether
14 that extended to Tamba Brima.

10:03:15 15 Q. Are you aware of a complaint made by Tamba Brima about
16 this, this incident?

17 A. Well, as far as I can recall, even in Kono when Tamba Brima
18 came he talked about that to Bazzy and Operation A. They had to
19 talk to him because Operation A took -- he took an action.

10:03:49 20 Q. Are you aware of a complaint made to SAJ Musa by Tamba
21 Brima about this?

22 A. As far as I can recall I cannot remember that. Perhaps in
23 secret that happened but I did not know about that, that he made
24 this complaint to SAJ.

10:04:08 25 Q. When you say fired at his brother did his brother -- do you
26 know whether his brother survived the shooting?

27 A. Well, in Kono he survived.

28 Q. After that do you know whether he survived the shooting,
29 that's what I'm asking you?

1 A. He survived. The only time that I knew about his death was
2 when I heard that he was one of the soldiers that were killed at
3 the May 8 incident.

4 PRESIDING JUDGE: Sorry, I didn't hear which incident.
10:04:56 5 Please rename it.

6 THE WITNESS: May 8, 2000.

7 MS THOMPSON:

8 Q. Do you know the name of that brother?

9 A. I have just missed his name but I used to know his name.
10:05:28 10 He was a friend to me. I have missed his name.

11 Q. Do you know his rank?

12 A. He had passed sergeant in the army. He was more than a
13 sergeant.

14 Q. On 14th June you were telling this Court about the shooting
10:05:55 15 of ECOMOG soldiers. You say Gullit shot two ECOMOG soldiers and
16 he ordered Tito to execute the others. Do you recall that?

17 A. Yes, My Lord.

18 Q. I think you said there were 14. Gullit shot two and Tito
19 was to execute the 12?

10:06:34 20 A. Yes, My Lord.

21 Q. And you said you knew that because you personally escorted
22 them?

23 A. Yes, My Lord.

24 Q. Do you recall telling the interviewer from the Prosecution
10:07:06 25 team that there were 10 ECOMOG soldiers and Gullit shot each and
26 -- sorry, 10 ECOMOG soldiers and Gullit shot each one of them?

27 A. The only thing that I can recall is that the statement is
28 the statement that I had given, these 12 soldiers out of 14 where
29 Gullit shot at the two and where Tito had to go and execute the

1 others. That is what I can recall.

2 Q. Mr witness, you've been giving evidence for a very long
3 time now and you appear to have been everywhere when something
4 terrible happened and to have been present at all the important
10:08:03 5 meetings. I'm right if I summarise it that way, am I not?

6 A. well, the ones which I saw and the ones in which I was,
7 those were the ones that I talked about.

8 Q. You appear to have been someone who was trusted?

9 A. well, as far as I know, the commander with whom I was, that
10:08:35 10 was why I was present in most events that took place. I don't
11 know whether they trusted me or not.

12 Q. Now, at any of those meetings did anybody else, apart from
13 Commander A -- did anybody else object to your presence?

14 A. No. No, especially when I escorted him nobody said no
10:09:00 15 because they knew that I was a close man to him. There was
16 nobody that objected.

17 Q. So you can safely say that they trusted you enough to be
18 there when they were making their decisions?

19 A. well, I would not say -- I did not know what was in their
10:09:23 20 hearts. All I knew was that I would be there and nobody would
21 say go out, and nobody would say get out of this place.

22 Q. okay. why is it that you never once intervened to prevent
23 any of the crimes you claim to have seen?

24 A. I did not go to talk or to take any position. I was only
10:09:51 25 going there to be present and I had no right to say anything. I
26 was only there as a security as I was with Operation A. But to
27 say that I had power to say anything, no, I did not have that
28 power.

29 Q. I'm not talking about your escorting Mr A. I'm talking

1 about when crimes were committed why is it that you never once
2 intervened to stop those crimes you claimed to have witnessed?

3 A. My Lord, I was under command and I had no power, no right,
4 to stop or intervene any decision that has been made.

10:10:47 5 Q. Let's talk about this incident when you escorted these 10,
6 12, soldiers to be killed. Did you say to Gullit, "No, let's not
7 do this"?

8 A. My Lord, just like I have said, at that time the time was
9 so harsh. At that time we did not know our positions, we did not
10:11:15 10 know the troops' position and everybody was jittery and when he
11 gave this order I did not have that power to say no. I did not
12 have any power. I was just a security. I did not have any
13 security to say no.

14 Q. This person you call Gullit who gave this order, is it the
10:11:39 15 same person you said you had worked with before?

16 A. Yes. At Lodge, when we were at Kabasa Lodge.

17 Q. Is it the same person you said you had a friendly
18 relationship with?

19 A. Yes. He was a friend because he was my co-mate, co-worker,
10:12:11 20 so there was no enmity between us. There was no confusion.
21 There was mutual understanding between us.

22 Q. So why is it that you couldn't say to him, "Let us find
23 another way"? Do you understand the question or do you want me
24 to repeat it?

10:12:49 25 A. Let me get the question again, My Lord.

26 MR FOFANAH: Excuse me, Your Honours, may I be excused for
27 a short while?

28 PRESIDING JUDGE: Yes.

29 MS THOMPSON:

1 Q. You mentioned the sort of relationship you had with this
2 person you described as Gullit. Why is it that given the
3 relationship you had with him you couldn't say to him, "Let us
4 find another way"?

10:13:20 5 A. My Lord, in the army, appointments, as long as that
6 individual -- but during the time when the man had become a
7 commander and he had gone up to that stage, at that level, I did
8 not have that power to tell him that he should not do this or
9 that. He had his advisor.

10:13:46 10 Q. Do you recall telling us about SAJ Musa, the commander at
11 Colonel Eddie Town? Do you remember that?

12 A. Yes, My Lord.

13 Q. Can you also recall telling us that he had ordered some RUF
14 soldiers to be killed?

10:14:09 15 A. Yes. At that time, yes.

16 Q. And do you recall telling us that their lives were spared
17 because SLA soldiers intervened and pleaded for their lives? Do
18 you recall telling us that?

19 A. Yes, My Lord.

10:14:24 20 Q. Now, why is it then that SLA -- that the soldiers were not
21 afraid to plead with SAJ Musa as he was a commander but this time
22 you were afraid to plead with Gullit who you say was equally a
23 commander?

24 A. The whole problem was that these RUF were already part of
10:14:54 25 the movement and they had come ahead and they were used to all
26 the fighters. So it was not I alone. There were other people
27 that pleaded on their behalf. In the case of Gullit, these
28 people were enemy forces because this was the way that we called
29 them, enemy forces. So I did not have any say. People did not

1 start pleading on their behalf so it was not I that was going to
2 start. If other people had started pleading then I would have
3 helped, but no other people pleaded on their behalf.

10:15:35 4 Q. Is it right that Colonel Eddie Town was after reports of
5 dispute between SLAs and RUF?

6 A. Well, this again, when it happened there was an infight
7 that took place with SAJ. When he came he explained that the RUF
8 were not good people and he said they should not move with them,
9 they should be executed. That is why some people plead on their
10:15:59 10 behalf.

11 [TB200605B - EKD]

12 Q. Do you know the name Major Abdul Masakama Koroma.

13 MS THOMPSON: I will spell that for, Your Honours. Abdul
14 as in A-B-D-U-L, Masakama M-A-S-A-K-A-M-A, Koroma is K-O-R-O-M-A.

10:17:14 15 Q. Do you know that name? Do you recall that name?

16 A. This major -- but what time are you talking about?

17 Q. I am asking you do you recall that name. It is either yes,
18 I recall it or no, I do not recall it.

19 A. Well, we had so many Major Koromas. I don't know whether
10:17:42 20 during the NPRC or the AFRC or the jungle time. I don't know
21 which one you are referring to, that's why I want --

22 Q. Let's deal with the AFRC time, '97/'98. Do you recall that
23 name?

24 A. Yes, Major Koroma, I knew of a Major Koroma. There were so
10:18:11 25 many of them, I knew them.

26 Q. I'm talking specifically of Abdul Masakama Koroma.

27 A. It is that Masakama, that name that you call that I cannot
28 remember.

29 Q. Do you recall Major Fatoma Gottor; F-A-T-O-M-A, Gottor

1 G-O-T-T-O-R?
2 A. Yes, I do recall.
3 Q. What was his position?
4 A. Well, he was also -- he was sent as a resident minister in
10:18:46 5 the north.
6 Q. He was resident minister north?
7 A. Yes, I think later he was changed.
8 Q. Who was Major Kamara that you said was resident minister in
9 the north?
10:19:04 10 A. I missed the name. It was Major Koroma. It was Koroma
11 whom we used to call Bush Fall. Sorry, it was Major Koroma. He
12 was whose elder brother died in Daru, Captain Koroma. He was
13 Bush Fall whom I called Kamara. It was Koroma. He was resident
14 minister north.
10:19:44 15 JUDGE SEBUTINDE: I'm sorry, counsel. There was a Major
16 Gottor?
17 MS THOMPSON: Gottor, yes.
18 JUDGE SEBUTINDE: Is this the same individual who was
19 resident?
10:19:54 20 MS THOMPSON: No, he said this was the resident minister of
21 the north. Now he's saying it was Major Koroma. He missed the
22 name. I'm about to clarify that actually.
23 Q. You have given us Major Koroma as resident minister north
24 and Major Gottor as resident minister north. Were they both
10:20:11 25 ministers for the north at the same time?
26 A. No, Gottor was first there and he was replaced and sent
27 Major Koroma there.
28 Q. Now, on the 17th of May you were giving us the AFRC
29 hierarchy. Brigadier Mani, you said he was director of defence?

1 A. Yes, I knew him about that.
2 Q. Was he not director of defence information?
3 A. Well, the one that I understood was the one that I gave,
4 director of defence.
10:20:59 5 Q. Brigadier FSY Koroma, was he senior or subordinate to
6 Brigadier Mani?
7 A. Well, as far as I know, he was the chief of the defence
8 staff.
9 Q. So do you know who was senior to whom of the two of them?
10:21:32 10 A. Since he was in the defence he was an advisor and he was
11 senior. Brigadier Mani was senior colonel at the time that he
12 was promoted to brigadier.
13 Q. Mr Witness, please answer the question because I am
14 confused. I don't know what you're talking about now. Who was
10:21:54 15 senior to whom, Brigadier Mani senior to Brigadier Koroma or the
16 other way round?
17 A. Brigadier Mani was senior, was senior brigadier. He was
18 senior to Brigadier Koroma.
19 Q. Are you sure about that?
10:22:11 20 A. [Indiscernible] seniority.
21 Q. How do you know that?
22 A. Well, since he was director of defence, you see, this was
23 clearly shown that was the appointment that he held.
24 Q. Yes, we know the list showed the appointment that he held.
10:22:37 25 what I am asking you is who was senior to whom?
26 A. Well, in the army, the appointment supersede rank. The
27 appointment that this man held, you know, it was clearly shown
28 that he was director of defence.
29 MS THOMPSON: Thank you very much, Mr Witness; I have no

1 other questions for you.

2 PRESIDING JUDGE: Yes, Mr Fofanah, you have some questions
3 for the witness?

4 MR FOFANAH: Certainly, Your Honours. I was going to apply
10:23:18 5 for a closed session since Your Honours had earlier ruled that I
6 can do that after Ms Thompson.

7 PRESIDING JUDGE: You are making that application now, are
8 you, Mr Fofanah?

9 MR FOFANAH: Yes, I'm applying that --

10:23:33 10 PRESIDING JUDGE: I see. Let me see what counsel for the
11 Prosecution have to say to that application. Ms Pack?

12 MS PACK: No objection, Your Honour.

13 [Trial Chamber confers]

14 PRESIDING JUDGE: The closed session is allowed for
10:25:10 15 purposes of security and protection of the witness. Since it is
16 approaching the time when we would normally have a break, I think
17 it might be practical to allow an early break also to allow the
18 witness to catch his breath before a new session of
19 cross-examination and to allow the staff to implement the closed
10:25:32 20 session. So we will take a 20 minute break now to allow for
21 those two things and resume after 20 minutes.

22 Mr Court Attendant, would you please adjourn court for 20
23 minutes.

24 [Break taken at 10.20 a.m.]

10:25:55 25 [At this point in the proceedings, a portion of the
26 transcript, pages 27 to 76, was extracted and sealed under
27 separate cover, as the session was heard in camera.]

28

29

1 [Open session]

2 [Upon resuming at 2.30 p.m.]

3 MS PACK: Your Honour, I just had one issue before my
4 learned friend went on with his cross-examination and that is the
14:35:56 5 exhibit which was exhibited by the Defence. If that could go in
6 under seal, it does have the witness's name recorded on one or
7 other of the pages.

8 PRESIDING JUDGE: We actually were looking for that, but
9 now that you've clarified that point we will ensure that it does
14:36:11 10 going under seal. Mr Court Attendant, if you would please note
11 that.

12 MR WALKER: Yes, Your Honour.

13 PRESIDING JUDGE: Mr Fofanah, please proceed.

14 MR FOFANAH: Thank you very much, Your Honour.

14:36:27 15 Q. Mr Witness, good afternoon.

16 A. Good afternoon, My Lord.

17 Q. So we are now in open session and I'm going to continue
18 my --

19 PRESIDING JUDGE: Perhaps I should just formally record
14:36:44 20 that. My learned friend sister has just reminded me that we
21 should formally record that we are now in open session for
22 purposes of record. Sorry, Mr Fofanah.

23 MR FOFANAH: Thank you, Your Honour.

24 Q. Mr Witness, you recall testifying on a number of occasions
14:37:03 25 about companies, battalions and brigades in the SLA?

26 A. Yes, My Lord.

27 Q. Do you know what a brigade is?

28 A. As far as I know, based on my experience in the army, a
29 brigade comprises of different battalions. Different battalions

1 make up a brigade.

2 Q. So how many battalions make up a brigade?

3 A. Well, it could be more than five battalions that will make
4 a brigade.

14:37:57 5 Q. More than five battalions make a brigade?

6 A. Yes, according to my experience.

7 Q. Do you know how many companies form a battalion?

8 A. About three companies make a battalion.

9 Q. Do you know how many manpower is contained in a battalion?

14:38:35 10 A. In a battalion -- at the battalion level, according to the
11 American level, you have a hundred or more than a hundred will
12 make a battalion.

13 Q. An SLA is modelled on the British level, am I right? Am I
14 correct?

14:38:57 15 A. Yes. They were also trained with the American system.

16 Q. So at the British level do you know how many men will
17 constitute a battalion?

18 A. Well, to my experience it should be about a hundred. About
19 a hundred and something makes a battalion.

14:39:22 20 Q. And how many men are contained in a company?

21 A. According to the British level it's 27, 27 makes a company.
22 For the American it's 30.

23 JUDGE LUSSICK: Is this relevant to what's going in Sierra
24 Leone, what the British and American levels are?

14:39:51 25 MR FOFANAH: It is the witness who actually introduced the
26 American and British levels but he had earlier told the Court
27 about a number of battalions being formed, companies and
28 brigades. We think it is relevant for our case to know the
29 strength of each of those.

1 JUDGE SEBUTINDE: But, Mr Fofanah, there is a difference.
2 As my learned brother said, there is a difference between the
3 evidence that you're now leading from the witness and the
4 evidence of the battalions, companies and brigade in the jungle.
14:40:27 5 The latter being relevant. The former being irrelevant.

6 MR FOFANAH: I'll be coming to that, Your Honours, suffice
7 it to say that there was an SLA that went into the jungle. So if
8 you can rightly recall, the witness testified about the AFRC
9 period and that was not a jungle period. There were battalions
14:40:48 10 and companies and brigades during that period. So I'm basically
11 trying to establish that.

12 Q. So during the AFRC period was this the kind of brigades,
13 battalions and companies that the SLA had?

14 A. Well, all I know is because at that time I can't tell the
14:41:13 15 strength because there were other men who had surrendered whilst
16 others, they didn't. So it's difficult for me to tell the
17 strength at that time during the reign of the AFRC.

18 Q. Before the AFRC was this the kind of battalions, brigades
19 and companies that the SLA had?

14:41:36 20 A. There was a brigade during the NPRC reign. You have
21 battalions at the various areas. Like in Freetown you have the
22 1st Battalion, later before they make up a brigade.

23 Q. Okay. Mr Witness, I'm putting it to you that it is four
24 companies that form a battalion?

14:42:09 25 MS PACK: Your Honour, I rise just again to ask my learned
26 friend to specify if he's talking about a particular period
27 because it's not clear whether it's NPRC now, AFRC or whether
28 it's indeed the jungle period that he's asking about.

29 JUDGE LUSSICK: Yes and also what army system you're

1 referring to. That would be required as well.

2 MR FOFANAH: Thank you very much, Your Honour.

3 Q. Now, did the AFRC operate a regular brigade?

4 A. There was a brigade during the reign of AFRC but I don't
14:42:53 5 know the strength of this brigade. I only know of their
6 locations.

7 Q. Did the AFRC operate a battalion during the period of the
8 AFRC?

9 A. There were battalions during the AFRC.

14:43:11 10 Q. As well as companies?

11 A. Well, in any battalion you have companies within the
12 battalion.

13 Q. Okay, thank you for that. Now were these brigades,
14 battalions and companies modelled on the British "level"
14:43:33 15 according to you?

16 PRESIDING JUDGE: What's the relevance of this line of
17 questioning, Mr Fofanah?

18 MR FOFANAH: His Honour Justice Lussick just indicated that
19 the witness should tell us what level he's referring to. And,
14:43:46 20 like I indicated, the witness has mentioned that battalions,
21 brigades and companies existed during both the AFRC and junta
22 periods.

23 PRESIDING JUDGE: You're asking very general questions.
24 Please get to the issue.

14:44:07 25 MR FOFANAH: Thank you.

26 Q. So you recall telling this Court that it was members of the
27 SLA that formed battalions at Colonel Eddie Town?

28 A. Yes, I said so and I also said that the RUF and the STF
29 later joined us.

1 Q. And that within those battalions there were companies?

2 A. No. well, in the jungle the battalions, they didn't have
3 companies. They only have battalions.

4 Q. So is a battalion in a jungle different from a battalion
14:45:01 5 that an army operates?

6 A. Yes. This was a jungle time. That time was jungle. So
7 they are different.

8 Q. Mr witness, I'm putting it to you that in regular times, in
9 normal times, a battalion comprised a minimum of 500 men?

14:45:28 10 A. well, as far as I know, I said according to my own
11 understanding. That is what I gave. But in the jungle what I
12 knew is what I have told you, according to the battalion that I
13 was in.

14 Q. Does that hold the same for normal times because I want to
14:45:54 15 establish the strength of a battalion before I come to the
16 jungle. I mean, I'm saying that in regular or normal times a
17 battalion is a minimum of 500 men?

18 MS PACK: Your Honour, I object to this line of questioning
19 on the grounds of lack of relevance. To this specific question.

14:46:14 20 MR FOFANAH: Your Honours, I mean, the records will reflect
21 that the witness actually went to town on this issue of companies
22 and battalions and in order to at least give a clear
23 understanding of what the normal battalion and as well as a
24 jungle battalion would be there has to be at least a basis from
14:46:40 25 the witness for comparison and that is all that I'm trying to do.
26 If he can tell us at least the strength of a normal brigade or
27 battalion and then we'll know how they were operating in the
28 jungle.

29 PRESIDING JUDGE: Mr Fofanah, the witness has made it clear

1 that he's giving evidence from his own knowledge and time in the
2 jungle. You are basically, to my mind, now beginning to ask him
3 expert evidence from an expert military person and that's what it
4 appears to me you're doing and he has indicated that he does not
14:47:34 5 necessarily have that knowledge.

6 MR FOFANAH: In any case, Your Honour, I will move on.
7 He's already at least told us what in his estimation constitutes
8 that. So I will not belabour that point, I'll just move on.

9 PRESIDING JUDGE: Thank you.

14:47:34 10 MR FOFANAH:

11 Q. Mr witness, the man you called Ibrahim Bazy Kamara, did
12 you know him before the AFRC period?

13 A. Yes, My Lord.

14 Q. How? How did you know him?

14:47:51 15 A. Well, since I was working at the xxxxxxxx he was a
16 security at Cockrill. One of the securities.

17 Q. What do you mean, a civilian or military security?

18 A. He was a military security.

19 Q. At that time you were also a xxxxxx?

14:48:16 20 A. Yes, My Lord.

21 Q. What rank was he when you knew him in the army?

22 A. As far as I saw him, he was also carrying the rank of a
23 corporal the time I knew him.

24 Q. When was this?

14:48:36 25 A. Well, it was before the overthrowing.

26 Q. What do you mean "overthrowing"?

27 A. Before the AFRC overthrew the SLPP government.

28 Q. So do you know the battalion that he belonged to?

29 A. All I knew is he was a security at headquarters, Cockrill

1 headquarters.

2 Q. So at the time of the overthrow he was corporal?

3 A. Well, I can't say much about his rank but I knew him as a
4 corporal. So at the time of the overthrow I was expecting him to
14:49:35 5 be corporal. I don't know how he came about his promotion.

6 Q. I haven't asked you about whether he was promoted or not.
7 I basically wanted to know to the best of your knowledge at the
8 time of May 25th when the coup took place whether you knew him to
9 be a corporal?

14:50:01 10 A. Yes. I used to see him with a corporal. That was what I
11 used to see him with before the coup.

12 Q. The corporal what?

13 A. Corporal in the army, the Sierra Leone Army.

14 Q. So do you know if after the AFRC period he gained any
14:50:24 15 promotion?

16 A. Yes. During the AFRC I used to see him with the sergeant.

17 Q. So he was a sergeant during the AFRC period?

18 A. Because mostly you put on uniform but you will not put on
19 the sergeant's, but at any time you put on the uniform then you
14:50:52 20 will see the sergeant on you.

21 Q. And that is what you knew him to be throughout the AFRC
22 period, not so?

23 A. Well, later he was called staff sergeant.

24 Q. How late?

14:51:16 25 A. Well, just before the pullout from Freetown. So he was
26 staff sergeant.

27 Q. You mean he was made staff sergeant in February of 1998?

28 A. I can't tell the right time when he was made staff
29 sergeant.

1 Q. If I can jog your memory a bit. I mean, was he staff
2 sergeant in December 1997 when you received your promotion as
3 xxxxxxxx?
4 A. I told you that even my promotion, I told you it was before
14:52:04 5 December. I received it before December. I didn't say December.
6 It was before December and my promotion came about. I don't know
7 how his promotion come about.
8 Q. Okay. Okay, thank you very much. I will not push further
9 on your issue. I basically wanted to know if you knew when
14:52:24 10 Mr Kamara was promoted to staff sergeant?
11 A. Well, I can't tell the right time when he was promoted
12 because he was a senior person in the government.
13 Q. So at the time the AFRC was formalised, when it announced
14 its membership, I mean the AFRC and the Supreme Council was
14:52:50 15 formed, was he corporal or sergeant?
16 A. As far as I know, he was a corporal. I don't know --
17 within the time of the takeover, I don't know the position that
18 he was carrying except the time I saw him I saw him with a
19 sergeant and later with a staff.
14:53:14 20 Q. When was it that you first saw him with the sergeant
21 insignia?
22 A. It was the time when I joined -- the time I joined
23 xxxxx xx, because he was his close friend, that was the time
24 I saw him.
14:53:32 25 Q. When you joined xxx?
26 A. Yes, when I joined xxx. One day he paid a visit to him at
27 Hill Station because we were all staying at Hill Station.
28 Q. Was this sometime around September?
29 A. As far as I can recall, I can't recall the date or the

1 month.

2 Q. And you say you also can't recall the battalion that he was
3 part of?

4 A. No. The only thing I know, he was a security at Cockrill.
14:54:20 5 I don't know the battalion he's assigned to. All I know is he
6 was a security at Cockrill.

7 Q. Was he one of the 17 coup plotters you knew?

8 A. Yes, My Lord.

9 Q. And you are absolutely sure that you don't know the
14:54:42 10 battalion that he was part of?

11 A. Yes, My Lord. I don't know his battalion. I knew him at
12 Cockrill as security. Whether it was 1st Battalion, I don't
13 know, but he was at Cockrill.

14 Q. Do you recall telling this Court that all the 17 coup
14:55:10 15 plotters were part of the football team for the SLA and that they
16 were part of the 1st Battalion?

17 A. Yes. Yes, My Lord.

18 Q. So are you now saying that he was also part of the 1st
19 Battalion?

14:55:28 20 A. Well, this is why I said part of the 1st Battalion. I said
21 most of them. It was a football -- the Sierra Leone football
22 team. You have other people from different assignment that
23 belongs to the team. It's not just the 1st Battalion.

24 Q. So you are now saying that it comprised other people other
14:55:52 25 than members of the 1st Battalion, the football team?

26 A. I said -- I clearly stated that it was part of -- part of
27 the football team. Most of them were from Wilberforce. That was
28 what I said.

29 Q. Well, I will try to refresh your memory, Mr Witness.

1 MR FOFANAH: I am referring, Your Honours, to the
2 transcript of Tuesday 17th May 2005 at page 13.
3 JUDGE SEBUTINDE: Did you say 14?
4 MR FOFANAH: 13.
14:56:53 5 JUDGE SEBUTINDE: 13.
6 MR FOFANAH: I'm reading from line 2. You don't have it,
7 Your Honours?
8 MS PACK: Because it's actually page 13.
9 MR FOFANAH: That's what I said. It's 13. In fact, it
14:57:18 10 starts from 12 and ends at 13.
11 JUDGE SEBUTINDE: Simon, could you give us the page 13,
12 please?
13 PRESIDING JUDGE: Yes, Mr Fofanah, we have that before us.
14 Please proceed.
14:58:23 15 MR FOFANAH: Yes, Your Honour, I'm starting from page 12
16 because the question starts at line 29 of page 12. It says:
17 "Q. Pause a moment. Were the coup plotters and those who
18 carried out the coup different -- were they different people?
19 A. Well, it was a football team when they carried out this
14:58:51 20 coup plot. It was a football team for the Sierra Leone Army,
21 which they belonged to the 1st Battalion. They were the ones
22 that plotted this coup before they made this attack and broke the
23 prison and took over the reins of government."
24 And further down at line 22 it says:
14:59:14 25 "Q. The football team of the 1st Battalion who plotted the
26 coup, have you identified those individuals earlier on today in
27 your evidence?
28 A. Yes, I had named them, and these were the 17 out of
29 which I left three. These were the ones that plotted the coup."

1 Prior to that, Your Honours, reference to members of the
2 coup. Yes, page 9. Page 9 of the transcript, Your Honour, 17th
3 May 2005. I'm reading from line 14. With your leave it reads:
4 "Q. Seventeen men who plotted the coup, would you name
15:00:37 5 them? You started with the Zagalo.
6 A. Staff sergeant Zagalo. That's Abu Sankoh; he was the
7 PLO 1.
8 Q. Pause there. Next?
9 A. You get Sergeant Tamba Alex Brima; you get sergeant
15:01:05 10 Ibrahim Bazy Kamara; you get Honourable Corporal Hassan Papah
11 Bangura; you get Corporal Foday Kallay; Corporal Adams; you get
12 Hector Bob Lahai; you get Sullay; you get Abdul Sesay; you get
13 Ibrahim Bioh Sesay; you get Rambo; you get Adams."
14 Q. So these were the 17 coup plotters you referred to in your
15:01:28 15 testimony of 17th May 2005. You refer to Ibrahim Bazy Kamara as
16 Sergeant Ibrahim Bazy Kamara; correct?
17 A. Yes, My Lord.
18 Q. So just beginning from there, you now agree with me that at
19 the time of the coup Bazy was not a corporal, he was a sergeant?
15:02:01 20 A. I said the time I used to see him at Cockrill it was before
21 the coup. He was a corporal. So when the AFRC took over power
22 that was the rank he came up with.
23 Q. But at the time they were plotting the coup he was a
24 sergeant?
15:02:19 25 A. All I know is what I have testified. I said the time I
26 knew him before the coup he was a corporal.
27 Q. Are you now saying that when you said that -- when you
28 referred to him as Sergeant Ibrahim Bazy Kamara, one of the coup
29 plotters, you meant a different person?

1 MS PACK: Your Honour, I think the witness has answered
2 this question more than once, twice, about the rank of Ibrahim
3 Bazzy Kamara at various times and what he knows about that.

4 MR FOFANAH: I stand guided. My colleagues were very
15:03:01 5 specific about the clients that they were representing. In fact,
6 that is why I'm trying to cover these grounds because they
7 basically stated that they were representing their individual
8 clients, nobody else. I mean, to the best of my knowledge I
9 asked much questions on Mr Ibrahim Brima Kamara.

15:03:22 10 PRESIDING JUDGE: I don't think that's the point of
11 counsel's objections, Mr Fofanah. Counsel is saying you have
12 traversed this point several times and on each occasion the
13 witness comes back to the same basic answer.

14 MR FOFANAH: You mean this morning, Your Honour?

15:03:38 15 PRESIDING JUDGE: And even now more recently. He has
16 answered on each occasion that before the coup I saw him at
17 Cockrill, he was a corporal. Are you putting to him that there
18 was more than one person called Ibrahim Kamara? Is that the
19 question you're now asking him?

15:03:59 20 MR FOFANAH: I'm trying to establish the rank of Ibrahim
21 Kamara at the time he said they allegedly plotted a coup.

22 [TB200605E - EKD]

23 JUDGE SEBUTINDE: But Mr Fofanah, when someone says the
24 coup plotters were A, B, C, D, he is not saying he was there as
15:04:19 25 they plotted the coup and that he knew their ranks at the time
26 they plotted the coup. He is simply saying the men who
27 participated in the coup plot are A, B, C, D and he gave their
28 ranks that time. I don't see any inconsistency with what this
29 witness has stated a few minutes ago and what he is stating now.

1 He is simply saying he knew Kamara's rank back at Cockrill Hill
2 as corporal but at the time of the AFRC council he describes him
3 as sergeant. What is inconsistent about that?

4 MR FOFANAH: As Your Honour pleases, I will move on in any
15:04:59 5 case.

6 Q. So from May 25th, 1997 to February 1998, a period of the
7 AFRC, Bazy was promoted from corporal to staff sergeant?

8 A. All I know is what I have said about that promotion when
9 last I saw him. I don't know whether he had been pretending, but
15:05:32 10 perhaps there are times he would put it on but times he will not
11 put anything, he will just wear his military jacket and move.

12 Q. You actually never saw him with his staff sergeant badge;
13 not so?

14 A. I have seen him with that rank, staff sergeant, I have seen
15:05:51 15 it with him. He had three Vs, then he have the staff. But that
16 was not my position to question him.

17 Q. When was that?

18 A. It was before the pull-out from Freetown.

19 Q. Okay. Now, we'll come back to this earlier issue. Do you
15:06:13 20 now agree that, having referred you to your transcript of the
21 17th May 2005, that according to you you had earlier said that
22 the 17 coup plotters were all members of the Sierra Leone
23 football -- Sierra Leone Army football team?

24 A. Yes, most of them. I said part of them were members of the
15:06:39 25 Sierra Leone Army football team and most of them were at
26 Wilberforce. There they were being trained. There they used to
27 come and train.

28 Q. So you are now saying that it is most of them and not all
29 of them?

1 A. I said part of them were from this -- from the Sierra Leone
2 Army football team. I said they were based at Wilberforce.
3 Q. And that part that you knew to be part of the 1st Battalion
4 and the Sierra Leone Army football team, did it include a Brima
15:07:14 5 Bazy Kamara?
6 A. Well, yes. Yes, yes, he was there, he was in that team.
7 Q. So you are now saying that he was part of the 1st
8 Battalion?
9 A. The 1st Battalion, as I said, it was where this team had
15:07:37 10 been meeting. This entire army football team, they used to meet
11 at 1st Battalion. That is why I said part of the Sierra Leone
12 Army team were part of the 1st Battalion. Most of them. It was
13 where the team had been meeting to practice.
14 Q. Mr Witness, I put it to you that you since you never knew
15:08:09 15 the battalion that Mr Ibrahim Bazy Kamara belonged to, you
16 equally couldn't tell that he was one of the 17 coup plotters?
17 A. Well, all I know is that I knew him even later, even the
18 appointment that he had, because we all were in the army when he
19 carried that appointment. Others did not carry it. But the
15:08:36 20 appointment that he had, it was clearly shown that he was a
21 member of the coup plot.
22 Q. Okay, we'll move forward. What appointment did you say he
23 had during the AFRC period?
24 A. He was a PLO 3, Principal Liaison Officer 3.
15:08:59 25 Q. Whom did you say he was subordinate to?
26 A. The PLO 2.
27 Q. Were PLOs involved in executing policies of the AFRC
28 government?
29 A. Just like I told you, they said they were members of the --

1 council members and they were responsible for taking decisions.
2 Day to day decisions of the government, they were responsible as
3 council members.

4 Q. And they did that as PLOs too?

15:09:46 5 A. They were members of the Supreme Council. They all were in
6 the meeting. They were members of the Supreme Council who were
7 making decision in the government.

8 Q. I am saying I want to know what their functions -- what his
9 function was as a PLO, PLO 3. Did that include making day to day
15:10:04 10 government decisions as PLO 3?

11 A. Well, it was their responsibility. Not only as a PLO 3,
12 but the council members and the PLO 3 was a member of the Supreme
13 Council. So they were responsible for the day to day decisions
14 of the government.

15:10:27 15 Q. Are you aware that secretaries of state existed at that
16 time under the AFRC?

17 A. Yes, later they formed secretaries of state who went to the
18 various areas.

19 Q. Are you also aware that those secretaries of state were
15:10:46 20 responsible for executing policies and programmes of the AFRC?

21 A. That was later when they appointed them, but during the
22 first time of the AFRC these PLOs, the honourables who were
23 members -- council members, they had direct responsibility.

24 Q. You have just referred to the first time of the AFRC. When
15:11:14 25 was the second time of the AFRC?

26 A. No, when I said that -- when I -- when the AFRC just took
27 over. When they just took over.

28 Q. So you were saying that as PLO 3 he was later on not really
29 responsible for executing programmes; it was just at the

1 initial stages?

2 A. They still continued. They still continued. They were
3 still members of the council and they were responsible and later
4 they brought in some other people in to the council, but they
15:11:51 5 still continued to make policies for the government.

6 Q. Mr witness, if you can only confine yourself to the
7 question. If you don't understand the question, tell me, I will
8 make it clearer for you. My question is about Mr Kamara as
9 PLO 3. I haven't asked you any question about his membership of
15:12:10 10 the Supreme Council. I am saying that I want you to establish to
11 this Court what his functions were as PLO 3. That is all I am
12 seeking from you.

13 A. You asked me -- you wanted to know whether they were the
14 ones making policy, if they're responsible for making policies.
15:12:33 15 You did not ask me about his responsibilities. Because clearly
16 it was stated, because they were the ones supervising the
17 ministries. PLO 3 had his own ministry that he had been
18 supervising and monitoring.

19 Q. So as PLO 3 --
15:12:48 20 JUDGE SEBUTINDE: Mr Fofanah, excuse me for interrupting.
21 I am trying to follow the evidence. Is there not a difference
22 between making policy and administering policy? Isn't there a
23 difference in the function of participating in decision making,
24 which is what this witness said, that as PLO 3 and member of the
15:13:08 25 Supreme Council, Kamara did participate in decision making? We
26 have now moved on and you have talked about the secretaries of
27 state who were responsible for administering decisions, and I
28 personally would like to know is there not a difference between
29 the role of decision making and the role of administering those

1 decisions?

2 MR FOFANAH: Certainly, Your Honour, and that is really the
3 object of my questioning. I am basically saying that as a member
4 of the Supreme Council his functions were different from that of
15:13:42 5 PLO 3 and the witness is not coming out clearly on that.

6 Q. I will put it to you again. Mr Witness, what was
7 Mr Ibrahim Bazzy Kamara's function as PLO 3? What were his
8 functions or responsibilities?

9 A. As far as I knew him, he was supervising and monitoring
15:14:10 10 ministries that were under him.

11 Q. To the best of your knowledge did he execute -- execute
12 policies and programs of the AFRC?

13 A. Well, he had a ministry which he had been monitoring and
14 these ministries, he made sure that he reported about their
15:14:35 15 administration. That is what I knew about him.

16 Q. So he was only monitoring and reporting, he was actually
17 not involved in the execution - the execution of duties?

18 A. As far as I know, this is what I said clearly. He had
19 asked me whether I went to meetings; I said I did not. What I
15:15:00 20 knew is that they were the council members and he was a member of
21 the council member. And they were responsible for taking day to
22 day decisions of the government, and he as a PLO 3, he had been
23 supervising and monitoring ministries that were under him.

24 MR FOFANAH: At this stage, Your Honours, may I
15:15:18 25 respectfully apply for Exhibit P5.3. It is labelled
26 "Establishment of Council of Secretaries". Thank you.
27 Mr witness, take a look at this exhibit. Your Honours, it is
28 marked C1 to 3.

29 Q. Have you seen that document before?

- 1 A. Yes, My Lord.
- 2 Q. Can you turn to section 4 of that document. Have you seen
3 section 4 on "Functions of the Council of Secretaries"?
- 4 A. Yes, My Lord.
- 15:17:54 5 Q. Will you kindly read that section out?
- 6 A. Yes, My Lord. [In English] Section 4: "The council of
7 secretaries shall: A, be responsible for the preparation and
8 consideration of policy papers or matters and shall advise the
9 Armed Forces Revolutionary Council and make recommendation on all
10 matters of good governance; B, execute the policies and
15:18:23 11 directives of the Armed Forces Revolutionary Council."
- 12 Q. So concentrating on section 4B, it is clear that the
13 mandate of the council of secretaries was to execute the policies
14 and directives of the Armed Forces Revolutionary Council; not so?
- 15:18:56 15 A. Yes, so it is.
- 16 Q. Can you turn to the first page of that document?
- 17 A. Yes, My Lord.
- 18 Q. There is a portion in the margin, "Date of commencement";
19 have you seen it? In the margin, the right-hand margin.
- 15:19:25 20 A. Yes, My Lord.
- 21 Q. What date is that?
- 22 A. 10th July 1997.
- 23 Q. So as of that date there was a council of secretaries, do
24 you agree?
- 15:19:39 25 A. Yes, I agree, according to the document and they have given
26 me an idea that I now know.
- 27 Q. You only know that now?
- 28 A. What I am saying is that the function of the PLOs, this was
29 established later.

1 Q. So you agree with me that it was only this council as of
2 10th July 1997 that was responsible for the execution of the
3 policies and directives of the AFRC?

4 A. You see, what I know is that this particular PLO 3 that you
15:20:25 5 are asking me about was still monitoring. He was monitoring the
6 ministries that were under him.

7 Q. I haven't used any word like "monitoring". I am saying
8 execute or, like Her Honour Justice Sebutinde suggested,
9 administer. Mr Interpreter, can you kindly interpret that. My
15:20:51 10 meaning is that the council was responsible for execution or
11 administration of policies and directives of the AFRC.

12 A. I have got it clearly.

13 Q. Was Ibrahim Bazy Kamara a member of the council of
14 secretaries to the best of your knowledge?

15:21:22 15 A. He was a Supreme Council member. They were the ones that
16 were making direct decisions of the government. They make the
17 day to day decision of the government which were being passed
18 through their councils.

19 Q. Please don't prolong this cross-examination, Mr witness. I
15:21:42 20 am basically asking you a simple question about his membership of
21 the council of secretaries. Was he a member, to the best of your
22 knowledge, of the council of secretaries?

23 A. All I know is that he was a member of the Supreme Council.
24 This council of secretaries was later formed.

15:22:00 25 Q. Was he a member --

26 JUDGE SEBUTINDE: Mr witness, listen to the question you
27 are being asked and answer. We are not talking about the Supreme
28 Council any more. We are now talking about the council of
29 secretary.

1 THE WITNESS: Okay.
2 JUDGE SEBUTINDE: Please answer the question.
3 THE WITNESS: Yes, My Lord.
4 MR FOFANAH:
15:22:23 5 Q. Was he a member of the council of secretaries to the best
6 of your knowledge?
7 A. No, no.
8 Q. Was Mr Alex Tamba Brima also a member of that council?
9 A. No.
15:22:39 10 Q. Mr Kanu, alias Five-Five, was he a member?
11 A. No, My Lord.
12 Q. Okay, we'll move on. Just to round up that point,
13 Mr witness, I am drawing your -- I am basically restating what
14 you said about PLOs in your testimony of 16th May 2005 on Monday
15:23:33 15 at page 73 line 27. You were reading from Exhibit 5, 5.2, and
16 the question was -- it starts from 22:
17 "Q. And the next paragraph.
18 A. The Armed Forces Revolutionary Council may appoint from
19 amongst its member such number of the principal liaison officers
15:24:16 20 as the council may think fit.
21 Q. And paragraph 3 finally?
22 A. A principal liaison officer shall be responsible for
23 supervising, monitoring and coordinating the operations of any
24 department of state or such other business of government as may
15:24:31 25 from time to time be assigned to him by the Armed Forces
26 Revolutionary Council."
27 That is what you read from Exhibit P5.2. Do you still
28 recollect that?
29 A. Yes, My Lord.

- 1 Q. So to the best of your knowledge that was what principal
2 liaison officers were doing at the material time in --
- 3 A. That I have said. They coordinated, they monitored the
4 activities of departments if this department at that time. There
15:25:19 5 were ministries which were later changed to departments, sorry.
- 6 Q. Now, Mr Witness, you recall -- in fact, this morning I was,
7 like, harping on that a bit but I decided to at least bring them
8 in later. You recall Masiaka when the troops withdrew with
9 Johnny Paul Koroma; not so?
- 15:26:19 10 A. Yes, Johnny Paul left us. He went first and we later moved
11 with the commander and Bazzy.
- 12 Q. At Masiaka you have named a number of senior military
13 officers who were present as well as those who came to join
14 Johnny Paul Koroma as the supreme head of the SLA then. Amongst
15:26:55 15 those you have stated that the chief of defence staff was
16 present; correct?
- 17 A. Yes, My Lord.
- 18 Q. You have also told this Court that the chief of army staff
19 was present?
- 15:27:09 20 A. Yes, My Lord.
- 21 Q. As well as the brigade commander for the south --
- 22 A. The north.
- 23 Q. -- and the north?
- 24 A. Yes, My Lord.
- 15:27:23 25 Q. And several other senior military officers?
- 26 A. Yes, My Lord.
- 27 Q. Colonels included?
- 28 A. Yes.
- 29 Q. Now, were these officers that you have mentioned, the

1 senior officers, did they continue to be part of the SLA when it
2 withdrew in to the jungle?

3 A. As far as my own eye in the jungle, the commanders that
4 were with us were Honourable A, Bazzy, Gullit, Five-Five, whom I
15:28:09 5 knew, Bioh, Abdul Sesay. They had all worked at the same side.

6 Q. I am still advising, Mr witness, that you try to answer the
7 question. The question is the senior officers that I mentioned,
8 the question whether you knew if they continued to be --
9 including Johnny Paul Koroma, did they continue to be part of the
15:28:32 10 SLA jungle troops that you have referred to?

11 A. As far as I know, Johnny Paul Koroma, he went to Kailahun
12 when we reached with him in Kono. And from that time he did not
13 say anything to the troops. Brigadier SFY later, when we are in
14 the jungle, they said he was arrested and he went and
15:28:59 15 surrendered. SO Williams they said he pulled out from the
16 country, that was all I knew. When we were in the jungle SFY was
17 not there, he was not there in the jungle.

18 Q. Brigadier Mani?

19 A. When we pulled out - as I said, when the troop withdrew -
15:29:18 20 Brigadier Mani, later when we went to Mongor, SAJ said Brigadier
21 Mani had gone ahead. I had not seen him apart from Makeni where
22 I saw him.

23 Q. Now, isn't Kailahun part of Sierra Leone?

24 A. Yes, it's part of Sierra Leone.

15:29:38 25 Q. So when, according to you, Johnny Paul Koroma went to
26 Kailahun he was still in Sierra Leone?

27 A. As far as I can tell you, I said the only thing that I know
28 is that when we went to Gandor, Johnny Paul used the jungle with
29 his family and went to Kailahun. Later we did not have any

1 information about his whereabouts. It was only Gullit that came
2 and informed us that Johnny Paul was under arrest in Kailahun.
3 Q. So in fact, you personally did not even know the
4 whereabouts of Johnny Paul after Kono. Personally, apart from
15:30:18 5 what Gullit told you?
6 A. All that we knew in Kono was that he headed for Kailahun.
7 Q. And you personally did not know if he arrived at Kailahun?
8 Personally, not what you were told?
9 A. Well, in Kailahun, according to information, they said that
15:30:40 10 he was in Kailahun. That is what I knew.
11 Q. Before he left Kono he was still lieutenant colonel, was
12 he?
13 A. Yes, he was still the head of the AFRC before he left for
14 Kono.
15:31:03 15 Q. No, before he left for Kailahun.
16 A. Well, from that time, still before he left Kono to go to
17 Kailahun, he still had that rank. You know, he was not so much
18 worried about rank, he was worried about appointment.
19 Q. So he was still heading the AFRC when he left for Kailahun?
15:31:34 20 A. All I know is that he was still the chairman and he was
21 recognised in Kono until he went to Kailahun, so I did not know
22 what happened there.
23 Q. Chairman for what?
24 A. For the AFRC. He still had the respect and they gave him
15:31:50 25 that honour in Kono.
26 Q. So if I can read you right and these are your words, you
27 are saying he continued as chairman of the AFRC until the time he
28 went to Kailahun?
29 A. That was the name that we used to call him, chairman. That

1 is the name that he still had from Kono to the place that he left
2 us and went to Kailahun.

3 Q. We are coming back to Masiaka. Did Brigadier Mani continue
4 as brigadier during the junta period?

15:32:25 5 A. Yes. Yes, in the jungle he was a brigadier. Still he had
6 been carrying that rank as we used to call him brigadier,
7 brigadier.

8 Q. And he was never promoted, was he?

9 A. No, Brigadier Mani continued to be as a brigadier. As far
15:32:48 10 as my knowledge goes. Even though I did not see him with my
11 eyes, but through communication we knew that he was alive and
12 that he was still a brigadier. I did not understand any other
13 name about him.

14 Q. So are you saying that when you, according to you, said
15:33:09 15 that Gullit appointed himself Brigadier General, he was mindful
16 of the fact that Colonel Mani was still brigadier in the jungle?

17 A. I cannot speak on behalf of Brigadier Mani, but all I know
18 is that Gullit appointed himself as Brigadier General and that he
19 was heading the group in which I was.

15:33:41 20 [TB200605F 3.30 p.m. - AD]

21 Q. Do you know the military appointment of Brigadier Mani
22 before you withdrew into bush, into the jungle? What was he?

23 A. Director of defence.

24 Q. That was since the AFRC period?

15:34:04 25 A. Yes, My Lord.

26 Q. Did he continue as such in the jungle?

27 A. As far as I know, I and he have not worked in the same
28 place. The commander -- I and Brigadier Mani have not worked in
29 the same place. The only thing was that he had gone ahead of the

1 troops. That was what SAJ told us.

2 Q. Around what time were you at Masiaka? When you withdrew
3 with Johnny Paul Koroma around what time, what period was that?

4 A. It was after the intervention in Freetown.

15:34:52 5 Q. That was in the 1998?

6 A. Yes, My Lord.

7 Q. Do you know the month that you arrived at Masiaka with
8 Johnny Paul?

9 A. As far as I can remember I think the intervention took
15:35:09 10 place in February; it should be in February

11 Q. You were at the Masiaka in February 1998?

12 A. The withdrawal from Freetown, it was in February. It did
13 not take more than three days and we arrived at Masiaka.

14 Q. This was still in February 1998?

15:35:31 15 A. As far as I can remember, yes.

16 Q. Now, we are coming to the interview which you said Johnny
17 Paul gave at Masiaka on the BBC. Do you recall telling this
18 Court that he gave an interview on the BBC after the withdrawal?

19 A. Yes, My Lord.

15:36:05 20 Q. So, when he gave this interview on the BBC and identified
21 himself as the supreme head of the SLA, did you all agree with
22 him on that?

23 MS PACK: Your Honour, the witness can't speak to what
24 other men thought.

15:36:49 25 MR FOFANAH: He has been using "we", "we", "we" all the
26 time.

27 PRESIDING JUDGE: And you have been objecting very
28 strenuously, Mr Fofanah.

29 MR FOFANAH: As Your Honour pleases.

1 Q. Did you continue to recognise Johnny Paul Koroma as the
2 supreme head of the SLA in Masiaka and beyond?
3 A. As far as my knowledge goes, during that time I still
4 recognised him because he was the one with whom I withdrew from
15:37:23 5 Freetown.
6 Q. So you were still paying allegiance to him as your
7 commander in chief; not so?
8 A. Yes, My Lord.
9 Q. You have told the Court about the announcement. You said
15:37:59 10 he launched an operation during the interview. What was the
11 operation?
12 A. Operation Pay Yourself.
13 Q. And I have said this before, you said he announced himself
14 as the supreme head. Did he, to the best of your knowledge,
15:38:26 15 relinquish that position? Did he ever give up the position of
16 the supreme commander of the SLA -- Johnny Paul -- to the best of
17 your knowledge?
18 A. My Lord, I cannot talk about Johnny Paul because what I
19 said during that day in fact the announcement --
15:38:45 20 THE INTERPRETER: Your Honours, can the witness please go
21 over the last segment of his testimony?
22 PRESIDING JUDGE: Mr witness, did you hear the interpreter?
23 Could you please repeat the last part of your answer?
24 THE WITNESS: I said, My Lord, I can't talk for Johnny Paul
15:39:05 25 because by then all I knew is -- still I recognised him and what
26 he said, I still recognise that as the commander of the Armed
27 Forces Revolutionary Council, commander in chief.
28 MR FOFANAH:
29 Q. And you recognise that throughout the junta period; not so?

1 A. As long as I was there, there was no way I had to recognise
2 him until the time I saw him and when he disappeared.

3 Q. Okay, let's go -- now, we will come back now to this
4 Operation Pay Yourself. I am reading from transcript of the 17th
15:39:55 5 of May 2005 at page 74, line 12. No, line 10. The question was:
6 "Did anything happen after the announcement after you had for
7 Operation Pay Yourself." Your answer was: "Yes, indeed, after
8 the announcement, the chairman at that time declared that he had
9 nothing to pay the soldiers. From that day he made that
15:40:32 10 announcement then indeed the operation started." Question:

11 "What operation was that?" Answer: "From that day the looting
12 started, and indeed so many other things happened." Now, first
13 question: when this operation started in Masiaka after the
14 announcement it continued to the end of the junta period; was it?

15:41:08 15 A. As far as my knowledge can serve, the day the operation was
16 declared the operation continued.

17 Q. That is what I am saying. You have already said that it
18 started, but we don't know when it ended. I am saying that from
19 my recollection of what you said it ended with the junta period.

15:41:36 20 MS PACK: That's not what the witness said, Your Honour,
21 about this operation.

22 MR FOFANAH: What did he say?

23 MS PACK: Operation Pay Yourself began with the end of the
24 junta period on the intervention in February 1998 or thereabouts.
15:41:57 25 I do not want to give dates because the witness did not give any.
26 It was after the end of the junta period and retreat from
27 Freetown in Masiaka.

28 MR FOFANA: That is why, if Your Honours can rightly
29 recall, when the witness at the very beginning of his testimony

1 on the 16th said that he never took part in any operations
2 outside Freetown and later when he started talking about the AFRC
3 in the jungle that I objected. But Your Honours ruled that his
4 reference was to what happened within Freetown. Now this witness
15:42:34 5 has gone ahead to categorically state that he continued to
6 recognise Johnny Paul Koroma as chairman of the AFRC and as
7 supreme commander in chief. He is still referring to him as
8 such. My question is whether the operation continued during that
9 period and ended with the period under review -- the junta and
15:43:02 10 jungle period as the case may be. I don't see why the witness
11 should not answer that question, because he has been referring to
12 a number of titles, a number of places, and all of this was in
13 the continuum.

14 PRESIDING JUDGE: The Bench is of the view that the
15:43:37 15 question is admissible and can be put.

16 MR FOFANAH:

17 Q. Mr Witness, again, my question is: When Johnny Paul Koroma
18 said that Operation Pay Yourself has started it continued
19 throughout the jungle period; not so?

15:44:03 20 A. This continued until Johnny Paul left Kono and went to
21 Kailahun. From there we started having different commands
22 structure, different orders.

23 Q. From when?

24 A. After Johnny Paul left Kono for Kailahun. Since then we
15:44:27 25 started having different commands and orders.

26 Q. Are you saying you never heard from Johnny Paul when he
27 left for Kailahun? You never ever heard from him?

28 A. I have clearly stated it that when Johnny Paul left Kono
29 for Kailahun I have never had any communication that I have

1 heard, never. He had never communicated with the troops at Kono
2 or outside.

3 Q. So this Operation Pay Yourself, what was it actually about?

4 A. Since Johnny Paul said they haven't anything to pay the
15:45:13 5 soldiers, well he had ordered the soldiers to pay themselves.
6 Then he clearly stated it that, as he said pay yourself,
7 "whatever you can lay your hands on, then you can leave with it."

8 Q. And did you pay yourself as result of that announcement?

9 A. I myself moved with the commanders that I have named and we
15:45:45 10 went up to Makeni. Out of what I myself -- I got something in my
11 pocket.

12 Q. So you paid yourself as a result of that announcement?

13 A. Yes, My Lord. Because I was not alone and other soldiers
14 paid themselves. Commanders, everybody was fighting for what he
15:46:14 15 wanted.

16 Q. In the transcript that I read you said from that day the
17 looting started and indeed so many other things happened. What
18 were these many others things that happened after the
19 announcement?

15:46:26 20 A. Well, what I saw in Makeni, broke and enter into vans shops
21 in Makeni, and they even captured young men and women in Makeni
22 going towards Kabala in that area. That was the area troops were
23 moving. Many of them were moving towards Kabala and Makeni.

24 Q. Did you see any killings?

15:47:00 25 A. As far as I can remember I never saw any killing because
26 everybody was busy in looting. I didn't see any killing.

27 Q. Did you see any amputations?

28 A. During that time, no amputations that saw with my eyes. I
29 didn't see anything like that.

1 Q. But you can recall, to the best of your knowledge, that all
2 the looting that occurred after the announcement was as a result
3 of what Johnny Paul Koroma said in the BBC interview; not so?
4 A. During that interview that he made, it was during the
15:47:45 5 interview with Johnny Paul, what he said on the air was what
6 necessitated the looting.
7 Q. That is what I am saying.
8 A. Yes, My Lord.
9 Q. All the looting -- okay, all the looting. No problem.
15:48:05 10 PRESIDING JUDGE: Mr Fofanah, are you about to move on to
11 another line of questions?
12 MR FOFANAH: Yes, Your Honour.
13 PRESIDING JUDGE: Perhaps this would be the appropriate
14 time then to take the mid-afternoon break if you are doing so.
15:48:17 15 MR FOFANAH: Thank you very much.
16 PRESIDING JUDGE: Mr Court Attendant, please adjourn the
17 Court for 15 minutes.
18 [Break taken at 3.45 p.m.]
19 [On resuming at 4.00 p.m.]
16:05:41 20 PRESIDING JUDGE: Please proceed, Mr Fofanah.
21 MR FOFANAH: Thank you, Your Honour.
22 Q. Mr Witness, we are now -- just one point before we move
23 from Masiaka to Kabala. You said the other things that happened
24 apart from looting included capturing of civilians from Makeni;
16:06:31 25 is that what you said?
26 A. Let me get the question clearly.
27 Q. I am still trying to ask you one last question on the
28 announcement made by Johnny Paul Koroma in Masiaka as a result of
29 which you said a lot the looting occurred. You said in Makeni

1 that among the other things that happened, apart from looting,
2 was the capturing of men and women at Makeni?
3 A. Yes, My Lord.
4 Q. And that was also part of the Operation Pay Yourself?
16:07:11 5 A. Yes, it was part of the Operation Pay Yourself.
6 Q. Were these captured men and women released or abducted?
7 A. As far as I can recall, they took them up to Kono.
8 Q. Who is the "they"?
9 A. As far as I can recall, the troops, including the RUF, SLA,
16:07:39 10 moved with these people to Kono.
11 Q. So, with whom did you leave Masiaka to Makeni? Because you
12 said when you left Masiaka you went to Makeni; not so? It was
13 post 1998.
14 A. It was I, Operation A and Bazzy. Bazzy had his own
16:08:10 15 security and Operation A had his own security as well, and we
16 moved to Makeni.
17 Q. All of you left together?
18 A. Bazzy had a Peugeot car he used and we had a Land Rover.
19 we left together and went to Makeni.
16:08:34 20 Q. After the operation in Makeni, where did you go?
21 A. I, Bazzy, Operation A, moved towards Binkolo when we had a
22 breakdown and Bazzy and team went ahead.
23 Q. But you said Bazzy had an accident on the way to Kabala
24 from Makeni. Do you recall saying that?
16:09:06 25 A. Yes, when we arrived to Kabala we visited him at the
26 hospital because we heard about the accident. So, we visited him
27 at Kabala. It was Junior Lion who was badly damaged and one
28 security died during the course of the accident.
29 Q. So you were not with him when he had the accident?

- 1 A. No, My Lord.
- 2 Q. Was Bazzy hospitalised?
- 3 A. The day I and xxxxxx xx arrived in Kabala we met him at
4 the hospital, but they said it was just a minor - he did not
16:09:55 5 sustain a serious injury.
- 6 Q. Did you know how long he spent at the hospital?
- 7 A. As far as I can recall he didn't spend a long time there
8 because he attended the meeting. He did not continue to stay in
9 the hospital.
- 16:10:16 10 Q. You said Junior Lion had a serious injury. What was wrong
11 with him?
- 12 A. Well, to me his face was swollen. He had a damage around
13 the face; it was swollen. I saw his hand, and it also had some
14 problem.
- 16:10:37 15 Q. Did he continue to function actively after, Junior Lion?
- 16 A. As far as I can recall, even when the troops left from
17 Kabala, Junior Lion moved actively towards Kono and later they
18 retreated.
- 19 Q. Now, did the senior commanders who were with Johnny Paul at
16:11:13 20 Masiaka move with him to Binkolo?
- 21 A. The only thing I saw at that time was that they moved with
22 the security, they moved with Honourable Sammy and the other
23 securities, Rambo and his wife, and with some manpower. Those
24 were the people that he moved with and went.
- 16:11:39 25 Q. Did you see Colonel SFY Koroma, Brigadier?
- 26 A. As far as I can recall, the only place I saw him was at
27 Makeni; it was at Makeni. I saw him at Makeni. Mostly I was
28 with xxxxxx xx -- I normally refer to him as xxxxxx xx.
- 29 Q. At around what time did you see SFY at Makeni?

1 A. Just after when ~~xxxxx~~ ~~xx~~ moved and come to Makeni,
2 before we left for Kabala.
3 Q. What rank was SFY Koroma when you saw him at Makeni?
4 A. At that time, as I said, he was the chief of defence staff.
16:12:43 5 This time he was just with his military jacket and I didn't see
6 any rank on it. But he was still the chief of defence staff.
7 Q. Did you see SO Williams en route to Kabala?
8 A. I didn't see him on the road, but at Kabala I saw him at
9 the meeting; SO was there.
16:13:10 10 Q. And he also continued to function as chief of army staff,
11 SO Williams?
12 A. As far as I can recall, I know he was the chief of army
13 staff. So still he was there in Kabala.
14 Q. Did these two gentlemen SFY Koroma and SO Williams continue
16:13:44 15 in the jungle until January 6, 1999?
16 A. No, My Lord, they were not there.
17 Q. You did not see them?
18 A. Yes, I didn't see them with my eyes.
19 Q. Where and when?
16:14:03 20 MS PACK: That is an almost impossible question to answer.
21 MR FOFANAH: Why?
22 PRESIDING JUDGE: You have asked him "did you see them in
23 the jungle?" And he said, "No, I did not see them." And then
24 you said "where and why?" Very confusing.
16:14:21 25 MR FOFANAH: Probably it is the way I have been kind of led
26 to understand what jungle means. Jungle often has been used in a
27 time frame as well as much as it has been --
28 PRESIDING JUDGE: He has told you he didn't see them in the
29 jungle.

1 MR FOFANAH: I will put it to him.
2 Q. You said the last time you saw SFY Koroma was in Makeni?
3 A. Yes, My Lord.
4 Q. And this was during the jungle period?
16:14:58 5 A. No, we drive from Freetown. After Operation Pay Yourself,
6 we went to Makeni.
7 Q. So when did the jungle period start?
8 A. Well, what I am saying is, from the time Johnny Paul
9 declared the operation -- the jungle period started in Kono
16:15:27 10 according to me; it started in Kono.
11 Q. But Johnny Paul declared the Operation Pay Yourself in
12 Masiaka; not so?
13 A. Yes, My Lord.
14 Q. So functionally the jungle period started from Masiaka; not
16:15:50 15 so?
16 A. Yes, My Lord.
17 Q. So, when you saw Brigadier SFC Koroma at Makeni he was
18 still there under the jungle period?
19 A. Well, yes, My Lord.
16:16:06 20 Q. When you also saw Colonel SO Williams at Kabala he was
21 there within the jungle period?
22 A. Yes, My Lord.
23 Q. Thank you. We will move on. Now did JPK continue? You
24 have answered this before, but I just want to refer you to what
16:16:43 25 you said on the 17th to reconfirm something.
26 PRESIDING JUDGE: Are you referring to someone in
27 particular when you say "JPK"?
28 MR FOFANAH: Yes, I will make it more clear when I find
29 the citation. "JPK" is actually short for Johnny Paul Koroma.

1 My reference is to page 86 of the transcript of the 17th of May
2 2005.

3 JUDGE SEBUTINDE: Kindly repeat the page number, please.

4 [TB200605G-JM]

16:17:38 5 MR FOFANAH: Page 86, and it ends at 87, line 1. I'm
6 reading from line 25 of page 86.

7 Q. It says, "when you all arrived" -- that's the question.

8 The question is: "when you all arrived in Makeni and met those
9 other commanders, who you've spoken about there, who was in
16:18:13 10 overall command in Makeni at this time?" Answer: "well, since
11 Johnny Paul Koroma was the most senior he was the commander
12 because everybody listened to him and everybody took orders from
13 him." Do you recall saying that?

14 A. Yes, My Lord.

16:18:33 15 Q. And that continued to be the position until you went to
16 Kono; not so?

17 A. Yes, My Lord.

18 Q. And until Johnny Paul left for Kailahun; not so?

19 A. Yes, My Lord.

16:18:49 20 Q. At page 87 --

21 MR FOFANAH: Your Honours, I'm referring to line 5.

22 Q. There was a question. "In Makeni, what happened?" And
23 your answer was: "well, as we reached Makeni, in fact, we did
24 not waste time. We just made sure that the other people joined
16:19:17 25 the convoy, and indeed, Johnny Paul addressed members that, well,
26 now we are heading for Kono, and Kono should be the defensive
27 position, and just that we shall reinforce that" - "just that we
28 shall reinforce what SAJ had said before and that we should make
29 Kono a junta stronghold." Do you recall saying that? Did Johnny

1 Paul say that in Makeni?
2 A. Yes, My Lord.
3 Q. What time did he say these words? Was it after he came
4 back from his home town, Binkolo, Magbonkineh, to Makeni or on
16:20:00 5 your way to his home town?
6 A. This was the time when I and Operation A left Kabala and
7 came to Magbonkineh, and we moved with Johnny Paul to Makeni
8 before we left for Kono.
9 Q. So this was on your retreat from Kabala?
16:20:26 10 A. Well, it was not a retreat because it was movement. We
11 were moving. It was after the meeting. We got troops and we
12 moved to Magbonkineh, Makeni, and from there to Kono.
13 Q. Thank you very much. The actual word would have been your
14 return, your return from Kabala or Binkolo as the case may be.
16:21:03 15 Now, after February 1998, did SLA have access to communication
16 sets in the jungle period, after February 1998?
17 A. The only time when SLA had a set was at the time when
18 Johnny Paul was at Magbonkineh, and later he moved to Kailahun.
19 But at Kono, our own group didn't have a set. The only set we
16:21:40 20 had was for monitoring. It does not transmit.
21 Q. That was at Kono.
22 A. Yes, My Lord, in Kono.
23 Q. So just after 1998, February, who had the communication
24 set? Who was controlling those during the jungle period?
16:22:05 25 A. Well, it depends on the area. If you talk -- I want you to
26 be specific on the right area we are referring to, sir.
27 Q. Was there a radio set at Kabala when you pulled out from
28 Makeni to Kabala?
29 A. SAJ himself had a radio set.

1 Q. Was there any communication between the SLA at that time
2 and Mosquito?

3 A. In Kabala?

4 Q. Yes, and I mean the RUF in Kabala.

16:22:49 5 A. The only person that spoke was Superman. But SAJ never
6 communicated with the RUF.

7 Q. Just one moment. So you don't recall saying that after the
8 junta period, or the AFRC period, that it was the RUF that had
9 control of communication sets? You don't recall saying that?

16:23:39 10 MS PACK: Your Honour, that wasn't said until Kono, there
11 was something specific said in the Kono District about radio
12 communications there, being that the RUF controlled the sets in
13 Kono or something to that effect.

14 MR FOFANAH: Your Honours, just a moment.

16:24:45 15 MS PACK: I can perhaps assist my learned friend that on
16 the 19th of May 2005 there was evidence about radio
17 communications in Kono.

18 MR FOFANAH: Your Honours, I've found it, the citation, the
19 reference I was looking for. I'm still on the transcript of the
16:25:03 20 17th May, Tuesday, 2005, at page 85. Number 1 started with -- he
21 was answering a question that was put to him. "Did anything else
22 happen in Kabala apart from the meeting while you were there?"
23 And his answer was: "The only thing, we mobilised and formed a
24 long convoy and we decided to move for Binkolo where we could
16:25:40 25 collect -- then Superman communicated with Mosquito and informed
26 him that he had prepared as we were ready to take the chairman
27 from Binkolo to head for Kono."

28 Question: "Just break that down because you said two
29 separate things. You said you went to Binkolo and you said there

1 was a communication. The communication, what was the media used
2 for -- medium used for the communication?" Answer: "well, we
3 had radio sets which we used, and we used them in the jungle as
4 means of communication."
16:26:15 5 Q. So before I go further, did Superman make this
6 communication on your way when you were moving from Binkolo?
7 A. Yes. This communication, as I said took, place at Binkolo
8 and then Magbonkineh, when Superman met with Johnny Paul and
9 called Mosquito, that [indiscernible] were under preparation
16:26:43 10 heading for Kono.
11 Q. So, in fact, are you saying that xxxxxxx xx can read and
12 write?
13 A. As far as I've said, xxxxxxx xxx is not literate.
14 Q. Okay. I'm moving down to line 18 of the same page, 85.
16:27:14 15 There was a question put to you: "And this very communication
16 that you are talking about, who was that between?" Your answer
17 was: "At that time when we withdrew from Freetown, we didn't
18 have much idea about jungle. The RUF had much control of radio
19 sets, of the radio sets, so Superman communicated directly to
16:27:38 20 Mosquito." Did you say that?
21 A. Yes, My Lord.
22 Q. So when you withdrew from Freetown, the SLA did not have
23 much idea about jungle?
24 A. Yes, in the jungle, especially that way, how to live in the
16:28:00 25 jungle, how to live a jungle life, the SLA had very little idea.
26 Q. And you actually said that the RUF had much control of
27 radio sets?
28 A. This was one of the most things that the RUF did. They got
29 rid of the radio sets immediately.

1 Q. How do you mean?

2 A. Well, most of them were in search of the radio
3 communications in the areas where they know that radio sets are
4 operated. They lay hands on those sets and collected them in one
16:28:42 5 place.

6 Q. Who? The RUF collected radio sets from the SLAs?

7 A. Not the SLA, but they went to important offices where sets
8 are and prepare them.

9 Q. Can you make that clear? Are you saying that in fact the
16:29:05 10 RUF had control of radio communications just after the junta
11 -- the AFRC period?

12 A. As far as I can recall, in Makeni and Kabala and Binkolo,
13 Superman communicated to Mosquito. At Kono, he was -- they were
14 also in total control of communication. SLA only had the
16:29:32 15 monitoring set.

16 Q. Did SLA at any time have access to radio communication sets
17 during the period under review from February 1998 to post-January
18 6th, 1999?

19 A. Yes, after we pulled out from Kono, we had access to a
16:30:00 20 radio set until we lost one of the set at Mandaha, when the radio
21 man pulled out with a set. So we only had a monitoring set once
22 again.

23 Q. Okay. Thank you very much. Now, we are moving on from
24 Makeni. Where did you stop when you were -- you said you took
16:30:32 25 JPK from Binkolo, from Magbonkineh, and came to Makeni, and then
26 at Makeni he made this announcement that Kono should be a junta
27 stronghold. So did you leave Makeni?

28 A. Yes, My Lord.

29 Q. Where for?

1 A. Well, the troops headed for Kono, but we stopped at Suwafi
2 village.
3 Q. From Makeni, you did not stop anywhere; you just went
4 direct to Suwafi village?
16:31:10 5 A. This was a continuous process. We had over a hundred
6 vehicles moving. It was a continuous movement.
7 Q. Did you not stop at Matotoka?
8 A. Matotoka, the troops passed Matotoka. The only thing, we
9 checked if there were enemies at that position. Then the troops
16:31:46 10 moved.
11 MR FOFANAH: Matotoka is M-A-T-O-T-O-K-A.
12 Q. So you just passed through Matotoka. Did you stop anywhere
13 after Matotoka?
14 A. No, we moved to Makali and from Makali we advanced to
16:32:18 15 Sewafe village, and we stopped in Sewafe village.
16 Q. Did anything happen at Sewafe village in?
17 A. Yes, indeed, when the troops arrived there, Johnny Paul
18 said we should burn Sewafe village.
19 Q. Did you do that?
16:32:56 20 A. Yes.
21 Q. Did you personally take part in that, in the burning of
22 Sewafe village?
23 A. All I know, I was on the defensive whilst the others were
24 burning.
16:33:07 25 Q. Are you saying that you never personally burnt any house?
26 Are you saying that?
27 PRESIDING JUDGE: Are you limiting this to Sewafe?
28 MR FOFANAH:
29 Q. In Sewafe village, in Sewafe village.

1 A. In Sewafe, as I said, I was on the defensive whilst the
2 other men set the houses on fire.

3 Q. What do you mean you were on the defensive?

4 A. Well, since I was in the advance party, as we captured
16:34:01 5 Sewafe village, we were defending the area, preparing in case of
6 enemy penetration we can repel them, me and the other men, whilst
7 the other men were burning the houses.

8 Q. Now, this might have been a very long convoy when you moved
9 from Makeni to Kono. How did you go? Did you use vehicles or
16:34:27 10 what did you -- what was your form of transportation?

11 A. My Lord, as I said, we had over a hundred vehicles from
12 Makeni that we moved. It was a convoy. We moved with the
13 convoy.

14 Q. In fact, you had earlier said over 150. So that was a very
16:34:52 15 long convoy; not so?

16 A. Yes, My Lord.

17 Q. Was ECOMOG operational at that time? Did the jets fly
18 over?

19 A. In fact, what I know, we moved at night. The movement was
16:35:10 20 done at night. We left Makeni in the evening, and we moved. So
21 the jet did not make any trace of the troops, the troops that I
22 was with, when we left Makeni for Kono.

23 Q. And you said you spent three days going from Makeni
24 to -- or how long did you take? Sorry if I got you wrong.

16:35:34 25 A. I said it was a day's journey. We started in the evening,
26 towards daybreak we have entered Kono.

27 Q. And that's Sewafe village.

28 A. Yes, from Sewafe now.

29 MR FOFANAH: May it please Your Honours, at this stage may

1 I apply for Exhibit P14 which is the map of Kono.

2 MR WALKER: I don't appear to have that exhibit here,
3 Your Honour.

4 MR FOFANAH: Thank you very much. In that case,
16:38:41 5 Your Honours, I will stay this question for some time later
6 because the exhibits were actually marked. I'll go on and I will
7 come back to this question later.

8 JUDGE SEBUTINDE: I think we need to apologise to counsel
9 for this kind of confusion where exhibits are not in court. I
16:39:11 10 believe this should be addressed, and we should have the exhibits
11 as admitted in court, marked properly for cross-examination.
12 They serve no purpose being in the stores or wherever they are.
13 And this trial ought to continue with the exhibits present.

14 MR FOFANAH: Thank you, Your Honour. We understand the
16:39:33 15 constraints.

16 MR WALKER: Well, I apologise. Your Honour, it's not in
17 Court unfortunately. I can get it. It will only take a moment.

18 PRESIDING JUDGE: Mr Fofanah has indicated he will continue
19 in a different line. In the meantime, we can try and get it up
16:40:04 20 here.

21 MR FOFANAH: Certainly, Your Honours.

22 Q. So, Mr witness, when you left Sewafe village, which you
23 said you burnt down, or at least you saw your colleagues burn
24 down, where did you go?

16:40:23 25 A. Well, from Sewafe village, we moved to -- the troops moved
26 to Bumpeh.

27 Q. Did you arrive at Bumpeh?

28 A. Yes, My Lord.

29 Q. And from Bumpeh, did anything happen?

1 A. No. In Bumpah, the troops continued to move.
2 Q. Where for?
3 A. Well, we headed towards Koidu Town.
4 Q. Did you arrive at Koidu Town?
16:41:04 5 A. Well, the troops got an ambush by Five-Five Spot. We made
6 the whole of the troop to withdraw.
7 Q. Who was involved in this ambush?
8 A. As far as I can recall, I cannot give -- there was an
9 attack which later they said it was the Kamajors who attacked the
16:41:34 10 convoy.
11 Q. So you personally did not know that they were Kamajors?
12 A. Well, the only thing that I knew was that I had got
13 information in Kabala that Kamajors had captured Kono. But in
14 this attack, we had an immediate attack by the forces which later
16:42:05 15 we came to know that it was the Kamajors.
16 Q. Who is the "we"? Because you've just said that you were
17 told that they were Kamajors.
18 A. I said later, we got information, I and the other soldiers
19 who retreated up to Bumpah, heard the information that it was the
16:42:28 20 Kamajors.
21 Q. Let me refresh your memory. I'm referring to page 98 of
22 the transcript of 17th May 2005.
23 MR FOFANAH: At line 12, Your Honours. There was a
24 question put to the witness: "Thank you, witness. Now, I do not
16:43:00 25 want to muddle you. We are going to jump back to where we were
26 before the break. I had asked you questions about your route to
27 Koidu -- to Kono, and you had described what happened in Sewafe
28 village. Now, after Sewafe village, where did you move to?"
29 Your answer was: "Well, the entire troops, I was with the

1 fighting force as we approached Bumpeh. I was with the troops
2 that led. I was among the troops that -- we -- I was with the
3 troops as we went to Bumpeh. Then we later left and went to
4 Koidu Town. We went close to Five-Five, but we were attacked.
16:43:50 5 We met an ambush that the Kamajor made. And during that attack,
6 most of the members of that group, including Johnny Paul Koroma,
7 SAJ Musa, both the senior commanders."

8 Q. So this is what you said, Mr Witness, that you said you met
9 an ambush that the Kamajors made.

16:44:12 10 A. Yes, My Lord.

11 Q. So in fact, you knew that they were Kamajors, not so, at
12 that time?

13 A. As I was explaining, it was through -- it was through the
14 attack. And when the troop retreated, it was the information
16:44:31 15 that we heard that it was the Kamajors.

16 Q. Okay. Leave that.

17 Now, Mr Witness, when you withdrew, where did you withdraw
18 to?

19 JUDGE LUSSICK: Mr Fofanah, I won't interrupt you if you've
16:44:58 20 got something to put to the witness, but I don't think you should
21 be allowed to simply take us through the evidence-in-chief again
22 in the hope that he will say something different. Certainly if
23 you can point to some evidence that contradicts his prior
24 testimony, or if you can point to some evidence that is in
16:45:19 25 conflict with what he has said, then that's permissible. But
26 simply to go through the evidence-in-chief hoping he might say
27 something different is just a fishing expedition.

28 MR FOFANAH: As Your Honour pleases. In fact, the
29 testimony in chief is so long -- is so lengthy, I was actually

1 trying to refer to only minute portions which in my estimation
2 were inconsistent. But I will do as Your Honour has indicated.

3 JUDGE LUSSICK: I don't want to interfere. If you've got
4 something to put to him in cross-examination, by all means, do
16:45:59 5 so.

6 MR FOFANAH: As Your Honour pleases.

7 JUDGE LUSSICK: You're entitled to test his evidence,
8 Mr Fofanah. Don't misunderstand me. But it just seems to me as
9 though you're going on a journey through the evidence-in-chief
16:46:23 10 without any real strategy attached to it. And I could be wrong.

11 MR FOFANAH: These are specific portions. In any case,
12 where I think inconsistencies have been made, the best I can do
13 is to leave them and then move forward. Because in the previous
14 testimony of the witness, he said that the Kamajors made the
16:46:50 15 attack. And now he's saying that they got that through an
16 information, so I will just leave those inconsistencies as I move
17 along. I'm not going through the testimony line by line. It is
18 so lengthy that I can't do that. I'm merely referring to
19 specific portions which in my estimation form the subject matter
16:47:14 20 of inconsistencies.

21 JUDGE LUSSICK: I see. You go ahead in that case,
22 Mr Fofanah.

23 MR FOFANAH: Thank you very much, Your Honour.

24 Q. Mr Witness, I was asking you a question. You said you met
16:47:28 25 this attack and then you withdrew. So when you withdrew, where
26 did you go?

27 A. To Bumpah.

28 Q. You withdrew with Johnny Paul Koroma and the others?

29 A. All I know is that I and the advancing troop, we withdrew.

1 We only met Johnny Paul at Bumpah.

2 Q. Did Johnny Paul stay at Bumpah when you withdrew?

3 A. As far as I know, while Issa fired at one soldier, I,
4 Operation A, Superman, Kumba Gudama, and the other soldiers that
16:48:21 5 I had named moved back into Koidu Town.

6 Q. With Johnny Paul?

7 A. No. Commander A, Gudama, Superman, with the other
8 soldiers, we moved back, and we captured Koidu.

9 Q. Where was Johnny Paul Koroma?

16:48:50 10 A. The only thing that I know is that Superman left when we
11 had captured Kono. He said he was going to check for them
12 because he said he was at Bumpah. He said he was going to check
13 for Johnny Paul and the other commanders.

14 Q. So you actually did not know where he left for?

16:49:13 15 A. The only thing was later when Superman came, he told us
16 that he had traced them as far as Magburaka, and that they had
17 gone very far and that he had not been able to see Johnny Paul
18 koroma. He said he believed that they had headed for Makeni and
19 back to the village where he was.

16:49:37 20 Q. Where was Bazy at this time? Ibrahim Bazy Kamara?

21 A. Bazy was also in the convoy with this group that withdrew.

22 Q. Are you sure about that? Did Bazy go to -- did Bazy go
23 to Kono with you?

24 A. Yes, My Lord. Bazy moved with the convoy, with Five-Five.
16:50:08 25 we were all in this convoy to Makeni. SAJ, all of us were in
26 this convoy after this ambush. They all retreated.

27 Q. So when you went back to Kono, you were all there by
28 yourself? All the senior commanders had left for somewhere else?

29 A. Commander A was there. Superman was there. Commander

1 Gudama was there. Rambo of the RUF also was there. These were
2 commanders who were at Kono.
3 Q. And this time, who was heading the SLA?
4 A. This time, it was Commander A. He was with the SLA.
16:51:14 5 Q. And who was the overall commander in Kono at this time?
6 A. It was Superman that was the commander, the overall
7 commander.
8 Q. Did Bazzy ever return to Kono after he left with the senior
9 commanders?
16:51:40 10 A. Yes, My Lord. After we had gone for Johnny Paul, the troop
11 had gone to collect Johnny Paul back, Bazzy. After Johnny Paul
12 had left to go to Kailahun, on our return to Kono with Bazzy.
13 Q. Can you go over that again.
14 A. My Lord, I said after the troop had captured Kono, and
16:52:11 15 later Superman, operation A went and collected Johnny Paul from
16 Magbonkineh and returned with him to Koidu. And Johnny Paul
17 later travelled to -- through that Kailahun area and went to
18 Kailahun from Gandorhun. Then on our return from Koindu Gieya
19 operation, from Gandorhun, we met Bazzy at Koidu Town.
16:52:47 20 Q. So you were not present when Bazzy arrived at Koidu Town?
21 A. Yes, My Lord. I was not there.
22 Q. So in fact, what you are telling this Court is that you
23 went to Magbonkineh twice. Is that the case?
24 A. Yes, My Lord. Yes, My Lord.
16:53:13 25 Q. When you returned to Kono with Johnny Paul, did he stay in
26 Koidu Town?
27 A. Who, Johnny Paul?
28 Q. Yes.
29 A. Johnny Paul did not stay in Koidu Town because we only

1 slept in Koidu, after which there was an operation that took
2 place to capture Koindu Gieya, which they took us to capture. So
3 later in Gandorhun, Johnny Paul travelled through the jungle, and
4 he used bypass to go to Kailahun.

16:53:56 5 Q. But this time, he still continued to be the supreme
6 commander in chief of the SLA. Not so?

7 A. To my eye, at that time, at Kono, he also gave command.
8 And in the meeting, he also gave a command about Kono. And he
9 was still the commander of the SLA for the whole troop.

16:54:26 10 Q. Now, it is that command that I'm really coming to now which
11 forms one of the crux of my cross-examination. What was that
12 command that he gave when he returned to Kono?

13 A. In fact, in that meeting where Issa was, Superman,
14 Operation Commander A, where I myself was present, Johnny Paul
16:54:53 15 said -- he said now he had seen that the people in Kono were
16 traitors, he said because look at what happened. He said they
17 have taken Kamajors and brought them into Kono. He said as Kono
18 should be a defensive base. He said the troops should not allow
19 any civilian whosoever should come to Kono because it should be a
16:55:21 20 civilian no-go area. So make sure that Kono be completely burnt
21 down so that no civilian would occupy Kono. He said Kono should
22 be a defensive base for the junta forces.

23 Q. And did you do that? Did you completely burn down Kono in
24 order to make it a defensive base?

16:55:43 25 A. Yes. Kono was completely burnt down. Gradually. It was a
26 gradual process. So it happened. So the burning used to go on
27 almost every day.

28 Q. So where did you start burning as a result of that
29 instruction, that command?

1 A. Well, inside Koidu Town itself. It was from Koidu that the
2 burning started.

3 Q. Did you burn along Masingbi Road?

4 A. This burning was after I and Operation Commander A left to
16:56:28 5 finish Koidu Gieya operation, we met Bazy, Junior Lion burning.
6 Bazy himself took part in burning Masingbi Road. That was when
7 we moved and went to Five-Five Spot.

8 Q. You've said this before. So you saw Bazy himself doing
9 it. Not so?

16:56:46 10 A. Yes, My Lord. On my return, I, Operation A, back to
11 Masingbi Road. This is what I saw with my own eyes.

12 MR FOFANAH: Your Honours, in that case, I would like to
13 refer you to the previous statement of the witness, which
14 is -- it starts at page 6525 of the records, and I'm referring to
16:57:19 15 page 6532.

16 Q. Mr witness, you recall making statements? You've said this
17 before under cross-examination that you made statement to
18 the -- the members of the Prosecution -- the Prosecution team
19 whilst you were at xxxxxx xxxxxx.

16:58:01 20 A. Yes, My Lord.

21 MS PACK: Your Honour, if my learned friend could refrain
22 from mentioning certain locations in public session. I would ask
23 for a redaction of the location that was mentioned in the last
24 question which may lead to --

16:58:21 25 MR FOFANAH: That was certainly my error. I only wish you
26 had not amplified it. That was my error.

27 PRESIDING JUDGE: I don't think Ms Pack actually mentioned
28 anywhere.

29 MR FOFANAH: Sorry, Your Honours. My reference was

1 actually to the additional statement. I mean, I'm sorry for
2 bothering you on that. It was the additional statement made on
3 the 16th and 31st of March as well as on the 1st, 4th, 15th,
4 19th, 20th of April. My learned friend has respectfully given me
16:59:31 5 the number starting from page 7862. I don't know if Your Honours
6 have found it. 7862, that's where it starts. It's "Additional
7 Information Provided by Witness."

8 And I'm referring to 7865. The bottom of that page is page
9 4. I don't know if Your Honours have seen it, at paragraph 34.

17:00:22 10 Q. Mr Witness, you can recall that you recently made several
11 additional statements on the 16th and the 31st of March 2005, as
12 well as on the 1st, 4th, 15th, 19th, 20th of April 2005. Do you
13 recall that?

14 A. Yes, My Lord.

17:00:51 15 Q. I'm going to refer you to a statement that you made very
16 recently, I mean, March-April, and then tell me if you recall
17 making that statement.

18 MR FOFANA: Paragraph 34, Your Honours, reads: "When we
19 returned to Koidu Town, we saw that the whole of Masingbi Road
17:01:15 20 had been burned down. We asked Bazzy what had happened, and he
21 said that it was burned down on his orders because it was better
22 to do that rather than the jets locating the area. We moved
23 location from Masingbi Road to the back of Five-Five Spot where
24 we returned to Koidu Town."

17:01:38 25 Q. Do you recall saying that to the members of the
26 Prosecution?

27 A. My Lord, as far as I can recall, the statement that I gave
28 is what I have referred to, where I, Operation A, we went to
29 Koindu Giyea operation and came to Kono and found out that this

1 place had been burnt, and we asked Bazzy what happened. And
2 Bazzy said -- at that time Bazzy and Junior Lion had been
3 burning, and Operation A asked them what happened. And they said
4 because the jet was raiding, that was why they decided to burn
17:02:17 5 the place. So we moved to Five-Five Spot. That is what I said.

6 Q. You actually came clear, Mr witness. And I'm sure you're
7 trying to be very honest with this Court. You said that -- I
8 mean, you actually met Bazzy at the place after it had been burnt
9 down. Not so?

17:02:39 10 A. No. I said I and Operation A met the burning going on, and
11 Bazzy himself was burning. When Operation A asked him and said
12 what happened, why this burning, Bazzy said it was because they
13 had continuous jet raids. That was why they were burning the
14 entire place so as to change the entire location. So that is why
17:03:04 15 they moved to Five-Five Spot.

16 Q. Are you telling this Court that the first statement at
17 paragraph 34 of the additional statement, "when we returned to
18 Koidu Town, we saw that the whole of Masingbi Road had been burnt
19 down." Are you saying that you did not make that statement?

17:03:23 20 A. My Lord, all that I said about that place is what I have
21 said. When I and Operation Commander A came at Koidu Town, we
22 met or found out that the place was burning, and Bazzy himself
23 partook in the burning. When Operation A asked him and said what
24 happened, he said it was because of the jet raids. That is what
17:03:46 25 I said.

26 Q. I put it to you, Mr witness, that what I have read to you
27 was what you exactly told the statement takers, that I mean you
28 met the place burnt down, and then you asked Bazzy, according to
29 you, about why the place was burnt down. You didn't meet it

1 burning. You did not meet the place burning.

2 A. My Lord, I was at the scene, and this is what I explained
3 to the people, and this is what I saw with my own eyes, and this
4 is what I'm telling the Court.

17:04:22 5 Q. So this statement was never made by you, that "I saw the
6 whole of Masingbi Road had been burnt down"?

7 A. It depends on the interpretation and the one who wrote it.
8 But what I knew is what I explained to the Court.

9 Q. Do you understand the word "had"? Do you know that word in
17:04:45 10 English, H-A-D?

11 A. What I'm trying to say, I am not here as a school. I'm
12 trying to tell you what I saw with my own eyes when I and
13 Operation Commander A left Koindu Gieya operation, I came and saw
14 with my own eyes when Bazzy and Junior Lion burning the place

17:05:12 15 when Commander A asked him, said, what happened. This is what I
16 saw with my own eyes, what I'm explaining.

17 Q. So Commander A asked what happened?

18 A. He asked Bazzy, say, what happened? why are they burning
19 the place? And Bazzy replied that --

17:05:35 20 Q. I've got that. I was just saying that he asked him what
21 happened?

22 A. He said what -- he said what happened? why is it that they
23 are burning the town? Masingbi Road, I mean.

24 Q. Anyway, I will take it at that. I mean the transcript will
17:05:57 25 tell that you were actually talking in the past.

26 MR FOFANAH: Your Honours, I realise -- I just observed
27 that it is 5.00 p.m. and I have some further questions. I think
28 I'll reserve those as well as the exhibit of the map of Kono for
29 tomorrow.

1 PRESIDING JUDGE: Very well. It appears that it's an
2 appropriate time to adjourn to tomorrow morning.

3 Mr witness, I will again remind you once more that you may
4 not talk about your evidence to anyone until all your evidence is
17:06:29 5 finished. Do you understand that warning, because I have given
6 it to you many times?

7 THE WITNESS: Yes, My Lord.

8 PRESIDING JUDGE: Court is adjourned to tomorrow morning.

9 [The witness stands down]

10 [Whereupon the hearing adjourned at 5.07 p.m.
11 to be reconvened on Tuesday, the 21st day of
12 June, 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D6 76

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334 2

CROSS-EXAMINED BY MS THOMPSON 3

CROSS-EXAMINED BY MR FOFANAH 27