

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

WEDNESDAY, 21 JUNE 2005
9.22 A.M.
TRIAL

TRIAL CHAMBER II

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

1 Wednesday, 22nd June 2005
2 [Open Session]
3 [The Accused Kanu present]
4 [The accused Brima and Kamara not present]
09:14:48 5 [Witness entered court]
6 [Upon commencing at 9.22 a.m.]
PRESIDING JUDGE: Good morning. I will remind the witness of the
8 oath. Mr Fofanah, I hope you are in better form now.
9 MR FOFANAH: Thank you, Your Honour. I will try as much as
09:27:03 10 possible to round up my line of questioning this morning.
11 PRESIDING JUDGE: That is fine. Nobody is going to force
12 you.
13 Now, Mr Witness, I will remind you again this morning, as I
14 have reminded you every morning, that you took the oath at the
09:27:17 15 beginning of your testimony and you promised to tell the truth.
16 That oath is still binding on you and you must answer all
17 questions truthfully. Do you understand that?
18 THE WITNESS: Yes, My Lord.
19 PRESIDING JUDGE: Very well. Mr Fofanah, please proceed.
09:27:34 20 MR MANLY-SPAIN: May it please Your Honours.
21 PRESIDING JUDGE: Yes, Mr Manly-Spain.
22 MR MANLY-SPAIN: May it please Your Honours. Your Honours,
23 I wish to inform the Court that I may leave by quarter to ten
24 because I have to meet with the Principal Defender.
09:27:52 25 PRESIDING JUDGE: Are you asking permission to leave by
26 quarter to ten?
27 MR MANLY-SPAIN: Your Honour, yes, it is quite a bit of a
28 serious matter. There has been a newspaper article --
29 PRESIDING JUDGE: We saw it.

1 MR MANLY-SPAIN: -- in which certain things are attributed
2 to me and I never gave an interview to anybody. So I want to go
3 and look after that matter and take care of it.

4 PRESIDING JUDGE: Yes, that will be fine, Mr Manly-Spain.

09:28:23 5 MR MANLY-SPAIN: I am much obliged.

6 PRESIDING JUDGE: Thank you. Mr Fofanah, please proceed.

7 MR FOFANAH: Your Honour, this probably seems like a
8 coincidence. I actually have a medical appointment at 11.00
9 a.m. and I was trying to see if I could round up my --

09:28:44 10 PRESIDING JUDGE: You do your best.

11 MR FOFANAH: Thank you.

12 WITNESS TF1-334: [Continued]

13 CROSS-EXAMINED BY MR FOFANAH: [Continued]

14 Q. Good morning, Mr Witness.

09:28:53 15 A. Good morning, My Lord.

16 Q. Mr Witness, I am going to take you through the period that
17 you entered Freetown and then when you retreated. So you said
18 you actually entered Allen Town on 5th January 1996 -- in 1999?

19 A. Yes, My Lord.

09:29:43 20 Q. Do you mean your reference to the January 6th invasion
21 actually started on that day, 5th January 1999?

22 A. We entered Allen Town on the 5th because the troop was
23 divided as Junior Lion was moving towards Jui barracks. That was
24 why the troop had to make a stop at Allen Town.

09:30:18 25 Q. Do you know how long you actually took in Freetown before
26 you finally pulled out at least in Allen Town on your way back?

27 A. We took about a month before we pulled out of Allen Town.

28 Q. So you mean that was around 5th February? Was it around
29 5th February that you pulled out of Allen Town on your retreat?

1 A. As far as I can recall, I cannot tell the exact date. It
2 was around that time because we took about a month in Freetown.
3 Q. Mr Witness, you will recall telling the Court that when you
4 were at Allen Town trying to withdraw you were attacked; am I
09:31:08 5 right?
6 A. That was the last withdrawal which I referred to before
7 finally the troop withdraw from Allen Town.
8 Q. Yes, I am actually in line with you on the final
9 withdrawal. So what part of Allen Town were you attacked? Where
09:31:40 10 were you when you were attacked at Allen Town?
11 A. We were in the town, in the town itself. We were under the
12 trees.
13 Q. And what happened when you were attacked; did you do
14 anything?
09:32:06 15 A. Well, this was -- it was a big attack because when the --
16 it was when the ECOMOG penetrated us with their armoured cars.
17 So we were right down Allen Town. So we moved up to upper Allen
18 Town and based there. It was there we waited. The enemy forces
19 did not chase us to that area. It's only moved us from town and
09:32:32 20 we went up where we based.
21 Q. By upper Allen Town you mean at the hills?
22 A. Well, you have lower Allen Town and you have upper Allen
23 Town. It was at the upper Allen Town that we went to.
24 Q. Can you describe this upper Allen Town? Is it at the
09:32:59 25 beginning or towards the end of Allen Town coming from the
26 provinces?
27 A. Well, this -- it was the middle side, a hilly side. That
28 is the hilly part of Allen Town. You have a by-pass to go to
29 Regent where we took the -- into the jungle. It was at that part

1 I and the troop withdrew.

2 Q. Do you recall telling the Court that when you were attacked
3 you withdrew to Allen -- to a jungle in Allen Town?

4 A. My Lord, I said we withdrew, went to Allen Town and from
09:33:45 5 there we moved into the jungle. I mean the Grafton's jungle up
6 to Hastings. We moved further to Benguema.

7 Q. Can you roughly tell the Court how long you took at Allen
8 Town before you finally moved towards Benguema?

9 A. Well, we spent about almost a week when Gullit, Five-Five
09:34:17 10 and Bazzy pulled out. About that, about a week before the troop
11 finally withdrew from Allen Town.

12 Q. And this one week is outside of the one month you said you
13 spent in Freetown in total?

14 A. Well, that is why told you clearly that it was about a
09:34:43 15 month the troop took in Freetown.

16 Q. Do you consider Allen Town as part of Freetown?

17 A. As far as the area where I withdrew, it was Allen Town and
18 I believe that it is part of Freetown.

19 Q. Okay, Mr Witness, we will move on. Now, you recall telling
09:35:12 20 the Court that whilst Mr Ibrahim Bazzy Kamara and the others were
21 at State House he had this young woman, young girl that you
22 referred to.

23 A. Yes, My Lord.

24 Q. And how long did you see this young girl with him?

09:35:42 25 A. As far as I told the Court, I did not say I saw him with
26 her at the State House. I said Bazzy also had a lady at the
27 State House, that's my cousin that I've named at the West Side.

28 THE INTERPRETER: Please, the Court, the interpreter is requesting
29 from -- with Your Honours' permission, would the witness go over his

1 testimony again.

2 PRESIDING JUDGE: I think he should. I was a bit unclear
3 about that answer. Mr Witness, could you repeat your answer,
4 please, because we are not clear on it?

09:36:15 5 THE WITNESS: I said about my cousin. It was not in
6 Freetown that Bazy had her, it was at the West Side that Bazy
7 called on her while she sent to me through an SBU for him to call
8 me that Bazy had called her. It was at the West Side that I met
9 [indiscernible] of my cousin.

09:36:39 10 MR FOFANAH:

11 Q. So you never in fact saw Bazy with any young girl in
12 Freetown; not so?

13 A. He was with a young girl at the State House. He was with a
14 young girl at the State House.

09:37:01 15 Q. And this is different from your cousin?

16 A. Yes, My Lord.

17 Q. So how long did you see this young girl with him? For how
18 long?

19 A. This young girl? Bazy continued to live with her until
09:37:24 20 the West Side and later this lady that I have talked about
21 escaped when Bazy fired one soldier.

22 Q. Do you know any --

23 THE INTERPRETER: Excuse me, the interpreter cannot get the last
24 segments of the witness's testimony. Could the Court please order the
09:37:45 25 witness to go over it again?

26 JUDGE SEBUTINDE: Please make a difference between shot and
27 fired. Fired means sacked in the English language. Fired means
28 sacked from a job. So, if that is what you want us to understand
29 then use the word fired. But if you mean shot then please make

1 it clear.

2 PRESIDING JUDGE: Mr Witness, could you please speak a
3 little more slowly to give the interpreter a chance to keep pace
4 with you. And I think Mr Interpreter also asks that you repeat
09:38:26 5 part of the last part of your last answer. So if you start by
6 doing that.

7 THE WITNESS: I said Bazzy shot this soldier that was
8 called -- soldier that was called Putfire. He said he was the
9 one that was responsible for the lady's escape.

09:38:46 10 MR FOFANAH:

11 Q. Do you know any lady called Anifa Kamara?

12 A. I know Anifa very well. She was not at the West Side. It
13 was later that she went to the West Side. She was not with the
14 troop in Freetown.

09:39:11 15 JUDGE LUSSICK: Witness, you were not asked all that. Counsel
16 simply asked you if you knew her. There is no need to volunteer
17 information that you have not been asked. I know you have been doing it
18 all along, but really you are just prolonging unnecessarily your
19 cross-examination.

09:39:21 20 MR FOFANAH:

21 Q. And this Anifa Kamara is Bazzy's wife; not so?

22 A. Yes, as far as I knew her, she is Bazzy's wife.

23 Q. Did you know her to be Bazzy's wife during the AFRC period?

24 A. Yes, My Lord.

09:40:00 25 Q. Were they in Freetown during that period?

26 A. During the AFRC she was with her.

27 Q. When they were in Freetown.

28 PRESIDING JUDGE: Who is she with her?

29 MR FOFANAH: She, Anifa Kamara.

1 JUDGE SEBUTINDE: And who is the her?
2 MR FOFANAH: I will put it again.
3 Q. Witness, what do you mean when you said that she was with
4 her?
09:40:36 5 A. I said she was with Bazzy in Freetown in his house.
6 Q. During the AFRC period?
7 A. Yes, My Lord.
8 Q. And are you aware if they pulled out together of Freetown?
9 A. As far as I can recall, Anifa I saw up to Masiaka. Up to
09:40:55 10 Masiaka.
11 Q. Wasn't Anifa in Makeni and Kono after February 1998?
12 A. Therein they -- when Bazzy went to Kono, Anifa was not with
13 her. She was not -- he was not with Anifa in Kono.
14 MS PACK: Your Honour, could we have a spelling of the name that
09:41:29 15 has been put to the witness just for the record and for the transcript?
16 MR FOFANAH: Thank you. It is A-N-I-F-A, Anifa. Kamara,
17 K-A-M-A-R-A.
18 Q. So, you said you did not see Anifa my with Bazzy at
19 Kono?
09:41:47 20 A. Yes, My Lord.
21 Q. But to the best of your knowledge Anifa is still the wife
22 of Bazzy; not so?
23 A. As far as I can recall, I saw her with Bazzy. I don't know
24 if he has married her or not. But I saw her with Bazzy.
09:42:20 25 Q. At least until this moment they are in some love
26 relationship; not so?
27 A. I don't know much about the relationship as of now. Since
28 we -- both of us cannot see each other as of now.
29 Q. Mr Witness, you just referred to Anifa as the wife of

1 Bazzy, so how are you saying now that you don't know if Bazzy has
2 married her?

3 A. Well, all I know she was with him and Bazzy said she was
4 his wife. So, I never went to the marriage ceremony. I have
09:43:03 5 never attended that marriage ceremony.

6 Q. Mr Witness, I am putting it to you that when you entered
7 Freetown on 5th January Anifa was still with Bazzy, Ibrahim Bazzy
8 Kamara.

9 A. My Lord, Anifa was not with Ibrahim Bazzy Kamara during the
09:43:36 10 January 6th invasion. She was not with him. Since Kono, Anifa
11 was not with him.

12 Q. Did you ever see Anifa with Bazzy after Kono?

13 A. In Kono? Anifa was not with Bazzy after Kono. Anifa was
14 not with Bazzy up to Freetown.

09:44:00 15 Q. When was the last time you at least saw them together?

16 A. The last time I saw Anifa it was after the peace had been
17 declared. That was when Anifa came from Makeni and came to the
18 West Side. It was during that time Anifa came to the West Side.

19 Q. This was sometime, was it, in June 1999 or before that?

09:44:36 20 A. It was after the signing of the ceasefire.

21 Q. The ceasefire and not the peace?

22 A. Well, as far as I can recall, it was during that time that
23 the peace for the nation was declared.

24 Q. You said Anifa left Makeni and went to West Side; not so?

09:45:04 25 A. Yes. The troop that came with them -- it came with other
26 soldiers at the West Side and Anifa was among the people that
27 came.

28 Q. So, at least that confirms that to me?

29 A. All I know, you asked me about West Side and about

1 Freetown. If Anifa was not ever there. At that time peace has
2 come and a lot of the family, those who came from Guinea from
3 Liberia have come. Some travelled up to West Side.

4 Q. How old was this young girl that you said you saw with
09:45:47 5 Bazzy at State House?

6 A. Well, this girl was a schoolgirl. She was about the age of
7 12 to 15.

8 Q. Did she tell you what school she was attending?

9 A. Well, I was not too interested. I just ask her if she was
09:46:12 10 a schoolgirl. She said yes, she was, because I do not have more
11 time to discuss with her.

12 Q. So, you really did not know much about her apart from the
13 fact that she told you she was a schoolgirl?

14 A. Since she was with authority, and I did not have more time,
09:46:35 15 I did not question her much. So, I only asked her if she was a
16 schoolgirl and she said she was.

17 Q. That was the only question you asked her; not so?

18 A. Then I asked her again about her age. She said she was
19 around about 12 to 15. She did not give -- show me the exact
09:46:57 20 number of her age.

21 Q. Well, you will agree with me that 12 to 15 has a gap of
22 about three years; not so?

23 A. Yes, My Lord.

24 Q. But she still gave you that estimate that she is between 12
09:47:16 25 to 15 years?

26 A. Yes.

27 Q. Mr Witness, again I am putting it to you, once again, that
28 Anifa Kamara remained with Bazzy throughout the junta period as
29 well as the jungle period you have referred to.

1 A. My Lord, as far as I know, in Kono she was not with Bazzy.
2 In Freetown invasion she was not with Bazzy. It was after the
3 [indiscernible] that Anifa came and met Ibrahim Bazzy Kamara.
4 Q. Can you repeat that again for us? After the what?
09:48:03 5 A. After the peace accord, the Lome Peace Accord.
6 Q. Okay, we will move on. But in any case, I have just one
7 point on that. I mean, Anifa is a young lady; not so?
8 A. Yes. She was a young lady.
9 Q. Can you estimate her age?
09:48:33 10 A. No, I cannot tell about Anifa's age.
11 Q. Now, the families that you were referring to, which you
12 said included captured abductees or captured people, did they
13 include the actual family members of the soldiers that you were
14 with?
09:49:08 15 A. No family member was there from Kono, those who were with
16 the troops were named as family. But to say the real family
17 members were present, no. As far as I know.
18 Q. So, even up to West Side you still did not have actual
19 family members with soldiers.
09:49:37 20 A. It was after the Lome accord that family members began by
21 visiting the troops at West Side.
22 Q. Mr Witness, is it not strange that soldiers could stay away
23 from their wives for this long, at least from the AFRC period,
24 the period of the withdrawal, February 1998 to -- until the time
09:50:07 25 the peace was signed?
26 MS PACK: Your Honour, I am not sure that the witness can
27 answer this highly speculative question.
28 PRESIDING JUDGE: I was going to ask counsel to explain. I don't
29 understand that question either and you are asking him to speculate

1 about other people. In fact an amorphous group called soldiers.

2 MR FOFANAH: Thank you, Your Honour. I will re-phrase.

3 Q. Witness, you at least had your cousin. You had your
4 cousin with you during this period; not so? During the

09:50:47 5 January 6th period and subsequent to that.

6 JUDGE SEBUTINDE: Mr Fofanah. What are you saying? He had his
7 cousin with him, meaning what?

8 MR FOFANAH: Your cousin was with the soldiers, the SLAs
9 during -- during at least the period of the invasion until the

09:51:06 10 time you left Freetown.

11 PRESIDING JUDGE: Are you putting to the witness that this cousin
12 was there voluntarily as a family member or something because I am not
13 quite sure what you are saying as my learned sister has pointed out.

14 MR FOFANAH: If he can actually confirm that then I will go
09:51:27 15 to the next question of how she came to be with them. He has
16 explained a bit of that before.

17 PRESIDING JUDGE: Very well.

18 MR FOFANAH:

19 Q. Your cousin, you said, was with you during the January 6th
09:51:45 20 period in Freetown and then she was subsequently taken out; not
21 so?

22 A. The only side I saw her was at Newton. I had mentioned
23 that. I had said that it was at Newton that I saw my cousin.

24 Q. For the first time?

09:52:07 25 A. Yes, My Lord.

26 Q. And she was part of the family; not so?

27 A. Well, she was part of those that were captured from
28 Freetown. So she was under family. When we say family members.

29 Q. Do you recall saying that it was one of Five-Five's

1 security men that was with your cousin at this time?

2 A. Yes, as far as I said, I said at West Side she was with one
3 of Five-Five's securities.

4 Q. At Newton?

09:52:59 5 A. My Lord, I had clearly said that it was in West Side that I
6 saw her with one of Five-Five's securities.

7 MR FOFANAH: Excuse me, Your Honour, I just want to cross-check
8 this point.

9 MS PACK: Your Honour, for the record, I have not seen any
09:54:08 10 reference in the transcript to the cousin before being with the
11 soldiers before the arrival in the West Side, which is what the
12 witness testified to.

13 MR FOFANAH: I will come to that. Sorry for delaying a
14 bit, Your Honour.

09:54:28 15 Q. Mr Witness, you have said categorically that it was at
16 West Side that you saw your cousin with this security; not so?

17 A. Yes, My Lord.

18 Q. I am putting it to you that that is not what you told the
19 Court when you were asked about this incident.

09:54:56 20 A. My Lord, as far as I can remember, I said it was in -- at
21 West Side that she was with one of Five-Five's securities.

22 MR FOFANAH: Your Honour, I am referring to transcript of 17th
23 June 2005. I actually had a draft at that time, but I think I refer to
24 the page. Page 42 of the transcript of June 17th, 2005. Mr Manly-Spain
09:55:36 25 was cross-examining the witness or Ms Thompson. Ms Thompson, sorry.
26 Ms Thompson was cross-examining the witness at page 42 of the draft. It
27 starts at line 8. I do not know if it that is what is contained in the
28 actual transcript because I have the draft. There was a question,
29 "[Overlapping speakers]". Is that the same as Your Honours', line 8?

1 PRESIDING JUDGE: Our page is different, Mr Fofanah,
2 obviously the finalised version. Perhaps if you read it out and
3 then we can have it read into the record.

4 MR FOFANAH: Yes, of course.

09:56:26 5 Q. There was a question, of "[Overlapping speakers]"
6 effectively you corrected yourself as cousin. Now, if you
7 remember the first day you gave evidence here, it was in closed
8 session, so I am not going to go into the evidence. A question
9 which was put to you was, "You are going to be talking later in
09:56:43 10 your testimony about a cousin, a female cousin. My question to
11 you is this now, isn't that the first time that you thought about
12 that person being your cousin?" And then the answer was, "No, My
13 Lord. At Newton when I saw him with one of the securities, with
14 one of Five-Five's securities, when he said it was him who
09:57:14 15 brought him to the jungle. So I told her that there was no
16 problem. That in case of anything she should inform me. She was
17 still with him when we went to the West Side jungle." That was
18 actually from line seven to 22 of the draft transcript. So, Mr
19 Witness, do you recall saying that in court?

09:57:47 20 A. Yes, My Lord.

21 JUDGE SEBUTINDE: I just want us, for the record, to get the
22 proper line and page of the proper transcript before you proceed.

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

24 PRESIDING JUDGE: For purposes of record it is page 40 and
09:58:18 25 the quotation you started with, Mr Fofanah, starts at line 12.

26 MR FOFANAH: Thank you very much, Your Honour. Your
27 Honours, can I read it again to see if it synchronises with and
28 confirms with what you have. Your Honour, the question was
29 "[Overlapping speakers]".

1 PRESIDING JUDGE: It is the same.

2 MR FOFANAH: As Your Honour pleases.

3 Q. So, Mr Witness, you just told the Court that you remember
4 saying that; not so?

09:58:55 5 A. Yes, My Lord.

6 Q. So, in fact, it was at Newton that you said you saw this
7 lady with one of Five-Five's security men?

8 A. Yes, My Lord.

9 Q. And you even said that there was no problem as long as this
09:59:13 10 lady was with this security?

11 A. Yes, My Lord.

12 Q. And you said this security took him to the West Side
13 jungle.

14 A. Yes, My Lord.

09:59:48 15 Q. So, apparently, Mr Witness, you knew that this lady had an
16 affair with this security officer; not so?

17 MS PACK: That is not the language that is used in this
18 extract. The language being that this lady had an affair with
19 the security.

10:00:04 20 JUDGE SEBUTINDE: Ms Pack, I think the witness can answer. If he
21 says it was okay, I think it is a fair question to put to the witness.

22 PRESIDING JUDGE: It actually -- whilst I agree it wasn't
23 put as a question, it was put as a statement. If you are putting
24 that, put it.

10:00:35 25 MR FOFANAH: Mr Witness, I am putting it to you that at
26 this material time when you said there was no problem, you knew
27 that there was an affair between this security and your cousin;
28 not so?

29 A. My Lord, I did not know that there was an affair and as

1 she told me that she was with that man and it was a man that I
2 had worked with. I said, "No problem". But I told her that
3 any problem she encountered let her inform me.

4 Q. And this was the man that brought her into the jungle?

10:01:18 5 A. Well, yes, I saw her with him. Yes, I saw her with him at
6 Newton as far as West Side.

7 Q. To the best of your knowledge, did they continue to be
8 together until the time you left West Side?

9 A. No, well later, after the Lome accord, there was a problem
10:01:43 10 as my cousin -- when her mother tried and came for her to be
11 collected. Bazzy --

12 THE INTERPRETER: My Lord, let the witness repeat his
13 answer. The interpreter cannot get it well.

14 PRESIDING JUDGE: Did you hear the interpreter, Mr Witness, he
10:02:02 15 asked if you would repeat your answer and would you please repeat it
16 more slowly?

17 THE WITNESS: I said even at West Side at one time my
18 cousin, after the Lome accord, tried to move when her mother came
19 to pay a visit and the other battalions. She tried to cross
10:02:30 20 over. Bazzy sent for her to be arrested. He said he wanted --
21 she wanted to escape. That happened.

22 MR FOFANAH:

23 Q. So, your cousin's mother actually visited her at West Side;
24 not so?

10:02:44 25 A. She did not go right inside the brigade where she was.
26 She came around and sent for her. That was after the Lome
27 Peace Accord. Families -- members of the West Side families
28 were going there to pay them visit.

29 Q. Now, is your cousin among the civilians you referred to as

1 working for soldiers?

2 A. Well, as far as I saw her she was with this security I am
3 talking about. She was with him. I didn't have more time with
4 them, but I knew that she was with him.

10:03:36 5 Q. What do you mean by that "she was with him"?

6 A. Well, as I questioned her she told me she was with so-so
7 person and I told her that in case she encounters any problem let
8 her inform me. That is what I told her at that time. The only
9 time she called me was the time that Bazy called on her.

10:04:03 10 Q. But at least you were seeing her around when you were at
11 West Side; not so?

12 A. Yes, My Lord, I was seeing her at West Side.

13 Q. [Microphone not activated] at Benguema; not so?

14 A. In Newton. I said Newton.

10:04:23 15 Q. Did you see her at Mamamah?

16 A. My Lord, it was at Newton I saw her with a family as they
17 were withdrawing. It was at Newton and at West Side where we had
18 a talk.

19 JUDGE LUSSICK: Does that mean no, you did not see her at Mamamah?

10:04:43 20 THE WITNESS: Yes, My Lord.

21 MR FOFANAH:

22 Q. Did you see her at Mile 38?

23 A. My Lord, no. I was at the front and the family was at the
24 rear. As we were withdrawing -- as we left Mamamah, the
10:05:09 25 family -- the families were at Mamamah. So they withdraw as we
26 are going. I and herself were not seeing each other during that
27 moment.

28 Q. Mr Witness, you actually spent one month in Newton
29 according to you; not so?

1 A. Yes, My Lord.

2 Q. And during this period you were seeing your cousin with
3 this security?

4 A. From the last time we saw her, she never told me about any
10:05:44 5 problem. She never sent to me with regards any problem.

6 Q. That is not the answer. I said you were seeing your cousin
7 with this security during this one month period at Newton.

8 A. I saw her, but I wasn't closer with her, but I knew that
9 she was with him.

10:06:07 10 Q. And there was no problem; not so?

11 A. She never called on me to explain any problem.

12 Q. Now, do you know if this security did anything when,
13 according to you, Bazzy called your cousin at West Side to go to
14 his place?

10:06:38 15 A. As far as I can recall he did not do anything even when my
16 cousin sent for me, because during that time he hadn't any
17 responsible position. Because Five-Five was not at West Side, he
18 was just at the ground.

19 Q. At least Bazzy knew him to be one of Five-Five's
10:07:05 20 securities; not so?

21 A. Yes, My Lord. He knew.

22 Q. Did he complain to you?

23 A. As I can recall.

24 Q. Sorry, Mr Witness. Did Five-Five security complain to you?

10:07:32 25 A. He has never complained to me. It was the lady that sent
26 somebody to call me.

27 Q. After the incident, did you see Five-Five security?

28 A. As far as I can recall, I went and rescued my cousin. I
29 had no contact with him and I said nothing to him.

1 Q. You spent quite some time at West Side; not so?
2 A. Yes, My Lord.
3 Q. You have told this Court that throughout that period your
4 cousin was with this soldier until the time the peace was signed.
10:08:05 5 A. Yes, My Lord.
6 Q. She was staying with him; not so?
7 A. Yes, she was in the soldier's place.
8 Q. In the same house; not so?
9 A. Well yes. She was with the soldier. The soldier was with
10:08:35 10 her.
11 Q. Do you know if she was cooking for this soldier?
12 A. Well, most times I saw her cooking. I don't know whether
13 she was cooking for him, but I saw her cooking.
14 Q. Did you see her do any other work for this soldier?
10:09:01 15 A. What I saw -- I said I met her cooking sometimes. That's
16 what I have said. She used to cook.
17 Q. So around what time when you went to West Side did Bazzy
18 actually call this lady?
19 A. Well, the time we went to the West Side, this happened
10:09:33 20 before the Lome accord. It happened before the Lome accord.
21 Q. Because we know, Mr Witness, you said that the lady was
22 released at peace times, so we know that it had happened before
23 that. What I want to know is what period in time, because, if I
24 can rightly recall, you said he spent about five months at West
10:09:57 25 Side. So what period during that five months did Bazzy call your
26 cousin?
27 A. I cannot tell the exact month of this when this happened.
28 It was within the times we were at the West Side. It was when
29 the Lome accord was signed that this incident occurred.

1 Q. And to the best of your knowledge after this alleged
2 incident, Bazzy did not call her again, did he?
3 A. After this incident, my cousin did not tell me that she was
4 called by Bazzy again. She never told me. After the accord,
10:10:53 5 when my cousin was trying to go with her mother, she was arrested
6 saying that she had wanted to escape.
7 Q. Mr Witness, you can vividly recall the incident, as you
8 explained to the Court. You said you were called, an SBU came
9 and picked you up, and you went to Bazzy's place where your
10:11:24 10 sister was. And at this time --
11 PRESIDING JUDGE: It was a cousin.
12 MR FOFANAH: I am sorry, I am very sorry. Where your
13 cousin was.
14 Q. So, When you went you said you saw your cousin there;
10:11:37 15 not so?
16 A. Yes, My Lord.
17 Q. As a junior commander, did you do anything about what your
18 sister told you?
19 PRESIDING JUDGE: Cousin.
10:11:51 20 MR FOFANAH: Your cousin.
21 Q. I am very sorry, Mr Witness. It is actually cousin.
22 A. My Lord, it was -- this was above me. The man that sent
23 for her was the commander of the camp. This was above me. I
24 could not do anything.
10:12:18 25 Q. What was above you?
26 A. Well, since it was the commander that sent for her, I had
27 nothing to say except later, when I went to my commander and
28 explained to him, and later he came to Bazzy and talked to him
29 then Bazzy released her.

1 Q. So why didn't you go to your commander when you were first
2 called and told this incident? Why did you wait for the incident
3 to happen?

4 A. My Lord, this was above me. At the camp at that time
10:13:01 5 Bazzy's order could not be challenged. So nobody can challenge
6 Bazzy's order during that time at the camp.

7 Q. So why did you tell your Commander A? Why did you tell
8 your commander when you knew that Bazzy's order was
9 unchallengeable?

10:13:25 10 A. Well, what made me to tell him was because I realised that
11 the man had satisfied himself and I told him that he should talk
12 to the man so that my cousin can be released and he talked to
13 him.

14 Q. What do you mean by that, that he has satisfied himself?

10:13:47 15 A. As I have explained before, he beat her, placed her in the
16 box, and when my cousin agreed that she was taken out of the box,
17 they went into the room. From there, later my cousin came out
18 and there was no way, I had no alternative. So she was still at
19 the place, that is why I went to Operation A and explained to
10:14:13 20 her. So it was later when he came that she was released.

21 Q. So, you are now saying that it was Bazzy who beat her and
22 placed her in the box? Is that what you are saying now?

23 A. I said his CSO. That when Bazzy ordered his CSO to beat
24 her, she was beaten and placed in the box.

10:14:40 25 Q. Mr Witness, were you not the one who advised your cousin to
26 go and see Bazzy before this incident happened, according to you?

27 A. I and the CSO were standing. The CSO -- my cousin had
28 called me for me to call the CSO, and when the CSO came she said
29 she had agreed. She said, "Okay, I have agreed," so during that

1 time what could I say because it would have been a risk to my
2 life.

3 Q. No, I am putting it to you that even before, before the
4 lady went to see Bazy, I am putting it to you that you have
10:15:23 5 earlier said, you have earlier stated that she came to you and
6 you gave her advice to go and see Bazy.

7 A. No, My Lord I did not say so. I said she called me. She
8 sent an SBU to call me. From there I came and met her at the
9 place. She told them Bazy had called on her. I said okay.

10:16:00 10 Q. Mr Witness, are you absolutely sure about that you did not
11 tell her to go and see Bazy?

12 A. My Lord, I have made it very clear that when she sent for
13 me I came and met her and she told me that Bazy had wanted to
14 see her. Then I said, "Okay, you can go to Bazy's place."

10:16:23 15 Q. I am also putting it to you that you were not present when
16 this lady was, according to you, put in a box?

17 A. My Lord, I have said it clearly. I said when I came --
18 when she came out of the room, she was beaten up and placed in
19 the box. So, I was speaking to the CSO. She was crying. Then
10:16:53 20 she asked me to call on the CSO. I called on the CSO. He came.

21 Q. So all this time you had time to contact commander A about
22 this incident; not so?

23 A. Well, during this time as my cousin called me, I had no
24 alternative -- there was no way for me to meet commander A. There
10:17:22 25 was no way that I could move to meet commander A during that
26 time.

27 Q. How long did your cousin take in the box?

28 A. No, it was not a long time. I have told you that. She was
29 placed there. She called on the CSO that she had agreed, so she

1 was taken from the box and she went to the room.

2 Q. How long, was it about an hour, two hours, three hours?

3 A. My Lord, it was not -- she was not in that box for even 30
4 minutes. It wasn't even 30 minutes.

10:18:03 5 Q. And all this time you did not go to see Commander A?

6 A. Yes. I did not go anywhere. I did not make any move to
7 see commander A.

8 Q. Did Bazzy see you when he came out to meet this lady in the
9 room?

10:18:27 10 A. Bazzy did not see me. I am not sure whether Bazzy saw me.
11 The CSO was doing the thing. I told you that I was out when the
12 CSO went with her back into the room.

13 Q. Mr Witness, I am putting it to you that in your statement
14 to the Prosecutor in November you never mentioned anything about
10:18:47 15 a CSO.

16 A. My Lord, that was clearly stated by me. I talked about the
17 CSO. I said he did the thing.

18 MR FOFANAH: Your Honours, I am referring you to the statement of
19 November 2003. 5th November 2003, at page 6605, at line 19, Your
10:20:02 20 Honour. There was a question, "Can you tell us a few instances as to
21 who were the people who were doing the raping? And can you show us some
22 victims?" The answer was, "At one time a cousin of mine who was also
23 captured in Freetown was in the camp. I used to encourage her to summon
24 courage. She was called X. There was a time she told me that Bazzy has
10:20:32 25 sent to see her. She was afraid. She asked me, said, 'what's happening
26 now?' I said: 'Well, please go. He's a big man. Go and meet him.'
27 [REDACTED] went and met Bazzy."

28 MS PACK: Your Honour, can I ask for a redaction of the
29 mention of the name?

1 MR FOFANAH: "X went and met Bazy. After she had left, I
2 went in search of him to the house where Bazy was staying. I
3 met X in a big box which was locked. And I observed that she had
4 cane marks on her back. But because the security was very heavy
10:21:25 5 at Bazy's place so I did not interview her to know what has
6 happened." Do you recall saying that, Mr Witness, to the
7 statement takers?

8 A. Yes, as far as I can recall. Yes, I talked about that.

9 Q. So you actually advised this lady to go and meet Bazy; not
10:21:53 10 so?

11 A. That had clearly stated that when I came up she told me
12 then -- I told her to go and meet him because he was an authority
13 there. "So if he has sent for you, go and meet him."

14 Q. You even appealed to her, you said, "Please go. He is a
10:22:11 15 big man."

16 A. Well, I told her. Since he was an authority I told her to
17 go. That was the only advice I had for her. I could not resist
18 that. It was impossible.

19 Q. Did you tell Commander A when she came and told you this
10:22:43 20 before advising her to go?

21 A. My Lord, you want me to expound? Well I will do that.
22 Because Commander A -- Commander A was not an early riser. He
23 was not an early riser. It was only sometimes trouble that could
24 wake him up. So when he woke up, the other man that was not an
10:23:16 25 early riser.

26 Q. What do you mean? I don't understand, Mr Witness.

27 A. My Lord, I did not tell him the woman this thing happened.

28 Q. [Microphone not activated]

29 A. As I said, it is a story. Commander A, one, he did not get

1 up early at all. If he goes to sleep, he could wake up say about
2 10, 12 or 1.00 except on emergency situation that he could get up
3 earlier.

4 Q. You also did not mention this CSO when you were making this
10:24:05 5 statement.

6 A. Well, even when I was making my statement there were things
7 I had wanted to explain, but they would say no, just give us the
8 main points. They will say just answer what you have been asked
9 of.

10:24:33 10 Q. Mr Witness, are you absolutely sure that it was every
11 command that you obeyed whilst you were in the jungle?

12 A. In as much as it came from the commander that was
13 responsible for issuing order, I wouldn't disobey that order.

14 Q. Mr Witness, I am putting it to you that this particular bit
10:25:06 15 on your cousin and the affair you said she had with Bazzy is a
16 made up story. It is entirely made up.

17 JUDGE SEBUTINDE: Mr Fofanah, the witness has not said that his
18 cousin had an affair with Bazzy. He has not used the word affair.

19 MR FOFANAH: As Your Honour pleases.

10:25:34 20 Q. Do you remember saying that they went to a room and your
21 cousin was screaming?

22 A. Yes, My Lord.

23 Q. And that was all you knew about that incident?

24 A. When my cousin came out, I asked her, she explained to me
10:25:57 25 what had occurred.

26 Q. What did she tell you?

27 THE INTERPRETER: Sorry, the interpreter cannot -- the
28 Court, sorry. The interpreter cannot interpret the initial part
29 of the witness's statement.

1 PRESIDING JUDGE: Why, do you want him to repeat it or what is the
2 problem?

3 THE INTERPRETER: Well the interpreter is cautious of the
4 name.

10:26:33 5 MS PACK: Yes. Your Honour, I heard on the Krio that a
6 name was named, and I would ask Your Honours to caution the
7 witness not to mention any names.

8 PRESIDING JUDGE: I understand now. In that case,
9 Mr Witness, please repeat your answer, but do not use any names.

10:26:43 10 THE WITNESS: Yes, My Lord. I said well, the man, "When we
11 entered the room, he said we should have a sex. So we had it.
12 He had raped me." Then I said, "Okay, bear it up."

13 MR FOFANAH:

14 Q. So, I now put it to you that that piece of information
10:27:14 15 and all that you said about this incident is made up. It
16 never happened.

17 A. My Lord, from the time I was interviewed until this time
18 you will realise that this is no make-up story. This had
19 happened. It happened in my presence.

10:28:04 20 Q. So, can you roughly tell the age of your cousin at around
21 this time?

22 A. Well, as far as I can recall she was -- her age, she was
23 about 25 to 26 or so. She was about that. She was within that
24 age. I am older than her.

10:28:30 25 Q. So around this time she was about 25 to 26.

26 A. As far as I can recall, but I know that I am older than
27 her. I am not sure exactly, but I am older than her.

28 MR FOFANAH: Your Honours, I am referring to the additional
29 statement. Again, unfortunately, I do not have the page number, I only

1 have the bottom page number, which is page 23. But then it is paragraph
2 187 of the additional statement made in March and April 2005. Paragraph
3 187. The bottom page is page 23.

4 Q. Mr Witness --

10:29:06 5 JUDGE LUSSICK: 7884 is the page number.

6 MR FOFANAH: As Your Honour pleases.

7 Q. Mr Witness, I am going to read out to you the age that
8 you indicated to the Prosecutor, the age of your cousin. This
9 is what you told the Prosecutor: "My cousin X was around 16

10:30:12 10 to 20 years." Isn't that the age that you gave them?

11 A. As far as I can recall, I said I am older than she is, she
12 must have been round 25 to 26.

13 Q. So you did not tell them this that she was round 16 to 20
14 years?

10:30:47 15 A. My Lord, as far as I can recall, that is what I said
16 because I am older than she is. She might be about 25 to 26
17 years.

18 Q. Yes, but the question was that you did not tell the
19 Prosecutor this that your cousin X was around 16 to 20 years.

10:31:07 20 Just yes or no. Did you tell them that?

21 A. No.

22 Q. Okay.

23 [TB220605B - SV]

24 JUDGE SEBUTINDE: Excuse me, we need to understand, is the
10:31:46 25 witness giving the cousin's age 25 to 26 as of today or as at the
26 time the alleged rape occurred, because he keeps interchanging.

27 MR FOFANAH: Your Honour, the transcript can show I was
28 very clear about that. At the time she was with them at West
29 Side - that was my question - what was her age and he gave the

1 age categorically as 25 to 26.

2 JUDGE SEBUTINDE: And a little while ago he just said she
3 is older -- she is 25 to 26. He used the term "is". That's why
4 I interjected.

10:32:26 5 MR FOFANAH: In any case, I will leave that for the
6 transcripts to show. At least he has said that he did not say
7 this.

8 Q. Okay, Mr Witness, we'll move forward. You said that when
9 you retreated from Allen Town you went to Benguema, not so?

10:32:57 10 A. Yes, My Lord.

11 Q. You also stated that you were based somewhere -- before you
12 arrived at Benguema you were based somewhere at Hastings, around
13 Hastings?

14 A. Yes, the hills at Hastings.

10:33:15 15 Q. So was Bazzy still with you around this time?

16 A. My Lord, I made it very clear that I, Operation A, Ibrahim
17 Bioh, Abdul Sesay withdrew from Freetown during that time.
18 Bazzy, Gullit, Five-Five had gone before. Bazzy wasn't with us
19 at all during this time.

10:33:43 20 Q. So where did you meet Bazzy after Hastings?

21 A. Bazzy, it was when we arrived at Benguema that we heard
22 that he was at Hastings.

23 Q. And you said you spent about a month at Benguema, not so?

24 A. Yes, My Lord.

10:34:17 25 Q. Throughout this period Bazzy was at Hastings?

26 A. Yes, Bazzy continued to stay at Hastings except when he
27 came to Benguema for a meeting with Issa, Morris Kallon, to be
28 present. But he continued to stay at Hastings.

29 Q. And by Hastings you mean the town itself?

1 A. Yes, My Lord.

2 Q. So from Benguema where did you go next?

3 A. From Benguema an operation was planned for Tombo.

4 Q. Did you go to Tombo?

10:35:10 5 A. Well, the troops attacked but was not able to capture

6 Tombo.

7 Q. Now, when you finally left the -- I mean the entire troops,

8 when you finally left Benguema where did you go to?

9 A. At Waterloo.

10:35:31 10 Q. And this time Bazzy was still at Hastings?

11 A. Bazzy withdrew and came to Waterloo.

12 Q. You met him at Waterloo?

13 A. Yes, My Lord.

14 Q. Are you sure he was not the one that met you there?

10:35:58 15 MS PACK: I don't understand that there's a contradiction

16 there, Your Honour, in the question that was put by my learned

17 friend to the witness. Perhaps if he could rephrase the

18 question.

19 PRESIDING JUDGE: I don't understand it either, Mr Fofanah.

10:36:14 20 JUDGE LUSSICK: I understood you to mean -- you were saying

21 are you sure Bazzy wasn't already at Waterloo when the witness

22 arrived. Is that what you were asking?

23 MR FOFANAH: Yes, he has answered that. I will rephrase

24 the question, Your Honour.

10:36:32 25 Q. Was Bazzy not the one who met you - your group I mean - at

26 Waterloo?

27 A. My Lord, as Bazzy withdrew from Hastings we met Bazzy at

28 Waterloo.

29 Q. Okay. So to the best of your knowledge, drawing from what

1 you've told the Court, Bazzy spent approximately one month at
2 Hastings?

3 A. Yes, My Lord, as far as I could remember he was at
4 Hastings.

10:37:13 5 MR FOFANAH: Your Honour, just a moment. I want to confer
6 with my colleague Ms Glenna. Just one moment quickly.

7 Q. So, Mr Witness, we are now at Waterloo. Did ECOMOG attack
8 you at Waterloo?

9 A. Whilst I, Bazzy, Operation A, Junior Lion and other
10:38:45 10 soldiers were at Waterloo the ECOMOG began by assaulting us with
11 their armoured cars. They attacked us at Waterloo.

12 Q. So you retreated as a result of that, did you?

13 A. Before we retreated Bazzy said that the houses that were
14 around the highway should be burnt so that the ECOMOG could not
10:39:26 15 have a place to stay when they captured that area.

16 Q. You're sure it was Bazzy who told you to do this?

17 A. This, yes. It was Bazzy who passed the command.

18 Q. But before you arrived at Waterloo, Waterloo had already
19 been burnt down by the RUF, not so?

10:39:26 20 A. My Lord, there was a place where both the RUF and the junta
21 forces occupied but the highway was not burnt. Where the RUF
22 occupied there was some soldiers, it didn't burn.

23 Q. Did the RUF burn houses at Waterloo to the best of your
24 knowledge?

10:40:05 25 A. As far as I know, when I withdrew from Freetown to -- I met
26 the place being burnt. I didn't know the right people who burnt
27 there but it was the RUF whom we met there.

28 Q. And by the place you mean Waterloo, you met Waterloo burnt
29 down?

1 A. Well, part of Waterloo was burnt down. It was burnt down.
2 Except the houses that were on the highway that were occupied.

3 Q. These were the houses that you said Bazzy instructed you to
4 burn?

10:40:46 5 A. Well, yes. He too participated in that burning as the
6 troops were withdrawing from Waterloo.

7 Q. Were the RUF involved in this incident?

8 A. Well, few of them were present who were with Colonel
9 Senegales.

10:41:25 10 Q. Mr Witness, I'm putting it to you that you had earlier
11 stated that a different person other than Bazzy as ordering this
12 alleged burning?

13 A. My Lord, all I know, Bazzy gave the order. That is what I
14 know. He was the commander at that time while we were
10:42:05 15 withdrawing while Five-Five and Gullit had moved ahead with the
16 families.

17 Q. Mr Witness, I'm putting it to you that you had earlier told
18 the Prosecutor when they were interviewing you that it was Gullit
19 who ordered the burning of Waterloo, the houses on the highway?

10:42:13 20 A. No, My Lord. I never said Gullit. I said Gullit and
21 Five-Five had withdrawn. They are gone with the family at the
22 rear. Bazzy was with the troops.

23 Q. So in fact Gullit was not there, not so?

24 A. Gullit, as he came from Benguema with the family he came to
10:42:56 25 the rear. At that moment he said they were going as far as
26 Newton -- as far as the -- so that the troops would be able to
27 combat for enemy forces that would approach them.

28 MR FOFANAH: Your Honours, in that case I'm referring Your
29 Honours respectfully to page 21 of the additional statement,

1 paragraphs 168 and 169 in sequence.

2 JUDGE SEBUTINDE: That would be page 7882, for the record.

3 MR FOFANAH: Yes, bottom of page 21. Your Honours,
4 paragraph 168 to 169.

10:43:27 5 Q. It says: "ECOMOG attacked Hastings and we lost Hastings.
6 Bazzy withdrew and went to Waterloo. Gullit ordered us to
7 withdraw from Benguema. The families and civilians were ordered
8 to go towards Newton. We, the fighters, went to Waterloo. As we
9 retreated from Waterloo Gullit ordered that the villages within
10:43:50 10 the Waterloo axis were burnt down. Gullit ordered us to burn
11 down Waterloo and we did so. Gullit was there at the time,
12 Bazzy, Five-Five and the other senior SLA commanders. RUF
13 commanders there were Colonel Senegales, Lieutenant Colonel
14 Staga.

10:44:09 15 Superman was also in Waterloo with some other RUFs when we
16 arrived there. They had already burned the part of Waterloo
17 which they had been occupying. We left before we started burning
18 Waterloo. Civilians were abducted in Waterloo. All the
19 civilians within that area were under the command of our forces".

10:44:35 20 Did you recall making that statement?

21 A. Yes, I remember making that statement but I did not mention
22 Gullit. I did not mention Gullit on that position.

23 Q. Did you mention Five-Five?

24 A. The only thing I talked about Five-Five, I said Gullit and
10:44:55 25 Five-Five moved with the family at the rear where the fighters --
26 where the fighters were engaging.

27 Q. So you've just told the Court that both Gullit and
28 Five-Five were in fact not at Waterloo but here you are saying
29 they were all present together with other SLA commanders?

1 A. My Lord, it depend upon -- what I saw is what I'm trying to
2 say clearly. I said Gullit moved with the family from Benguema
3 and Five-Five and they went to the rear. Bazzy, Junior Lion --
4 Operation A, Junior Lion engaged the enemy forces. That was what
10:45:41 5 I said.

6 Q. So clearly from what I've read to you, Mr Witness, the
7 instructions, according to you, came from Gullit to burn
8 Waterloo.

9 A. This particular instructions of this withdrawal, it was
10:46:02 10 Bazzy who gave the order. This particular instruction it was by
11 that ordered.

12 Q. You did not also indicate in what I've read to you that
13 Bazzy took part in the burning?

14 A. My Lord, as I say, Bazzy himself took part in the burning
10:46:25 15 while we were withdrawing from Waterloo.

16 Q. I'm putting it to you that this is also a made-up story, it
17 never happened?

18 A. My Lord, I was in the scene. This is not a built-up story.
19 I was there, I see and what I saw is what I'm saying. It's not a
10:46:50 20 built-up story against anybody.

21 Q. Mr Witness, do you recall telling the Court that civilians
22 were not present when you arrived at Waterloo?

23 A. I said the only civilians we met with are those that were
24 with the RUF. I said civilians were with the RUF and the other
10:47:09 25 people that we met at Waterloo, they were there. That is what I
26 said.

27 Q. I'm putting it to you that that is not what you told the
28 Court. You said the civilians that were with the RUF had
29 retreated when you arrived at Waterloo?

1 A. My Lord, I clearly stated that at Waterloo when we reached
2 at -- when we reached Benguema the people that were around, those
3 that were with the RUF were the ones that we met there. That is
4 those that were with Senegales.

10:47:48 5 Q. I'm putting it to you that according to you, according to
6 what you told this Court, there were no civilians at Waterloo
7 when you arrived?

8 A. My Lord, as far as I can remember, during the withdrawal
9 civilians were never there again when the troops were
10:48:11 10 withdrawing. That was what I said. They were not there again.
11 They had moved with them to come to the rear during the
12 withdrawal.

13 Q. No, I'm talking about when you went there, when you went
14 there?

10:48:56 15 A. The only time I went to Waterloo was during the withdrawal
16 when the troops withdrew from Benguema, came to Waterloo and met
17 Bazzy. That was the only time that I could remember.

18 Q. That is the time that I'm talking about. When you withdrew
19 from Benguema to Waterloo, according to what you told the Court,
10:48:56 20 there were no civilians there?

21 A. At that moment I told you clearly that the civilians that
22 were there had withdrawn together with -- when Gullit came he
23 moved together with the civilians that were there with Five-Five.
24 They went with the civilians.

10:49:06 25 Q. So you are actually agreeing with me now that both the
26 civilians that were with Gullit and Five-Five as well as the
27 civilians that were with the RUF were not at Waterloo when you
28 reached Waterloo?

29 A. Whilst I was there, when we were withdrawing, when I met

1 Bazzy, the family was moving. They were moving them at the rear.
2 Gullit, Five-Five had organised the movement of the civilians.
3 That was what I said.

4 Q. Were the civilians at Waterloo when you arrived at
10:49:45 5 Waterloo?

6 JUDGE SEBUTINDE: And, Mr Witness, we would appreciate a
7 yes or no or you don't know. We don't want a running
8 explanation. Just answer the question.

9 THE WITNESS: My Lord, as far as I can remember, no,
10:50:03 10 because the movement of civilian was going on. We did not meet
11 them there.

12 MR FOFANAH:

13 Q. Well, Mr Witness, I have just read a statement to you. I
14 will read it again. In that statement you said you abducted
10:50:33 15 civilians at Waterloo when you arrived there.

16 MS PACK: Your Honour, that's not what that bit of the
17 paragraph says. It says of Superman: "He left before we started
18 burning Waterloo. Civilians were abducted in Waterloo. All the
19 civilians within that area were under the command of our forces".
10:50:55 20 That's what it says. If that could be put to the witness if
21 that's what my learned friend was intending to do.

22 MR FOFANAH: I'm not sure if my learned colleague wants to
23 cross-examine the witness because I've just said I'm putting that
24 to him. If he answers then I certainly will move on with my line
10:51:14 25 of questioning. I clearly have not reached that stage.

26 PRESIDING JUDGE: You put it as recorded in the paragraph
27 169.

28 MR FOFANAH: Yes. May it please Your Honour, our client
29 Mr Kanu wants to use the convenience.

1 PRESIDING JUDGE: He should be escorted out.

2 MR FOFANAH:

3 Q. So, Mr Witness, I'm going to read out your statement to
4 you. Listen carefully and I will ask you questions about that
10:51:48 5 statement, at least the last three sentences. You said:
6 "Superman was also in Waterloo with some other RUFs when we
7 arrived there. They had already burned the part of Waterloo
8 which they had been occupying. He left before we started burning
9 Waterloo. Civilians were abducted in Waterloo. All the
10:52:10 10 civilians within that area were under the command of our forces".

11 Did you say that?

12 A. Yes, My Lord.

13 Q. So if civilians were not at Waterloo when you arrived how
14 were they under the command of your forces?

10:52:34 15 A. My Lord, I clearly said that since at that time Bazzy had
16 come from Hastings and came, and he came with the civilians who
17 were with him. Those civilians and those that Gullit brought
18 from Benguema, these were the civilians that moved and went to
19 the rear.

10:52:59 20 Q. But, Mr Witness, you just said that you met Bazzy at
21 Waterloo?

22 A. Yes, My Lord. I met him in Waterloo. He was there with
23 his family members while awaiting Gullit and Five-Five to come
24 with their own family members.

10:53:16 25 Q. And you've also just told the Court that when you arrived
26 at Waterloo there were no civilians there, even when Bazzy was
27 there, according to you?

28 A. The civilians that were there were those that were under
29 his command whom he brought from Hastings. The civilians that

1 Gullit came with from Benguema were also there.

2 Q. I'm putting it to you, Mr Witness, that this is also a
3 made-up story?

4 A. My Lord, this is not a story that I made up. I was present
10:53:55 5 at the scene, I was there and I saw.

6 Q. Now, you said you only received information that Bazzy was
7 at Hastings. I mean, you did not personally know that but you
8 were told that, not so?

9 A. Well, the commander at that time, Gullit --

10:54:26 10 THE INTERPRETER: My Lord, could the witness repeat his
11 answer.

12 PRESIDING JUDGE: Mr Witness, the interpreter needs you to
13 repeat your answer. Could you please do so?

14 THE WITNESS: When I, Operation A arrived at Benguema the
10:54:50 15 commander who was Gullit, as Commander A asked for Bazzy he said
16 Bazzy was at Hastings. And, as far as I can remember, after the
17 Guineans captured -- after we captured the weapons of the
18 Guineans we tested them at Hastings.

19 MR FOFANAH:

10:55:20 20 Q. Do you know a place called Jui spelt J-U-I?

21 A. Yes, My Lord.

22 Q. Isn't Jui a stone throw from Hastings? Isn't it very close
23 to Hastings?

24 A. Yes, it is not too far from Hastings.

10:55:41 25 Q. In fact, I'm putting it to you that Jui is about 2 to 300
26 metres from Hastings?

27 A. It is not too far. It is not a long distance. It's not a
28 mile. It is not too far.

29 Q. Are you aware that there were ECOMOG troops based at Jui at

1 this point in time?

2 A. Yes, My Lord, they were there.

3 Q. And these troops were fully and heavily armed, not so?

4 A. Yes, My Lord.

10:56:36 5 Q. The troops were also there in their numbers, not so?

6 A. Yes, My Lord.

7 Q. Did you receive any report of attacks on Hastings from the

8 ECOMOG troops?

9 A. Well, yes. Bazzy talked about that. Bazzy said that he

10:57:26 10 had been attacked at Hastings and he withdrew from Hastings. I

11 knew that through my commander. He said that Bazzy had been

12 attacked at Hastings and he was withdrawing.

13 Q. And this was after he had spent one month there?

14 A. Yes, My Lord, whilst we also had an attack from Tombo area.

10:57:26 15 It was two-pronged attack that ECOMOG were using. They moved

16 from Tombo and they also moved from Jui coming.

17 Q. So what time -- what time during this one month did Bazzy

18 report that he was attacked by ECOMOG? Was it towards the end of

19 the one month, the beginning, the middle?

10:58:06 20 A. Well, it was the end of the one month. It was completing

21 the one month. It was the time that he withdrew -- we withdrew

22 from Benguema and he was also withdrawing from Hastings coming.

23 Q. So to the best of your knowledge Bazzy spent one full month

24 in Hastings and ECOMOG, which was based at Jui less than one mile

10:58:15 25 away, did not attack his position?

26 A. Yes, My Lord. That is clear.

27 Q. Do you really want us to believe that?

28 A. Yes.

29 Q. No problem. You told the Court that Bazzy once went and

1 told Gullit and others that Nigerians and Malians were advancing
2 on Hastings?
3 A. He said it was an information that he got, that the Malians
4 and the Nigerians had made a plan to attack and they wanted to
10:59:00 5 advance through the Hastings highway.
6 Q. Did he tell you where these troops were coming from, the
7 Nigerians and the Malians?
8 A. Already whilst we were in Freetown the Nigerians were based
9 at Jui. Also during the withdrawal they were still there. So
10:59:24 10 when he said that it was from that side that he had the
11 information. That Jui area. It was there that they were coming
12 from.
13 Q. I'm putting it to you that Bazzy was never stationed at
14 Hastings during this period?
10:59:50 15 A. Did not get that clear. Station -- I heard station.
16 Q. Bazzy was never based at Hastings as an SLA commander
17 during this period?
18 A. My Lord, I was there. Bazzy was at Hastings. He was the
19 SLA commander at Hastings while the troops were withdrawing from
11:00:08 20 Freetown.
21 Q. But you were only told this. You did not see him
22 commanding troops there yourself. You were only told this?
23 A. When he withdrew from Hastings we met him at Waterloo. It
24 showed that he was at that area.
11:00:26 25 Q. It showed, it showed that he was there; is that what you
26 said?
27 A. This is clear. It is clear to say that he was at Hastings.
28 Q. Mr Witness, is this your opinion?
29 A. It's not an opinion, My Lord. It is not an opinion.

1 MR FOFANAH: May it please Your Honours, I actually have
2 this appointment at 11.00 a.m. and I just realised it is a few
3 minutes away.

4 PRESIDING JUDGE: Mr Fofanah, we are concerned for this
11:02:55 5 witness who has been cross-examined for a long time and been in
6 the witness box for a long time. How many more questions have
7 you got of this witness?

8 MR FOFANAH: Your Honours, my line of questioning stops at
9 the West Side because, I mean, throughout this period, according
11:03:16 10 to the witness, Bazzy was there commanding the troops. So I
11 actually anticipate that probably one or two hours might round it
12 up.

13 PRESIDING JUDGE: Mr Fofanah, we are obviously concerned
14 about your health but when you made this appointment you must
11:03:46 15 have been aware that this Court does not sit on Wednesday
16 afternoons and we are equally concerned for this witness. You
17 know we do not sit on Wednesdays and you should have informed us
18 that you intended to make appointments when you asked for the
19 time yesterday. I think in fairness this witness should be
11:04:06 20 finished and if you have only an hour or between one to two hours
21 that will bring us up to our normal finishing time for Wednesday.
22 I think this witness should be allowed to be able to be released.

23 MR FOFANAH: In all --

24 PRESIDING JUDGE: I think you should change your
11:04:23 25 appointment. Please ask one of your juniors to change your
26 appointment to later in the day.

27 MR FOFANAH: As Your Honour pleases, suffice it to say that
28 the health issues are -- because I apparently did not know how my
29 health was going to turn out yesterday and I basically thought

1 that I will be able to round up but then the answers from the
2 witness definitely determined my line of questioning. But if
3 Your Honours are insisting that I move on then I think I have to
4 obey the Court's order if that is what you are insisting.

11:05:06 5 Q. Okay. Mr Witness, how long did you say you spent at
6 Benguema?

7 A. I clearly stated that we spent there about a month. We
8 stayed there about a month at Benguema.

9 Q. Do you remember saying that the civilians who were with you
11:05:41 10 after the January 6 pull out to Benguema and other places
11 continued to stay with you for their own protection?

12 A. As far as I can recall, I said they were under the
13 protection of the troops so that they could not run away and go
14 anywhere.

11:06:17 15 Q. Did you not say that the civilians joined the troops in
16 retreating on the grounds that they were not safe in staying
17 behind?

18 A. That's -- I referred to ones that were in Benguema and its
19 environs, that they said if they were to continue to stay they
11:06:42 20 felt they were not safe.

21 Q. So they joined your troops - not so - on your retreat?

22 A. Yes, My Lord.

23 Q. But they did not come to Waterloo?

24 A. Part of them moved towards Newton.

11:07:07 25 Q. How long did you spend at Waterloo?

26 A. Waterloo, we did not stay there. We withdrew from
27 Waterloo.

28 Q. You did not stay at Waterloo? What do you mean by that?

29 A. The troop later withdrew. After the families had gone

1 ahead the troop withdrew from Waterloo whilst the ECOMOG was
2 advancing.

3 Q. Did you spend a day at Waterloo or a week?

4 A. No, My Lord. We did not stay long or a day at Waterloo.

11:07:58 5 Q. When these ECOMOG troops were advancing on you and firing
6 these weapons you were planning your withdrawal, not so?

7 A. Yes, because as the armoured car started assaulting our
8 troop the troop withdrew.

9 Q. Was this the time you said you allegedly burnt down the
11:08:32 10 houses along Waterloo Road?

11 A. Yes, My Lord.

12 Q. So are you saying that whilst you were being bombarded by
13 the armoured car you had time to burn houses?

14 A. I didn't say the armoured car was bombarding. I said they
11:09:01 15 used the machine gun for assault. So as we were withdrawing we
16 placed the houses at the highway on fire.

17 Q. From Waterloo where did you go to?

18 A. We went to Newton. The troop went and based at Newton.

19 Q. Now, just some sequence in time. When you left Allen Town
11:09:34 20 for Benguema how long did it take you to arrive at Benguema from
21 Allen Town?

22 A. It was about three days. We spent about three days from
23 Allen Town to Benguema.

24 Q. And some of these days you spent at Hastings?

11:10:06 25 A. We never went to Hastings. I told you that it was at the
26 hills around Hastings.

27 Q. Were you attacked by ECOMOG whilst you were at Newton?

28 A. Yes, ECOMOG attacked Newton.

29 Q. When was that?

1 A. As far as I can recall, they came and attacked and we
2 repelled them. They retreated. After Gullit had left ECOMOG
3 attacked and finally they evicted us from Newton.

4 Q. So ECOMOG attacked you twice at Newton?

11:11:12 5 A. Yes, My Lord. The first attack, they were not successful.
6 The second was whilst Gullit, Five-Five and others had left.
7 That was the time they came and attacked and finally the troop
8 withdrew from Newton.

9 Q. Now, how long did you spend in Newton before Gullit
11:11:38 10 withdrew?

11 A. At Newton we spent about a month. About a month. We took
12 about a month at Newton before finally Gullit, Five-Five went to
13 Makeni.

14 Q. After the withdrawal how long did you spend, how long did
11:12:02 15 you take at Newton?

16 A. After Gullit's withdrawal it was about two weeks when
17 finally the ECOMOG evicted us from Newton.

18 Q. So you will agree with me that you spent about one month,
19 two weeks at Newton?

11:12:24 20 A. Well, according to my estimation it was about that.

21 Q. Did you sustain any casualty when ECOMOG attacked you?

22 PRESIDING JUDGE: Are you speaking about the witness
23 himself or about the troops?

24 MR FOFANAH: The troops.

11:12:59 25 THE WITNESS: Well, all I know, since we withdrew -- the
26 troop withdrew from Newton. We did not get any casualty in
27 Newton. As the ECOMOG started bombarding we starting
28 withdrawing. We moved the families. While the families were
29 moving the defence force withdrew.

1 MR FOFANAH:
2 Q. And when you withdrew where did you go?
3 A. When we withdrew we arrive at Makalo.
4 Q. Makalo is spelt M-A-K-A-L-O. Is that it?
11:13:48 5 A. Yes, My Lord.
6 Q. How long did you spend there at Makalo?
7 A. This was an instant withdrawal. We did not spend a long
8 time at Makalo. We went ahead.
9 Q. Did you spend a week there?
11:14:12 10 A. No, My Lord.
11 Q. Can you give us an estimate of days or how long did you
12 take?
13 A. Makalo, it was almost a day that we spent there. So when
14 we were attacked at Newton we spent about a day at Makalo and
11:14:32 15 went ahead.
16 Q. From Makalo where did you go?
17 A. We went to RDF.
18 Q. Where precisely is RDF?
19 A. It is around the Freetown-Waterloo highway. Rather
11:15:16 20 Waterloo-Masiaka highway, just after Makalo.
21 Q. Is it closer to Mile 38?
22 A. It is closer to Mamamah.
23 JUDGE SEBUTINDE: Excuse me, do the letters RDF stand for
24 anything?
11:15:57 25 THE WITNESS: Yes, Rapid Deployment Force. This was a base
26 that was formed by the military.
27 MR FOFANAH:
28 Q. So who formed that base? What military?
29 A. This was -- it was normally during the NPRC time. It was

1 the NPRC that formed that RDF base. It was the NPRC government
2 that formed it.

3 Q. And it continued to function even up to the time of the
4 January 6 invasion?

11:16:47 5 A. No, no, no. It was just -- January 6 invasion, the
6 soldiers only occupied there just a bit, just a minimum number.
7 It was not like during the NPRC.

8 Q. So how long did you spend at RDF?

9 A. At RDF also we did not stay there. We came and stayed at
11:16:47 10 Mamamah. Before we came to Mamamah Bazzy had already given an
11 order so that one of his PS -- PS Kankada said that he should
12 dress Mamamah properly so that he could execute people there.
13 After Mamamah after our withdrawal we met those people there at
14 the junction, about 15 of them.

11:17:37 15 Q. And you said these instructions were given at RDF?

16 A. Yes. Just before our withdrawal from Mamamah this was the
17 time the instruction was given, that is our withdrawal to
18 Mamamah.

19 Q. How long really did you spend at RDF? Was it a day, a
11:17:37 20 week, how long?

21 A. No, at RDF we did not stay there for long. It was about a
22 day. We were there until when Bazzy sent this of his PS saying
23 that they should go and decorate Mamamah before the troop could
24 arrive there.

11:18:27 25 Q. And you said Mamamah was decorated before you left RDF?

26 A. Yes, before we arrived at Mamamah we met the place well
27 decorated.

28 Q. So we're now coming to this instruction which you said
29 Bazzy gave to Kankada and you said Kankada was one of Bazzy's PS.

1 What do you mean by PS?

2 A. Personal security.

3 Q. Were you present when these instructions, according to you,
4 were given by Bazzy?

11:19:05 5 A. Yes, My Lord, I was present. Commander A was also present.

6 Q. Apart from Commander A was anyone present too?

7 A. Yes, Junior Lion was also there and other securities.

8 Q. Did Kankada go alone on this operation?

9 A. As far as I can recollect he went with other soldiers.

11:20:46 10 Q. And you said when you finally pulled out of RDF to Mamamah
11 you saw 15 corpses?

12 A. Yes, My Lord.

13 Q. So how did you come to the conclusion that those corpses
14 were the result of Kankada's operation?

11:20:49 15 A. Well, these corpses were fresh. Kankada -- as Bazzy came,
16 he said, "Pappy, I have done everything". Then Bazzy said, "Well
17 done".

18 Q. Did he say exactly that he has killed 15 people?

19 A. He said, "Pappy, look at them". After he had counted them
11:21:26 20 they were 15. He said, "I have decorated the place". It was at
21 the junction.

22 Q. Mr Witness, I am putting it to you that that did not
23 happen. You were never present nor was any such instruction
24 given to Kankada by Bazzy?

11:22:06 25 A. My Lord, it was Bazzy himself that gave that order. There
26 was a report about this over the international media. It was
27 Bazzy himself who gave that instruction.

28 Q. And you were present?

29 A. Yes, My Lord. I was present when he gave the instruction.

1 Q. I'm also putting it to you that you have given different
2 numbers of corpses that you saw at different points in time at
3 Mamamah?

4 A. The only number I gave, I said it was about 15 at Mamamah.
11:23:26 5 That was what I said. The ones I saw, that they were about 15.

6 Q. Is it about 15 or 15, can we get that clear?

7 PRESIDING JUDGE: Mr Fofanah, I didn't quite hear your
8 word. Did you say the word about or above?

9 MR FOFANAH:

11:23:27 10 Q. Is it about 15 corpses or 15 corpses that you saw?

11 A. Actually, it was about 15 corpses that were at Mamamah.

12 Q. What do you mean by about 15 corpses?

13 A. Well, there were almost about 15 in number. About 15 in
14 number.

11:24:06 15 MR FOFANAH: No, Mr Interpreter, what I heard the witness
16 say was they almost reached 15. I stand corrected but that is
17 what I heard him say.

18 Q. Can you repeat that bit of your testimony again,
19 Mr Witness?

11:24:47 20 A. I said according to the number I counted, about 15. About
21 15 of the corpses that were there.

22 Q. So were the corpses up to 15 or they were slightly below
23 15?

24 A. Well, they were up to 15. Up to 15.

11:24:47 25 Q. But they were not above 15; not so?

26 A. They were not more than 15. They were not more than 15.

27 MR FOFANAH: Okay. Your Honours, I'm referring you now to
28 the witness's statement of November again 2003 at page -- it's
29 start at page 6597 to 6598. At 6597 I think it starts from line

1 21. Line 21, have Your Honours seen it?

2 Q. "Whilst we were retreating when ECOMOG forces was coming we
3 met so many dead bodies at Mamamah and the retreating troop was
4 commanded by X and Bioh and Junior Lion was the third in command.

11:26:22 5 We met more than 20 dead corpses parked on the road. We asked
6 the people in the area. We were told that it was Bazzy who gave
7 the instruction that they should kill those people in order to
8 make the area very fearful. We were also told that one of the
9 bodyguards of Bazzy called Kankada, who is presently in the army,

11:26:49 10 was the man who did the executions and he is staying at Murray
11 Town". Did you recall making that statement, Mr Witness?

12 A. Yes, My Lord. I made that statement but at first what I
13 said -- I said it clearly that I, Bazzy, Junior Lion, Operation
14 A, Bioh were in the retreating troop when Bazzy gave this order
11:27:25 15 so that Kankada should go and dress Mamamah. That was what I
16 said.

17 Q. So, Mr Witness, I'm putting it to you that when you made
18 this statement you were not -- according to you, you were not
19 present when, according to you, this instruction was given to
11:27:48 20 Kankada. You only heard it when you arrived at Mamamah?

21 A. No, My Lord. This had never happened. I was present and
22 it -- I was present. It was before me when Bazzy gave the order.
23 I was present. It was in my presence when Bazzy gave the order
24 to Kankada before we withdrew to --

11:28:15 25 Q. You've just told the Court that you actually made this
26 statement to the statement takers, not so?

27 A. Yes, I made the statement but the words which I said, those
28 are not the words I have heard. That is what I'm trying to
29 explain to the Court today.

1 Q. Mr Witness, you've told the Court that you are literate;
2 you can read and write English, not so?
3 A. Yes, My Lord.
4 Q. And when they were taking your statement was that done in
11:28:50 5 English or Krio?
6 A. My statements were taken in Krio. I spoke in Krio then
7 they did the interpretation and they wrote everything and I
8 haven't time to go over everything during that moment because I
9 found myself in the situation in which I could not -- I should
11:29:16 10 return at 5.00.
11 Q. What do you mean by that at 5.00? You should return where
12 at 5.00?
13 JUDGE SEBUTINDE: Mr Defence Counsel, are you mindful of
14 the closed session information?
11:29:38 15 MR FOFANAH: Okay. In that case I will leave that.
16 Q. Just tell us, you said the statement was translated to
17 you - not so - by those who took statements from you?
18 A. I said I spoke in Krio. They wrote it or typed it in
19 English during that time. That was what was happening.
11:30:04 20 Q. And it was translated to you after they've done that?
21 A. Well, it was a continuous process. There was no
22 translation made to me during that time. No translation was made
23 to me.
24 MS PACK: Your Honour, in fairness to the witness, if it's
11:30:22 25 suggested that he's made a prior inconsistent statement on this
26 issue as to whether he was present when Bazzy gave orders to
27 execute civilians or decorate Mamamah he should be shown all of
28 those statements that have been made or notes of interviews that
29 have been made by him. There are other statements contained in

1 the bundle and I would refer Your Honours, in particular, and my
2 learned friend, to the additional information that's been
3 referred to before of March and April page 7883 at paragraph 174
4 when the witness speaks to this Mamamah operation. In fairness,
11:31:10 5 I think the witness ought to be shown other materials relating to
6 this operation if it's going to be suggested that he has recently
7 fabricated what he's saying now.

8 MR FOFANAH: In all honesty Your Honours, this is like the
9 third time that the Prosecutor is interrupting my line of
11:31:28 10 questioning. I have always laid the basis for establishing
11 inconsistencies and, in any case, we are cross-examining the
12 witness.

13 PRESIDING JUDGE: Mr Fofanah, the Prosecution is entitled
14 to make an objection. You are entitled to reply to that
11:31:44 15 objection.

16 MR FOFANAH: Is this an objection, Your Honour?

17 PRESIDING JUDGE: I understood it to be an objection but if
18 you think it is not I will ask. Ms Pack, was this an objection?

19 MS PACK: Yes it is an objection, Your Honour.

11:31:58 20 PRESIDING JUDGE: There is an objection, Mr Fofanah, and
21 you are entitled to reply to that objection. Please do so.

22 MR FOFANAH: My reply is that I'm cross-examining the
23 witness and I'm entitled to conduct that cross-examination in the
24 manner that I think fit and proper for our case and that is what
11:32:10 25 I'm doing.

26 JUDGE SEBUTINDE: Ms Pack, you referred to page 7883 and
27 what paragraph?

28 MS PACK: Paragraph 174, Your Honour. It just contains
29 further information provided by the witness on the Mamamah

1 incident and the orders by Bazzy. In fairness to the witness it
2 ought to be put to him -- if there's an allegation made of recent
3 fabrication then a prior inconsistent statement relating to this
4 material, or at least all of the material that he's given in
11:32:45 5 relation to this issue, should be put before him in fairness to
6 him if that's what my learned friend is suggesting; that he's now
7 making it up or has changed his mind or whatever.

8 MR FOFANAH: I was going to come to that in any case. I
9 mean --

11:32:58 10 PRESIDING JUDGE: Just pause, Mr Fofanah. We haven't given
11 a ruling. Just a moment.

12 [Trial Chamber confers]

13 [TB220605C - EKD]

14 PRESIDING JUDGE: We accept that counsel for the Defence is
11:37:47 15 entitled to put his case, but he must conduct his
16 cross-examination fairly. We have noted that he has now stated
17 that he will put the other versions and we will note when those
18 other versions are put. So you are entitled to put them -- we
19 note that you will put them.

11:38:11 20 MR FOFANAH: I'm grateful, Your Honour. Your Honours, my
21 thought process was clearly obstructed. I don't know if I can be
22 guided by your records.

23 PRESIDING JUDGE: The last part that I have recorded, you
24 were asking the witness about the language and the translation of
11:38:31 25 his statements. He answered that "there was no translation made
26 to me," and then you were putting a particular -- page 6598 and
27 the prior part of 6597 to him.

28 MR FOFANAH: Yes.

29 Q. Before I go further, Mr Witness, I'm going to put page 6525

1 to you. That's the very first page of the interview notes.
2 Mr Witness, just listen to this and tell me if you heard and
3 understood it before you made your statement. At lines 8 to 10,
4 it says: "The interview is going to be done in Krio." I don't
11:39:27 5 know if I can call that name, but it says the person who is
6 taking your interview is going to ask the questions "and I will
7 be translating in English. Thank you." And then you answered
8 through interpretation by another person. Was that made known to
9 you before your statement was taken?

11:39:49 10 A. Yes, My Lord.

11 Q. Okay, so we can just move forward from that. So
12 Mr Witness, I still insist that from what I read out to you in
13 your statement of November 2003 at page 6597 to 6598, the said
14 incident never happened, it is your own made up story.

11:40:38 15 A. My Lord, all I know, this incident took place and it was
16 announced over the international radio. Buzzy gave this order.
17 I, him, as we were withdrawing with the RUF, this was well done.
18 He even commended the PSO who did it for the job that he had
19 done.

11:41:03 20 Q. You also said in that statement that you saw more than 20
21 dead bodies packed on the road instead of 15; correct?

22 A. I said about 15 corpses that were there at that place.

23 Q. You've earlier indicated that you made this statement in
24 November 2003. This period, I am putting it to you, was very
11:41:38 25 close to the period that you were at West Side.

26 A. This -- when I was where?

27 Q. November 2003 is not too long from the period you were at
28 West Side.

29 A. My Lord, it is too long, because at West Side, it was after

1 the peace accord that I left there.

2 Q. Okay, no problem. But at least you recalled everything
3 that happened at West Side in this statement; not so?

4 A. Yes, My Lord.

11:42:27 5 MR FOFANAH: Your Honours, I will now go on to my learned
6 friend's reference, which I had in any case and which I was going
7 to put to the witness. That is at paragraph 174, 174.

8 Q. This is what you said -- I don't know when it was you
9 actually said this because it is a compilation of a number of
11:43:10 10 things that you said on the 16th and 31st of March as well as on
11 the 1st, 4th, 15th, 19th and 20th of April 2005. But then it was
12 between March and April 2005 that you said what I'm going to read
13 to you. At paragraph 174 you said this: "Before we went to
14 Mamamah, Bazzy ordered that Mamamah should be well decorated.

11:43:43 15 This meant that civilians should be killed and displayed in the
16 street. One of Bazzy's personal securities, Kankada, led the
17 operation. Over 16 civilians were killed and displayed in the
18 streets in Mamamah. I did not go on the operation. We passed
19 the highway at Mamamah and saw the decoration. There were bodies
11:44:04 20 of children, women and men. They were completely butchered.

21 Bazzy was with us, as were A and Bioh. Bazzy commended Kankada."

22 Did you also say that?

23 A. Yes, My Lord.

24 Q. And this was almost two years after your initial statement;
11:44:35 25 not so?

26 A. Yes, My Lord, because it is about that.

27 Q. So in this statement you said over 16 civilians were killed
28 and displayed. Where did you get this number from, over 16
29 civilians?

1 A. I said over 15. I mean, about 15 civilians that they
2 killed. They were about 15 in number. That was what I said.

3 Q. Why didn't you tell this to the statement takers when they
4 first had the opportunity of taking your statement in November
11:45:38 5 2003?

6 A. My Lord, this was what I told them. As I said, the
7 situation in which I found myself, I don't know how they did
8 their typing, I did not have the privilege to read and they did
9 it in haste. So it is likely that I made a mistake.

11:45:58 10 Q. But you have just told us that the content of your
11 statement was read out to you and was translated to you?

12 A. Well, what I know is that I spoke in Krio and they
13 interpreted it and typed it in English. That was what I said.

14 Q. Now, you have given three different numbers. In your
11:46:32 15 testimony in-chief you said the corpses were about 15. When I
16 started cross-examining you today you said they were 15.

17 MS PACK: He said about 15, Your Honour. That is what the
18 witness said in cross-examination today.

19 MR FOFANAH: Again, I will implore the Court to provide the
11:46:54 20 record, because I actually pinned him on that and he was very
21 clear when I said -- I mean, 15 is not the same as about 15 and
22 then he said it was 15. I stand guided by the records.

23 PRESIDING JUDGE: I have him recorded "about 15". You put
24 to him, "About 15 or 15?" And I have recorded, "Actually, about
11:47:19 25 15 corpses at Mamamah." Can we see the official --

26 JUDGE LUSSICK: Yes, I've got a note you put a question to
27 him. You said, "When you pulled out of RDF, you saw 15 corpses?"
28 He answered, "Yes." And then later on you put this question: "I
29 put it to you you have given a different number of corpses you

1 saw." His answer that time was, "I said about 15." Then you
2 said, "About 15 or 15 corpses that you saw?" And he said, "About
3 15."

4 JUDGE SEBUTINDE: What I have is slightly different. You
11:48:04 5 asked him, "Around the figure, was it about 15?" And he says,
6 "Up to 15." This is what the interpreter said. "It was coming
7 up to 15." And I must admit I didn't quite understand, until you
8 asked him then again, "Could it have been over 15 bodies?" And
9 he said, "No, not over 15. Up to 15." He used the word "up to
11:48:29 10 15".

11 MR FOFANAH: Exactly, Your Honours. He clearly stated that
12 the corpses were never over or above 15. I stand guided by the
13 transcript.

14 JUDGE LUSSICK: I have got a note to the same effect, he
11:48:45 15 said, "Not more than 15."

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

17 PRESIDING JUDGE: So have I.

18 MR FOFANAH: Can I move on in that case?

19 PRESIDING JUDGE: Please do.

11:48:59 20 MR FOFANAH:

21 Q. So Mr Witness, you have, in fact, given four different
22 numbers about these corpses that you saw. First you said there
23 were about 15 corpses that you saw at Mamamah. When I was
24 cross-examining you, you agreed with me that the corpses were not
11:49:18 25 above 15. When I read out your statement of November 2003 to
26 you, you said you made the statement to the effect that there
27 were over 20 bodies at Mamamah. And, finally, you made an
28 additional statement in March or April of 2005 in which you said
29 these corpses were over 16 civilians. So which is the actual

1 number, Mr Witness?

2 A. It is about 15; that is what I said. That was what I
3 clearly said. I don't know how the interpreter was going, if
4 they wrote above or so. I said about 15. A mistake could be

11:50:09 5 Krio, if I am speaking it, except they say what is the
6 interpretation. So you see, that was what was happening. But I
7 said about 15 and I continue to say about 15.

8 Q. So you are no longer saying that it is 15 or it is not over
9 15?

11:50:30 10 A. What I know is that it was about 15 of them, they were not
11 more than that.

12 Q. Okay, we'll move on. Mr Witness, you said you are
13 literate, can read and write. Did you ever have the opportunity
14 of reading your statements that were taken from you?

11:50:52 15 A. No, My Lord, I did not have the opportunity to do so when
16 the statements were obtained from me. As I am telling you the
17 situation in which I found myself during that time.

18 Q. But at least they were read in English to you; not so?
19 They were read out in English?

11:51:16 20 A. What I know is that I spoke in Krio, there was someone to
21 interpret, and they put it on the computer that they had, they
22 used. That was what was going on, that was what was going on.

23 Q. Did they read out what they put on the computer in English
24 to you?

11:51:38 25 PRESIDING JUDGE: Mr Witness, this is not a difficult
26 question. Give us a straight answer, please.

27 THE WITNESS: No, it was not read to me.

28 MR FOFANAH:

29 Q. So Mr Witness, having given all these different numbers,

1 and having also indicated at the time you first had the
2 opportunity of making your statement that you only had this
3 information about Bazzy giving orders to kill people at Mamamah
4 and that you were not present yourself, then juxtaposing that
11:52:20 5 with what you have now told this Court that you were present, I
6 am still putting it to you that this bit of your story is made
7 up, it is not true.

8 A. My Lord, I cannot make any story about this war. If I am
9 making a story about this war, it should have been clear. This
11:52:43 10 story, this particular event, I saw it with my own eyes and I was
11 there when Bazzy gave the orders. When Bazzy, Operation A,
12 Junior Lion, Ibrahim Bioh Sesay were withdrawing to Mamamah and
13 saw this incident.

14 Q. Okay. Now, before we move forward to Mile 38, did you say
11:53:14 15 Commander Mosquito of the RUF once communicated with Bazzy and
16 told him that he was now the overall commander of the western
17 jungle?

18 A. Yes, My Lord, I talked about that.

19 Q. Did you hear that yourself?

11:53:31 20 A. Yes. I stood, Operation A stood there, Lion -- Bazzy was
21 there when they were discussing. Bioh was also there with some
22 securities that were around. It was at Mamamah that this thing
23 took place.

24 Q. So from this time onwards instructions were coming from
11:53:55 25 Mosquito?

26 A. No, all instructions that we adhere to was from Bazzy. It
27 was when --

28 THE INTERPRETER: My Lord, the witness is too fast. The
29 witness is too fast. Could he go back.

1 PRESIDING JUDGE: Mr Witness, first of all I ask you again
2 to speak more slowly and I also restate what my learned
3 colleagues have said, that you should answer the question and not
4 add additional information.

11:54:31 5 THE WITNESS: Yes, My Lord.

6 MR FOFANAH:

7 Q. So you said you were present when Mosquito made this
8 communication to Bazy?

9 A. Yes, My Lord.

11:55:00 10 MR FOFANAH: In that case, Your Honours, may I seek for a
11 short break so that I can relieve myself a bit?

12 PRESIDING JUDGE: Very well. A 10 minute break,
13 Mr Court Attendant, please.

14 [Break taken at 11.50 a.m.]

12:07:22 15 [Upon resuming at 12.03 p.m.]

16 MR FOFANAH:

17 Q. So we are now at Mile 38. You said when you left Mamamah
18 you went to Mile 38; am I right?

19 A. Yes, My Lord.

12:07:39 20 Q. How long did you spend at Mamamah?

21 A. At Mamamah we spent some time there because we dug the road
22 at Mamamah. We spent some time there actually.

23 Q. How long, can you tell us?

24 A. As far as I can remember, we didn't spend more than a week
12:08:08 25 at Mamamah.

26 Q. But you were there for at least one week?

27 A. No, My Lord, we were there for a week.

28 Q. Okay, no problem. So from Mamamah you went to Mile 38.

29 PRESIDING JUDGE: He has already answered that question,

1 Mr Fofanah; move on, please.

2 MR FOFANAH: It was actually a statement.

3 Q. Now we are at Mile 38. Did you spend time at Mile 38?

4 A. No, My Lord, we did not spend time at Mile 38.

12:08:55 5 Q. What do you mean by that, you did not spend time there?

6 A. As the troops withdrew from Mamamah and came to Mile 38,
7 whilst the families were moving, the ECOMOG were firing from
8 Mamamah and approaching us.

9 Q. So it is like you were in hot pursuit, ECOMOG was like
12:09:26 10 chasing you?

11 A. Well, since we had created an obstacle we did not expect
12 the ECOMOG to pass through Mamamah but they crossed, they were in
13 haste from Mamamah, and came to -- it was a hasty withdrawal.

14 Q. And you just passed through Mile 38 and then went forward;
12:09:51 15 is that it?

16 A. No, My Lord, we did not just pass through. We waited there
17 for a while at Mile 38.

18 Q. For a while, you mean 30 minutes or how long?

19 A. Well, we spent about an hour around Mile 38.

12:10:19 20 Q. And from Mile 38 did you go anywhere?

21 A. From Mile 38 we passed by Okra Hill and went into the
22 jungle.

23 Q. What part is Okra Hill and can you spell Okra for Their
24 Honours?

12:10:46 25 A. O-K-R-A H-I-L-L.

26 Q. So where is Okra Hill?

27 A. Well, Okra Hill is around Koya Chiefdom. Just after Mile
28 38 you get to Okra Hill. Between Masiaka -- it is between
29 Waterloo-Masiaka highway. Or Newton, sorry. Newton-Masiaka

1 highway.

2 Q. So you actually met civilians at Mile 38 when you arrived
3 there whilst ECOMOG was in hot pursuit of you?

4 A. My Lord, I didn't say we met civilians. I said the family
12:11:53 5 members were moving. As we lost Mamamah we sent somebody to
6 inform Foyoh to move with them. We met that they have moved to
7 Okra Hill.

8 Q. So there were no civilians at Mile 38 when you arrived
9 there?

12:12:07 10 A. As far as I saw, except few families members but almost --
11 the family members had left because the ECOMOG were in advance
12 and the family had gone to the hills.

13 Q. By family members you mean those who you have referred to
14 earlier as family members?

12:12:39 15 A. Yes, My Lord. When we moved from Waterloo, Benguema, up to
16 Newton, these are the people that I refer to.

17 Q. So how large was your troop that arrived at Mile 38?

18 A. Well, the number was, we were plenty. I cannot tell the
19 exact number, but we were many.

12:13:09 20 Q. If I gave you an estimate of 500 will that be too large?

21 A. The troop with which I withdrew, it was not up to 500 when
22 we came to Mile 38. We met other soldiers, families had left.

23 THE INTERPRETER: Sorry, can the Court order the witness to
24 speak a little bit slower for the interpreter.

12:13:42 25 PRESIDING JUDGE: Mr Witness, again, I ask you to go a
26 little slower.

27 MR FOFANAH:

28 Q. Did you meet other troops at Mile 38 -- SLA troops were
29 when you were retreating?

1 A. They had left. They had left already. They went with the
2 families. They were with the families. They had already moved.
3 Q. So these other family members that you met at Mile 38 were
4 not protected, they did not have soldiers with them?

12:14:20 5 A. My Lord, I said the family members had moved with the
6 soldiers. They've moved with them inside.
7 Q. Inside of where?
8 A. They entered Okra Hill, the hill side towards Magbeni.

9 Q. So, by this, you are now saying that there were no
12:14:44 10 civilians including even the family members at Mile 38 when you
11 arrived there because they had all moved?
12 A. My Lord, as we are coming the families were moving with
13 these soldiers. They were moving into the jungle.
14 JUDGE SEBUTINDE: Mr Witness, you are really giving
12:15:07 15 information that you are not asked. If a lawyer asks you: "Were
16 there civilians when you arrived at Mile 38? Did you find
17 civilians there?" The answer is either yes or no. We are not
18 interested or he is not interested in any other information
19 beyond that but you are protracting this cross-examination by
12:15:29 20 evading questions and not answering directly the question asked.
21 Please make an effort. Listen to the question and answer the
22 question asked not questions which are not asked.
23 THE WITNESS: Yes, My Lord.
24 MR FOFANAH:
12:15:46 25 Q. So were there civilians at Mile 38 when you arrived there?
26 A. No, My Lord.
27 Q. So from Mile 38 you said you went to -- where was that?
28 A. We took to the jungle. From there we moved to Magbeni.
29 Q. Did ECOMOG attack you at Mile 38 whilst you were there for

1 30 minutes?

2 A. Well, about that time, ECOMOG attacked. They came from
3 Mamamah and attacked. By that time we had pulled out; it was a
4 hasty withdrawal.

12:16:50 5 Q. So we are coming to this place where you said you retreated
6 to -- I still have not got the name of the place from Mile 38.

7 A. Magbeni.

8 Q. You went directly to Magbeni from Mile 38?

9 A. No, we slept in the villages towards Magbeni.

12:17:10 10 Q. Do you recall the name of those villages that you slept at?

11 A. No, My Lord, I cannot recall the names of those villages.

12 Q. How long did take you to arrive at Magbeni?

13 A. We slept the other day; we moved; and we arrive at Magbeni.
14 It was not too far away from where we slept.

12:17:41 15 Q. So can we say it took you two days to arrive at Magbeni?

16 A. It was about that, My Lord.

17 Q. Did you go through any SLA base on your way from Mile 38 to
18 Magbeni?

19 A. No, My Lord, there was no SLA base around that area.

12:18:16 20 Q. And you're sure about that?

21 A. Yes. The only SLA base which I have spoken about was the
22 RDF.

23 Q. Do you recall telling the Court that Colonel Foyoh set up a
24 temporal base somewhere?

12:18:38 25 A. I said Bazzy told him to find a temporal base where he
26 could stay with the family as we were withdrawing from Mile 38.

27 Q. Was that temporal base found?

28 A. Yes, My Lord.

29 Q. Did you go through that temporal base?

1 A. Yes, My Lord.

2 Q. So why didn't you tell the Court that when I was asking you
3 about your route?

4 PRESIDING JUDGE: Mr Fofanah, you asked him about an SLA
12:19:16 5 base.

6 MR FOFANAH: And Colonel Foyoh was an SLA.

7 PRESIDING JUDGE: Please do not be impertinent, Mr Fofanah.

8 MR FOFANAH: As Your Honour pleases.

9 Q. So how long did you take at Colonel Foyoh's temporary base?

12:19:45 10 A. It was a day. The following morning we moved to Magbeni.
11 We slept at that area where he found those villages?

12 Q. So you slept for a day at Colonel Foyoh's temporary base?

13 A. Yes, My Lord.

14 Q. So why did you forget to mention that base when I asked you
12:20:15 15 questions on that?

16 MS PACK: Your Honour, the witness said that he slept in
17 the villages towards Magbeni.

18 PRESIDING JUDGE: He did say that.

19 MS PACK: So there is no omission from what the witness has
12:20:28 20 just talked about about his route to Magbeni and the fact that he
21 stayed in a village before Magbeni.

22 MR FOFANAH: He did say that he cannot recall the names of
23 those villages and he did not tell us if Colonel Foyoh's
24 temporary base was a village. I am just asking him why he failed
12:20:52 25 to recall, especially as they spent a day there.

26 THE WITNESS: It was a village. When we say a base, as we
27 are withdrawing, a village can be referred to as a base for the
28 troops.

29 MR FOFANAH:

1 Q. So do you now recall the name of this village which was
2 base?
3 A. No, My Lord, I cannot recall the village's name.
4 Q. Okay, we'll move forward. When you went to this base did
12:21:32 5 all of you move with the family members? Did you leave the
6 family members behind or did you move together to Magbeni?
7 A. Well, we moved by stage, My Lord. We moved by stage. It
8 was by stage.
9 Q. What do you mean by that?
12:21:50 10 A. The first, the advance troop move; then they enter
11 headquarter; move with the families where Bazzy was to go to
12 Magbeni.
13 Q. So Bazzy was ahead of you; is that it?
14 A. No, My Lord. The troop moved ahead. So finally I, Bazzy,
12:22:17 15 Operation A, Bioh, Junior Lion and others moved to Magbeni.
16 Q. Did you spend time at Magbeni?
17 A. Yes, My Lord.
18 Q. How long did you take at Magbeni?
19 A. Magbeni, a day. We spent a day there.
12:22:41 20 Q. When you arrived at Magbeni, was there a base at Magbeni?
21 A. There was a village that we occupied. Magbeni is a
22 village, a very big village. We occupied the houses in the
23 village.
24 Q. So this village that you referred to, was it other than
12:23:24 25 Magbeni?
26 A. It is Magbeni, My Lord.
27 Q. Okay. So all of you were based at Magbeni; not so?
28 A. Yes, My Lord.
29 Q. Do you know the strength of your force at that time? Do

1 you know how large your force was when you arrived at Magbeni?

2 A. Well, as far as I can recall, the number was not disclosed
3 of the troop. The number of the troop was not disclosed, but we
4 are nearly about 500. Including the families, we are about 500.

12:24:18 5 PRESIDING JUDGE: Continue, Mr Fofanah.

6 MR FOFANAH:

7 Q. So did anything happen at Magbeni when you were there?

8 MS PACK: Your Honour, I have allowed these questions to go
9 on for quite a while now, but my learned friend appears to be
12:24:32 10 just taking the witness through exactly the same questions that
11 were asked almost in examination-in-chief without, I would say,
12 cross-examining him on any of the earlier evidence. In my
13 submission, it is time consuming and not relevant to go through
14 this process of asking the witness to repeat earlier evidence. I
12:24:45 15 don't know whether it is fishing to try and get him to be
16 inconsistent with earlier evidence, but that appears to be what
17 is happening.

18 PRESIDING JUDGE: Mr Fofanah, please put your case to the
19 witness.

12:24:56 20 MR FOFANAH: That is what I am doing, Your Honour.

21 PRESIDING JUDGE: You are leading him through
22 examination-in-chief again. Put your case please.

23 MR FOFANAH: Your Honours can recall that this bit of the
24 evidence was clearly centered on my client. All the other --

12:25:11 25 PRESIDING JUDGE: Put your case, Mr Fofanah.

26 MR FOFANAH:

27 Q. Did anything happen at Magbeni?

28 A. Yes, My Lord.

29 Q. Can you recall that?

1 A. Yes, My Lord.

2 Q. What was it?

3 A. In Magbeni Bazzy summoned an immediate meeting and formed a
4 command structure.

12:25:53 5 Q. So from Magbeni you spent a day and where did you go to?

6 PRESIDING JUDGE: Mr Fofanah, what did I say to you? What
7 did I say to you just now?

8 MR FOFANAH: That I should put my case, Your Honour.

9 PRESIDING JUDGE: Put your case then.

12:26:15 10 MR FOFANAH: May I be guided as to -- because I thought I
11 was doing that. I don't know. I mean, may I --

12 PRESIDING JUDGE: You are cross-examining a witness.
13 Cross-examine him. Do not lead him in-chief.

14 MR FOFANAH:

12:26:45 15 Q. Mr Witness, when you arrived at Magbeni, where there
16 civilians? Did you meet people at Magbeni?

17 A. No, My Lord, it was only the families that moved there.
18 They were there.

19 Q. So around what time of the year did you arrive at Magbeni?

12:27:05 20 A. As far as I can remember, it was just after the January 6th
21 invasion, and we stayed, and that was 1999.

22 Q. So you said it was just after the January 6th invasion.
23 How soon after was that?

24 PRESIDING JUDGE: Mr Fofanah, am I to take an implication
12:27:54 25 that you did not understand what I said?

26 MR FOFANAH: Because Your Honours, what I'm trying to do is
27 actually go through the evidence of the witness and then
28 establish --

29 PRESIDING JUDGE: We have had the evidence-in-chief. If

1 you are saying to him or challenging him on a date, challenge him
2 on a date. If you are challenging him on the time that he spent,
3 challenge him on the time he spent. Put your case.

4 MR FOFANAH: If Your Honours can bear with me, the witness
12:28:29 5 did not indicate what time they arrived at Magbeni in his
6 testimony in-chief, and if I am asking him questions on that, I
7 believe I am actually putting my case. I stand guided by
8 whatever ruling Your Honours might come out with, but he did not
9 throughout his testimony indicate what time of the year they
12:28:51 10 arrived at Magbeni.

11 Q. Witness, you have just said that it was just after January
12 6th invasion that you arrived at Magbeni. So can you tell us how
13 soon that was?

14 A. Well, this happened about two months to the Lome Peace
12:29:26 15 Accord.

16 Q. And do you understand that the Lome Peace Accord was in --
17 do you understand that the Lome Peace Accord was in July 1999?

18 A. I cannot tell -- I did not know the right date, but as he
19 had stated it, well, it is now that I come to know.

12:30:02 20 Q. Magbeni, what part of Sierra Leone is Magbeni?

21 MS PACK: Your Honour, the witness has answered this
22 question. He has even -- he described these locations as being
23 in the Port Loko District. All this evidence is about that
24 district.

12:30:48 25 MR FOFANAH:

26 Q. Mr Witness, you have identified this place before, Gberi
27 Bana, where you said you moved from Magbeni to -- but then Gberi
28 Bana was clearly not on the map. You only circled an area as
29 Gberi Bana. I am going to ask you questions on that area now.

1 Now, is there a river between that area -- that place and
2 Magbeni?

3 A. There is a river. Yes, My Lord, there is a big river.

4 Q. So did you cross that river to Gberi?

12:31:30 5 A. Yes, there were boats at Magbeni. We used those boats to
6 cross over to Gberi Bana.

7 Q. Everyone of you, all 500 of you?

8 A. Yes, it was a continuous process. The crossing of families
9 or crossing everybody over to Gberi, it was a continuous process.

12:32:04 10 Q. Mr Witness, you have stated that somebody you identified -
11 I will call him X - was sent on a mission to Gberi Bana, and that
12 the person went and killed some people. I am putting it to you
13 that that never happened.

14 A. It happened, My Lord.

12:32:27 15 Q. Did you meet civilians at Gberi Bana when you arrived?

16 A. My Lord, all I know, when we arrive at Magbeni, Bazzy
17 ordered this commander to cross over and ensure that he cleared
18 the area. During that time I did not cross over. All of us were
19 at Magbeni.

12:32:55 20 Q. I am putting it to you, too, that you've earlier made a
21 statement to the effect that you were with this X man who went
22 over to conduct this operation.

23 A. No, My Lord, I did not say I was with him. I said he
24 crossed.

12:33:26 25 MR FOFANAH: Just one moment, Your Honours, I'm trying to
26 find the location. Your Honours, I'm reading from page 6599 of
27 the statement of November 2003. I am reading from line 8,
28 Your Honours; line 8 to 13. It says,
29 "He therefore instructed us to go across the river and form

1 a camp within the same Magbeni area, but we had to cross a river.
2 The troop was led by one X and before we left Bazzy instructed
3 that any civilian we met in that area should be executed. He
4 said because the ECOMOG was advancing on us, therefore there was
12:34:37 5 no need to spare any civilian we come across."

6 Q. Did you make the statement?

7 A. Yes, My Lord, I made the statement, but I didn't mention
8 that I and the men were the people that Bazzy gave the order to
9 cross over.

12:34:59 10 Q. And you did not also mention that you were involved in
11 moving over and executing this order?

12 A. No.

13 Q. Did you mention that to the statement takers?

14 A. No, My Lord.

12:35:14 15 MS PACK: In absolute fairness to the witness, the rest of
16 this transcript has to be read out, because it then later says,
17 further down the line, from lines 14 onwards, this individual who
18 is now called X by my learned friend - he was P20 in the exhibit
19 that was admitted under seal, if Your Honours will recall -

12:35:29 20 "therefore had to cross over the river with the troop to a
21 village. I cannot remember the name now. I have looked through
22 the map," et cetera. Then the next line, 18, "Later X sent a
23 message to the troop and said he has already crossed and he has
24 established a camp, so we should cross over and join him." Then
12:35:47 25 over the following page, 6600, line 6, "Now, you've been called
26 to cross over the river and you have already crossed to him.
27 What happened?" Line 8, answer: "On arriving at the other side
28 they had to deploy various battalions."

29 Now, my learned friend, I think, is suggesting a prior

1 inconsistency. So in fairness to the witness, he should be shown
2 all of that passage. He should also be shown, at 7883, what also
3 is stated by the witness in a later additional statement, at
4 paragraph 178, relating to what this individual whose name was
12:36:31 5 written down at Exhibit P20 -- what he was ordered to do and what
6 he then did.

7 MR FOFANAH: Respectfully, Your Honours, the witness has
8 answered the question and I want to move forward. He has
9 answered that he was not among the troops, so I will just move
12:36:46 10 forward.

11 PRESIDING JUDGE: Very well.

12 MR FOFANAH:

13 Q. So Mr Witness, again, when you arrived at Gberi Bana, did
14 you meet civilians there?

12:37:05 15 A. No, My Lord. The only civilians that I saw were those that
16 were killed.

17 Q. Now, Mr Witness, will you be surprised if I tell you that a
18 prior witness has told this Court that civilians were at Magberi
19 or civilians were at this location when you arrived there?

12:37:46 20 A. My Lord, as I said, the only civilians that I saw are those
21 that Mr X executed. I met them there and they had been executed.

22 Q. Finally, Mr Witness, I'm putting it to you that all that
23 you have said to this Court regarding Mr Bazy Kamara are made up
24 stories and are not the truth.

12:38:21 25 A. My Lord, I was in the scene and what I said regarding Bazy
26 was the truth. The truth. And that is what I come here to talk
27 about and I have spoken about it. I haven't anything to lie
28 against that man.

29 Q. Sorry, I said finally, but just one last question. Do you

1 know or are you aware that Mr Ibrahim Bazzy Kamara was honourably
2 discharged from the army as corporal together with Mr Tamba Alex
3 Brima?

4 A. My Lord, I have explained to you that the situation in
12:39:11 5 which I was, when they were discharged, I didn't know anything
6 about that. I was in a different side.

7 MR FOFANAH: In that case, Your Honours, I have no further
8 questions for the witness. Mr Witness, thank you very much.

9 PRESIDING JUDGE: Thank you, Mr Fofanah. Re-examination,
12:39:29 10 Ms Pack?

11 MS PACK: No re-examination, Your Honour.

12 PRESIDING JUDGE: Very well. I have one question,
13 Mr Witness. When you entered Karina, you have given evidence,
14 were you wearing a watch?

12:40:01 15 THE WITNESS: No, My Lord, I was not having a watch on me.

16 PRESIDING JUDGE: Thank you, that was my only question.
17 That is the end of your evidence, Mr Witness. We are very
18 grateful for the time you have spent and we thank you for coming
19 to give evidence at the Court. Thank you. You are now also
12:40:20 20 released from the oath that you took.

21 We will adjourn to tomorrow at 9.15 a.m. as is our practice
22 on a Wednesday. Mr Court Attendant, please adjourn court to
23 9.15 a.m. tomorrow.

24 [Whereupon the hearing adjourned at
12:41:36 25 12.42 p.m., to be reconvened on Thursday,
26 the 23rd day of June 2005, at 9.15 a.m.]

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29

WITNESSES FOR THE PROSECUTION:

WITNESS TF1-334	3
CROSS-EXAMINED BY MR FOFANAH	3