

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

THURSDAY, 22 JUNE 2006  
9.16 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding  
Julia Sebutinde  
Teresa Doherty

For Chambers:

Mr Simon Meisenberg  
Ms Carolyn Buff

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Karim Agha  
Mr Charles Hardaway  
Ms Melissa Pack  
Ms Maja Dimitrova (Case Manager)

For the Principal Defender:

No appearance

For the accused Alex Tamba Brima Ms Glenna Thompson

For the accused Brima Bazy  
Kamara:

Mr Andrew William Kodwo Daniels  
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor  
Kanu:

Mr Geert-Jan Alexander Knoops  
Mr Ajibola E Manly-Spain  
Ms Anne-Marie Verwiel (Legal assistant)

1 [AFRC22JUN06A - SV]  
2 Thursday, 22 June 2006  
3 [Open session]  
4 [The accused present]  
09:16:25 5 [Upon commencing at 9.16 a.m.]  
6 WITNESS: ACCUSED ALEX TAMBA BRIMA [Continued]  
7 [The witness answered through interpreter]  
8 PRESIDING JUDGE: Yes, Mr Agha.  
9 MR AGHA: Good morning, Your Honours. Before the accused  
09:16:38 10 continues with his testimony, the Prosecution would like to make  
11 a brief application that the witness be declared a common witness  
12 in relation to the second accused. The Prosecution submits that  
13 during the examination of the witness by the second accused, his  
14 examination has been akin to a continuation of an  
09:16:57 15 examination-in-chief which has been largely carried out for the  
16 benefit of the first accused. In effect, the Prosecution would  
17 submit that the accused number two's learned Defence counsel has  
18 adopted the witness as his own. Yesterday alone there were  
19 around five foundational --  
09:17:20 20 PRESIDING JUDGE: You don't need to go too far into the  
21 background of all this, Mr Agha. We've been here listening to  
22 the questions.  
23 MR AGHA: But one point we would particularly like to make,  
24 in essence because we believe it's been a mixture, this  
09:17:34 25 examination, between a cross-examination in chief and a direct  
26 examination, that the Prosecution should be able to have the  
27 benefit where the evidence is given in direct examination to  
28 cross-examine on that evidence and that evidence be used against  
29 the second accused. So it is our submission that if the accused

1 is continued to be treated as an uncommon witness, the  
2 Prosecution would be able to cross-examine and that evidence  
3 elicited from the second accused be used against him. So we  
4 would seek an order in that regard.

09:18:17 5 PRESIDING JUDGE: Yes. Thank you, Mr Agha. Does anybody  
6 on the Defence seem wish to respond to that?

7 MS THOMPSON: Your Honour, I'm not sure where my learned  
8 friend is coming from with this. Maybe I didn't quite get it.  
9 My understanding is that the Defence of Brima brought this  
09:18:38 10 witness to give evidence in his own defence and he's giving  
11 evidence for himself. If counsel for the second accused in  
12 cross-examining him tries to elicit information from him in  
13 favour of his client, then I don't see why that should  
14 necessarily then re-declare this witness as a common witness, if  
09:19:03 15 that's what my learned friend is getting at. My understanding of  
16 the way these things work is that counsel for the second accused  
17 can cross-examine this witness only on behalf of his own client  
18 and in doing so he may have asked questions which appear to be  
19 examination-in-chief or in cross-examination he's entitled to do  
09:19:22 20 that, because that's -- he's looking after his own client's  
21 interest. That's the reason why we he will have to cross-examine  
22 this witness. I don't see why that should necessarily mean that  
23 this witness should now be a witness common to everybody.

24 PRESIDING JUDGE: Thank you, Ms Thompson. Any reply from  
09:19:50 25 that? I've heard enough from the Defence. I'm just giving  
26 Mr Agha a chance to reply.

27 MR AGHA: I was briefly suggesting it was more a  
28 continuation of examination-in-chief for the first accused and in  
29 usual practice examinations, whether they are in chief or

1 cross-examination, are treated differently as to whether or not  
2 one side may object to the evidence being led or whether the  
3 other side would have the ability of the cross-examination to be  
4 used against another accused. So really the Prosecution would  
09:20:21 5 like the evidence or the questions at least which are being asked  
6 be categorised either as being evidence-in-chief, in which case  
7 the Prosecution can object, or evidence in cross-examination.  
8 Whereas at this moment in time it would appear to the Prosecution  
9 that the evidence is a hybrid between cross-examination and  
09:20:42 10 leading. So the learned Defence counsel having the benefit but  
11 without the burden, they're having their cake and eating it, if  
12 you like. So that is what the Prosecution submits on this point.

13 PRESIDING JUDGE: Yes, thank you, Mr Agha.

14 JUDGE SEBUTINDE: Mr Agha, under what provision do you  
09:21:03 15 think the Trial Chamber can declare one of the accused persons a  
16 common witness?

17 MR AGHA: My understanding, Your Honours, and I can check  
18 it from the Rules, is that the Bench has the ability to make  
19 orders regarding the conduct of the proceedings of the trial. I  
09:21:34 20 will just check the Rule.

21 PRESIDING JUDGE: It's Rule 90(F), Mr Agha, but that does  
22 not give the Bench -- Rule 90(F) is the rule you're looking for.  
23 It does not give the Bench any power to force an accused to adopt  
24 a witness whom he has not called. We can't tell the second and  
09:21:57 25 third accused that they must adopt the current witness as their  
26 own witness. We simply can't do it.

27 MR AGHA: I would suggest that would it be possible under  
28 Rule 54, Your Honours.

29 PRESIDING JUDGE: We've got no intention of doing it,

1 Mr Agha. We totally reject your application. If an accused  
2 wishes to give evidence, then that is a right that he has. But  
3 the other two accused cannot be forced to adopt the first accused  
4 as their own witness. If the first accused chooses to give  
09:22:50 5 evidence, then it's only correct that the other two accused have  
6 the right to cross-examine him. Now, quite obviously, in the  
7 course of that cross-examination the counsel for the second  
8 accused is putting many leading questions. It's a strange type  
9 of cross-examination in as much as counsel for the second accused  
09:23:20 10 is not seeking to diminish the credibility of this witness. In  
11 fact, he's seeking to adduce favourable evidence from this  
12 witness. But just what effect on the credibility of this witness  
13 grossly leading questions will have -- in fact, counsel has gone  
14 so far as to put words into this witness's mouth. What effect  
09:23:58 15 those leading questions will have on the weight of the testimony  
16 given in so-called cross-examination by counsel for the second  
17 accused, is something we're going to have to assess when we look  
18 at all of the evidence together. But we reject your application,  
19 Mr Agha.

09:24:15 20 MR AGHA: Thank you, Your Honours.

21 PRESIDING JUDGE: Mr Bri ma, I remind you once more that  
22 you're under our former oath to tell the truth.

23 THE WITNESS: Yes, My Lord.

24 PRESIDING JUDGE: Yes, Mr Dani els.

09:24:33 25 CROSS-EXAMINED BY MR DANI ELS: [Conti nued]

26 MR DANI ELS: Good morni ng, Your Honours.

27 Q. Good morni ng, Mr Bri ma.

28 A. Good morni ng, si r.

29 MR DANI ELS: Respectfully, Your Honours, I woul d j ust l ike

1 to start by informing the Bench that if it has appeared that  
2 counsel has been putting words in the second accused's mouth, it  
3 is not intentional, I just want the record to --

4 JUDGE DOHERTY: I didn't hear the second accused speak.

09:25:14 5 MR DANIELS: Putting the words in the mouth of the witness,  
6 it is not intentional.

7 PRESIDING JUDGE: It may not be intentional, Mr Daniels,  
8 but it's very obvious that that's what you've been doing. At one  
9 stage before I interrupted you you were actually reading a tract  
09:25:28 10 of some document to him. All he had to do is was say yes or no.

11 MR DANIELS: Very well, but My Lord rightly interfered and  
12 I just reiterate that that was not the intention.

13 PRESIDING JUDGE: All right. Thank you, Mr Daniels.

14 MR DANIELS: I'm most grateful.

09:25:50 15 Q. Yesterday, we left off by you telling us that Witness 167  
16 had caused the arrest of the second accused on at least three  
17 times here in Freetown. Do you recall making that statement?

18 A. Yes.

19 Q. How are you aware that Witness 167 has caused the arrest of  
09:26:29 20 the second accused on at least three times in Freetown, starting  
21 with the very first occasion?

22 A. I knew that from what made them to arrest the first -- or  
23 the second accused through his mother. I mean, through the  
24 second accused's mother. Then with Major Johnny Paul Koroma.

09:27:08 25 That was how I came to know.

26 Q. What happened on the very first occasion to do with the  
27 second accused's mother?

28 A. The second accused, he was at King Street.

29 Q. When was this?

1 A. This was in 1999 -- this was from 1999 to 2000 or 2001 when  
2 I was at Juba Hill. The second accused, they went and searched  
3 his house.

4 Q. Before you carry on, how do you know this?

09:28:02 5 A. I knew this through Major Johnny Paul Koroma and through  
6 the JMC who was operating with the army and the police with  
7 UNOMSIL which was called joint monitoring committee. And I knew  
8 that again through his mother.

9 Q. [Overlapping speakers]

09:28:35 10 A. Well, the joint monitoring committee which comprised  
11 personnel from the Sierra Leone Army, the Sierra Leone police and  
12 UNOMSIL, went to chairman who was Major Johnny Paul Koroma saying  
13 that they had got information about the second accused.

14 Q. What information was this?

09:29:06 15 A. They said they had information that the second accused had  
16 arms and ammunitions which were buried in his compound.

17 Q. And who made this report?

18 A. Well, from what the delegate who came to Johnny Paul  
19 explained, where I was present, they said it was George Johnson  
09:29:40 20 who gave that information to them, who was called Junior Lion.

21 Q. Were you able to confirm whether this actually happened;  
22 that is, whether Junior Lion gave this information, were you able  
23 to check whether he indeed did so?

24 A. Yes.

09:30:12 25 Q. And how did you confirm this?

26 A. When they went to do the searching in the second accused's  
27 house or residence, where he lived, which was at Signal Hill  
28 which is King Street or which was at King Street, Old Railway  
29 Line, from what they came and explained to Major Johnny Paul

1 Koroma, or the chairman commission for the consolidation of  
2 peace --

3 Q. Mr Brima, were you present when this explanation was going  
4 on?

09:30:54 5 A. Yes.

6 Q. Carry on?

7 A. When they were explaining, the chairman commission for the  
8 consolidation of peace called Major Mandereh and he called me.

9 He said the second accused, the government said that he had arms  
09:31:20 10 and ammunition that he kept in his house, and the JMC personnel  
11 wanted to go and search his house. But we should assist them so  
12 as to search the house, including me.

13 Q. Did you go to search the house of the second accused?

14 A. Yes.

09:31:46 15 Q. When was this?

16 A. That was in 2000.

17 Q. And what was the outcome?

18 A. Well, at the time that the JMC members went and conducted a  
19 search, that was how I came to know that was the information that  
09:32:07 20 they had against the second accused and that was George Johnson  
21 that gave that information.

22 Q. Were any arms and ammunition found at the residence of the  
23 second accused?

24 A. They did not find any arms and ammunition, but from what I  
09:32:29 25 observed in the place, George Johnson, who was Junior Lion, he  
26 was pointing to certain portions or areas on the ground where  
27 they were digging. And from my own understanding, I would not be  
28 able to tell the right number of areas to which he pointed at,  
29 but anywhere that he pointed to, the team which went to search



1 the second accused, they would dig the ground so as to know  
2 whether he really had arms and ammunition.

3 Q. Thank you, Mr Witness. You also told the Court yesterday  
4 that 167 is an informant to the police. Do you remember saying  
09:33:15 5 so?

6 A. Yes.

7 Q. Why do you say so?

8 A. Well, 167, what made me to say so, he was at the training  
9 school during the time that they were restructuring the army of  
09:33:38 10 the Republic of Sierra Leone.

11 Q. Please tell us when this was.

12 A. I cannot tell the right year but I would say it's between  
13 2000 and 2001.

14 Q. Carry on.

09:33:57 15 A. When they discovered at the training school from the  
16 military police that that witness was not a soldier, they told  
17 him that it was Major Johnny Paul Koroma who said he was to be  
18 taken from there. And from the search that was made in the  
19 second accused's house, the police personnel or the JMC personnel  
09:34:32 20 told Major Johnny Paul Koroma that they had information from  
21 George Johnson.

22 Q. What was the name of the police personnel you are referring  
23 to?

24 A. We had Colonel CI David Sesay but I do not understand what  
09:34:59 25 is meant by CI in police. But it's another branch in the police  
26 which is called OSD which was called, before then, SSD. And the  
27 police commissioner who was in the Northern Province who was  
28 called Christopher John, both of them led that operation to go  
29 and search the second accused's house.

1 Q. What was the result of this particular search?  
2 A. They did not find any arms and ammunition which the witness  
3 George Johnson alleged that the second accused had.  
4 Q. Thank you. Mr Witness, do you know of one Mohamed Savage?  
09:36:14 5 A. Yes.  
6 Q. What do you know about him?  
7 A. I knew that Mohamed Savage was an SLA soldier.  
8 Q. Do you know his ranking?  
9 A. No.  
09:36:41 10 Q. Do you know where he was stationed?  
11 A. No.  
12 Q. When did you get to know him?  
13 A. I came to know Mohamed Savage when I was detained at  
14 Pademba Road Prisons.  
09:37:06 15 Q. Which year was this?  
16 A. This was in 2003.  
17 Q. How did you get to know him? Did he become your friend?  
18 A. He did not become my friend. I came to know him through --  
19 because I was in -- what I would be able to tell this Court, I  
09:37:35 20 was in the military steady batten. I do not know how you call it  
21 in law, when you are locked up, if you are captured for one month  
22 then you will be locked up for one month. The only time that you  
23 would be taken out was to go and take a bath. And this was how I  
24 came to know Mohamed Savage, when I was taken to go and wash.  
09:38:01 25 Q. Did you ever know Mohamed Savage to have operated within  
26 Tombodu within the Kono District?  
27 A. I never knew that Mohamed Savage operated between Tombodu.  
28 Q. Did you ever hear of any atrocities committed by Mohamed  
29 Savage at Tombodu within the Kono District?

1 PRESIDING JUDGE: How can he answer that if he didn't even  
2 know that Mohamed Savage operated in that area?

3 MR DANIELS: My Lord, he did say that he met him in 2003  
4 and I'm asking whether he heard of any atrocities that Mohamed  
09:38:46 5 Savage may have committed.

6 PRESIDING JUDGE: I could be wrong but I thought I heard  
7 him say he did not even know that Mohamed Savage operated in the  
8 Tombodu area. Well, if he didn't know that, how would he know if  
9 he committed any atrocities in the Tombodu area?

09:39:10 10 MR DANIELS: Very well. Very well.

11 Q. Do you know where Mohamed Savage comes from? Do you know  
12 his home town?

13 A. Well, from my own family, I came to understand that Mohamed  
14 Savage, he was born in Freetown, but he was a Kono man by tribe.

09:39:57 15 Q. I would like to read to you certain portions of the  
16 transcript of Witness TF1-334.

17 A. Yes.

18 Q. The date is 20th May 2005 at page 13. It will be pages 13  
19 to 16.

09:41:32 20 PRESIDING JUDGE: The printer is not working. Ask your  
21 questions, Mr Daniels.

22 JUDGE SEBUTINDE: Please be certain to quote the lines for  
23 the record. We can always cross check it later.

24 MR DANIELS: So I take it that I can read.

09:41:47 25 PRESIDING JUDGE: Yes, go ahead, as long as you identify  
26 the passage we'll be able to look at it later.

27 MR DANIELS: Very well, My Lord.

28 Reading from line 10, page 13. I caution Your Honours it's  
29 quite a long passage.

1 "Q. When you arrived in Tombodu what did you see?  
2 "A. Well, the number of civilians whom I saw numbered  
3 about 78. But to my surprise, I met Savage together with  
4 his other soldiers beginning to amputate these people.  
09:42:34 5 "Q. Pause a moment. What did you actually see Savage do  
6 in relation to amputation?  
7 "A. He was chopping off the people's hands and he took the  
8 other people and put them in one room and set the house  
9 ablaze.  
09:42:51 10 "Q. Pause a moment. I'm just going to ask you first about  
11 the amputation before I ask you about the burning. How  
12 many people did you see Savage amputate?  
13 "A. About 15 people at that time whose hands he chopped  
14 off. He said they should go and tell ECOMOG that he,  
09:43:15 15 Savage, was in Tombodu and this was to be a warning to the  
16 other civilians.  
17 "Q. Were the people he amputated, do you recall, men or  
18 women?  
19 "A. Well, most of them who were amputated were men.  
09:43:32 20 "Q. Did you see what happened to them after they were  
21 amputated?  
22 "A. Well, the people were crying and went through the  
23 route from which they had come. He told them to return to  
24 the same route. [sic]  
09:43:45 25 "Q. What was the route?  
26 "A. What was the road leading to Tombodu. [sic]  
27 "Q. Did the amputations not take place in Tombodu?  
28 "A. Inside Tombodu Town -- it was the route that they used  
29 to enter Tombodu. It was the same route that he asked them

1 to return.

2 "Q. You talked about burning. What did Savage do or say  
3 in relation to burning?

4 "A. He took some civilians, numbering about 15, and he put  
09:44:11 5 them in one room and set the house ablaze. He closed the  
6 room, he locked the room and set it ablaze.

7 "Q. Who set the house ablaze?

8 "A. Savage himself set the house ablaze.

9 "Q. What happened to the 15 civilians in the house?

09:44:26 10 "A. They were completely burnt, none escaped.

11 "Q. Did you see anything else happen in Tombodu?

12 "A. Well, he beheaded the others and he dumped them in one  
13 pit in Koidu -- in Tombodu, sorry.

14 "Q. Pause please. Who beheaded the others?

09:44:42 15 "A. Savage, he, together with one of his men, who was  
16 called Guitar Boy --

17 "Q. Pause. 'Guitar Boy,' is that in the musical  
18 instrument -- Guitar Boy?

19 "A. Well, that was his nickname; his alias, his false  
09:44:56 20 name.

21 "JUDGE SEBUTINDE: The witness can help spell some of these  
22 names.

23 "MS PACK: Yes, Your Honour."

24 I'm now jumping to line 9 on page 15.

09:45:19 25 "Q. Go on, Witness, to tell us what you saw Savage and  
26 Guitar Boy do.

27 "A. He and the other soldiers they started to behead the  
28 people -- the remaining people.

29 "Q. How many people did you see them behead?

1 "A. They were about 47 people who were beheaded and thrown  
2 into the pit and they buried their bodies in the pit --  
3 dropped them in the pit.  
4 "Q. This pit -- whereabouts was this pit that you are  
09:45:47 5 talking about?  
6 "A. It was that Tombodu village, Tombodu town itself.  
7 That was where the pit was, very close to where he, Savage,  
8 occupied.  
9 "Q. Do you know what sort of pit it was?  
09:46:00 10 "A. Well, it was a diamond pit.  
11 "Q. You spoke about the amputations earlier, and you said  
12 you saw Savage carrying out 15 amputations. Did you see  
13 any other amputations carried out by anyone else on this  
14 occasion?  
09:46:15 15 "A. This is one of amputations which I saw myself in  
16 Koidu. This was the amputation that I saw.  
17 "Q. In Koidu -- you are talking about Tombodu still?  
18 "A. Yes, in Tombodu."  
19 Page 16:  
09:46:32 20 "Q. You spoke earlier about the burning of Tombodu; in  
21 fact, you said that Tombodu was burned completely. Do you  
22 know who burned down Tombodu?  
23 "A. Tombodu, it was a joint force, both the SLA and the  
24 RUF. They moved to do the burning; it was an organised  
09:46:41 25 burning.  
26 "Q. How do you know that a joint operation of SLAs and RUF  
27 burned Tombodu?  
28 "A. After Johnny Paul had given this order, the operation  
29 commander for the RUF called on the operation commander for

1 the SLA. Myself and other soldiers who were with him, we  
2 went -- met these operations commanders and told them that  
3 that order should be carried out and you should make sure  
4 that you start the burning of these villages so that  
09:47:12 5 civilians would not occupy in these villages."  
6 My reading ends on line 14.  
7 PRESIDING JUDGE: What was the page it ended on?  
8 MR DANIELS: Page 16.  
9 PRESIDING JUDGE: Page 16, line 14.  
09:47:32 10 MR DANIELS: That's so.  
11 Q. Mr Witness, did you hear and understand what I just read to  
12 you?  
13 A. Yes.  
14 Q. Do you have any reaction?  
09:48:43 15 PRESIDING JUDGE: Can you tell me one logical reason why he  
16 should be asked to comment on events that he knew nothing about?  
17 He has given sworn evidence that he did not even know that Savage  
18 operated in Tombodu and, Mr Daniels, that passage you read was  
19 centred around Tombodu. What is the use of asking this witness  
09:49:12 20 what his reaction is?  
21 JUDGE SEBUTINDE: We might add, Mr Daniels, that that  
22 passage does not name Mr Bri ma as being involved, or indeed your  
23 client as being involved. We just wonder. If this is one way of  
24 leading, we want to know the relevance of that question you just  
09:49:39 25 asked.  
26 MR DANIELS: Your Honours, the witness and the second  
27 accused are charged for atrocities which allegedly took place in  
28 Tombodu. There is evidence in this Court that these atrocities  
29 were carried out by one Savage. I am just asking him if he has

1 any reaction to these allegations and I'll move on.

2 PRESIDING JUDGE: You'll have to be more specific,  
3 Mr Daniels. Any reaction is calling for a general comment on  
4 something he knows nothing about, according to his evidence.

09:50:21 5 Unless you're going to suggest to the Court that what he said  
6 before was a lie.

7 MR DANIELS: I am not suggesting so.

8 Q. Mr Witness, were you ever in Tombodu Town in 1998?

9 A. No.

09:50:46 10 Q. Did you ever hear about any atrocities taking place in  
11 Tombodu Town in 1998?

12 A. Repeat that question, sir.

13 Q. Have you ever heard about any atrocities taking place in  
14 Tombodu in 1998?

09:51:18 15 A. I only came to hear about problems, like how you called  
16 that atrocities, happening at Tombodu when I came to appear in  
17 this Court, through the witness who came and testified against  
18 me. That was how I came to know that atrocities happened in  
19 Tombodu.

09:51:43 20 Q. Have you yourself committed any atrocities in Tombodu as  
21 alleged in the indictment?

22 A. No, I never committed any crime at Tombodu.

23 Q. Do you know whether the second accused has committed any  
24 crimes in Tombodu in 1998?

09:52:12 25 A. I don't know, because --

26 Q. You were answering?

27 A. I don't know. I don't know if the second accused committed  
28 any crimes in Tombodu.

29 MR DANIELS: I will proceed, Your Honours. We shall be



1 reading from the same transcript, page 55 and 56, starting from  
2 line 29.

3 PRESIDING JUDGE: Just before you go ahead, Mr Daniels,  
4 that last passage quoted was an entire waste of time and it's not  
09:53:17 5 the first time that you've quoted passages from the transcript  
6 and attained either no answers or negative answers. They're  
7 what's commonly called in cross-examination fishing expeditions.  
8 We've been extremely patient, but I must say this to you: Unless  
9 you have some positive information that you can put to this  
09:53:42 10 witness, questions that even you don't know the answer to should  
11 not be allowed.

12 MR DANIELS: I intend to put positive questions to the  
13 accused.

14 PRESIDING JUDGE: Go ahead.

09:54:11 15 MR DANIELS: From line 29, that is page 55, and page 56.  
16 Reading from line 29 at page 56:

17 "Q. And you've already said that you went with your  
18 operational commander and other soldiers to Tombodu. Who  
19 else went to Tombodu?

09:55:04 20 "A. Well, already Gullit didn't go there, he was in  
21 Tombodu awaiting the withdrawal of all soldiers.

22 "Q. And did all soldiers eventually get to Tombodu?

23 "A. Well, whilst I and the operation commander returned,  
24 we were informed that Savage had gone out to look out for  
09:55:26 25 the operation commander and his squad. So Savage was the  
26 only person we didn't see around. But we met Bazzy and the  
27 other soldiers, including Gullit and the military  
28 supervisors. They were all at Tombodu waiting for the  
29 operation commander.

1 "Q. Did you stay in Tombodu?  
2 "A. Well, we waited for some time looking out for Savage.  
3 And later, Gullit said we should move further.  
4 "Q. Where did you go next?  
09:55:53 5 "A. Well, I -- the other soldiers, including the SLA  
6 commander and Bazzy and the operation commander left for  
7 Yomandu. From Yomandu, we moved to Mansofinia."  
8 Q. Mr Witness, did you hear what I just read to you?  
9 A. Yes.  
09:56:16 10 Q. Did you understand it?  
11 A. Yes.  
12 Q. Were you at any time together with Bazzy in Tombodu; Bazzy  
13 Kamara, the second accused?  
14 A. No.  
09:56:30 15 Q. Were you the SLA commander in Tombodu?  
16 A. No.  
17 Q. What is your reaction to the passage I just read to you?  
18 A. I still tell this Court that that witness was a paid  
19 witness, and I still tell this Court that if I, that am sitting  
09:57:05 20 here before this Court, had accepted, I would have been more  
21 important to the Prosecution more than this witness. All that  
22 the witness has said is a lie.  
23 MR DANIELS: From the same testimony, at page 72 we shall  
24 be reading from line 15, moving on to page 73 to line 4.  
09:59:23 25 PRESIDING JUDGE: Yes, we have that transcript now,  
26 Mr Daniels.  
27 MR DANIELS: Very well. Reading from line 15.  
28 "Q. Now, Witness, you gave evidence that you subsequently  
29 went to Mansofinia. Who did you go to Mansofinia with, you

1 personally?

2 "A. Myself, the Operation Commander A, Bazzy, Gullit,  
3 Bioh, Abdul Sesay, and the political advisor Coachy Borno.  
4 "MS PACK: Gullit; B-0-B-I-0-H; Abdul Sesay Your Honours  
10:00:00 5 have already; Coachy Borno, Your Honours have already,  
6 B-0-R-N-0.  
7 "Q. My question was who you went with personally.  
8 "A. These were the people that I named. But I don't want  
9 to explain in detail because I will be identifying myself.  
10:00:22 10 "Q. How did you travel to Mansofinia?  
11 "A. Myself and the squad moved by the highway in a  
12 vehicle.  
13 "Q. And this squad, are you talking about a squad which  
14 you don't want to identify in public?  
10:00:35 15 "A. Well, just as I've named them, but I was among.  
16 "Q. So you were in a squad with Bazzy, Gullit is that what  
17 you're saying, together with the operation commander?"  
18 Q. Did you hear what I just read to you?  
19 A. Yes.  
10:00:53 20 Q. Did you ever travel in a vehicle with the second accused to  
21 Mansofinia?  
22 A. No.  
23 Q. Did you ever travel with 334 in a vehicle to Mansofinia  
24 from Kono?  
10:01:22 25 A. No.  
26 Q. What is your reaction to what I've just read to you?  
27 A. I still tell this Court that I that I am sitting here, if I  
28 had agreed to co-operate like the way the officers co-operated I  
29 would have been a Prosecution witness. And all that that witness

1 has said is a lie. He was a paid witness. But there will come a  
2 certain time when he would know the truth. That witness, he  
3 tried to bargain for his freedom so as to come and talk is what  
4 he had said, or what you've read, you know, from this paper, and  
10:02:11 5 it's not only this witness, maybe in the future there will come a  
6 witness who will tell this Court that that witness was a paid and  
7 trained witness against we, the people who have been indicted, at  
8 the Special Court. Now I am talking about the AFRC or the SLA as  
9 the Court has -- had accused us.

10:02:42 10 Q. Very well. I would like to speed up now. Mr Witness, did  
11 you ever promote the second accused to the rank of a brigadier in  
12 Mansofinia?

13 A. No.

14 Q. Were you aware of the presence of the second accused in  
10:03:17 15 Mansofinia at any time in 1998?

16 A. I did not know that he was present at Mansofinia and I have  
17 never gone to Mansofinia.

18 Q. Very well. Mr Witness, on 12th June 2006 you told this  
19 Honourable Court that you were detained at Colonel Eddie Town.  
10:04:35 20 Do you remember?

21 A. Repeat again, sir.

22 Q. I said on 12th June 2006 you told this Honourable Court  
23 that you were detained at Colonel Eddie Town. Do you remember?

24 A. Yes.

10:04:54 25 Q. I will read a passage to you of what you said. I want to  
26 ask you questions in respect to the second accused.

27 A. Yes.

28 MR DANIELS: I will be reading from the transcript of the  
29 first accused of 12th June 2006 at page 60, starting from line

1 15.

2 PRESIDING JUDGE: Will the legal assistant print that page  
3 for us, please.

4 JUDGE SEBUTINDE: Mr Daniels, we had adopted a procedure  
10:05:59 5 whereby you provide these pages ahead of time. It does save  
6 time.

7 MR DANIELS: I am aware. I apologise. Sometimes there's  
8 so many pages.

9 PRESIDING JUDGE: Yes, Mr Daniels.

10:08:11 10 MR DANIELS: Reading from line 15.

11 "Q. Mr Brima, you told this Court earlier on this morning  
12 about your discovery and subsequent arrest in Yarya by  
13 Commander O-Five and his troops. You also have told this  
14 Court" --

10:08:30 15 PRESIDING JUDGE: Just a minute. We've got some problems  
16 here. What transcript are you reading from?

17 MR DANIELS: 12th June 2006.

18 PRESIDING JUDGE: Well, legal officer, we've got the rough  
19 draft here. Is there a final transcript?

10:08:58 20 MR AGHA: We have a copy, Your Honours. If we can pass you  
21 these and others are being printed out for us, if that would be  
22 helpful.

23 PRESIDING JUDGE: It would save some time. Thank you,  
24 Mr Agha. Yes, you can start again, please, Mr Daniels.

10:09:23 25 MR DANIELS: Yes, starting from line 15.

26 "Q. Mr Brima, you told this Court earlier on this morning  
27 about your discovery and subsequent arrest in Yarya by  
28 Commander O-Five and his troops. You also have told this  
29 Court about your journey to Colonel Eddie Town. You have

1 also told this Court about being detained, if I'm right,  
2 together with honourables. Mr Brima, could you please tell  
3 this Court who these honourables were that you were  
4 detained together with in Colonel Eddie Town?  
10:09:51 5 "A. Yes.  
6 "Q. Please do.  
7 "A. They detained me with Sergeant Ibrahim Kamara; WO-2,  
8 warrant officer class 2, Franklyn Conteh; Corporal Santi gie  
9 Kanu; Corporal Hassan Bangura; Abdul Sesay; Ibrahim Sesay;  
10:10:11 10 and George Adams.  
11 "Q. Mr Brima, did the honourables tell you anything?  
12 "A. Yes, while we were in detention they explained to me  
13 how they were taken to the place.  
14 "Q. What did they have to say in respect of that?  
10:10:32 15 "A. Sergeant Kamara told me that, he said he was in his  
16 village hiding. So the SLA troop that bears [as  
17 interpreted] in Colonel Eddie Town they were the ones that  
18 discovered him while they were on patrol. So this was the  
19 way he, Sergeant Kamara, explained to me."  
10:10:56 20 Mr Witness, do you remember making this statement in this  
21 Court?  
22 A. Yes.  
23 Q. Do you still stand by this version of events?  
24 A. Repeat your question, sir.  
10:11:16 25 Q. Do you still stand by your testimony?  
26 A. Yes.  
27 Q. Now, if you can, please tell us when exactly it was that  
28 you met with the second accused at Colonel Eddie Town?  
29 A. It was the time that I reached at Colonel Eddie Town with

1 Commander O-Five, which was in October of 1998.

2 Q. When you met him what was his condition? Was he a free  
3 man? What was his condition?

4 A. He was under arrest.

10:12:05 5 Q. Was he in handcuffs?

6 A. No, he was not handcuffed.

7 Q. Did you meet him alone?

8 A. No, I met him and some former honourables under arrest.

9 Q. Do you know why the second accused was under arrest in  
10:12:31 10 Colonel Eddie Town?

11 A. Well, I can talk more about myself but I cannot talk on  
12 behalf of the second accused because, from what SAJ Musa  
13 addressed us, he said we, the detained people, as I have told  
14 this Court, that was how I came to know why we were arrested.

10:12:53 15 Q. Thank you.

16 MR DANIELS: I will at this stage request for the first  
17 accused to be given a copy of the indictment.

18 PRESIDING JUDGE: Yes. Could the Court Attendant please  
19 hand the accused the Krio version.

10:13:52 20 MR DANIELS:

21 Q. Could you please turn to paragraph 19 of the indictment.

22 A. Yes.

23 Q. I will read it to you first.

24 "At all acts and omissions charged herein as crimes  
10:14:25 25 against humanity were committed as part of a widespread or  
26 systematic attack directed against the civilian population  
27 of Sierra Leone."

28 Do you understand this allegation?

29 A. Yes.

1 Q. It is alleged that you, together with the second accused,  
2 undertook by acts or omissions widespread systematic attacks  
3 directed at the civilian population of Sierra Leone. What to you  
4 say?

10:15:03 5 A. Well, I am telling this Court that the AFRC did not exist  
6 after February 1998. And I, that I am talking to this Court, I  
7 did not have any command, and the second accused did not have any  
8 command and control over any SLA troop. So if the person who  
9 alleged that we committed these crimes had asked us, maybe they  
10:15:49 10 wouldn't have charged us of this crime. All that you've read, as  
11 you have said that it's something that is alleged, it's a lie. I  
12 or the second accused had never had this kind of -- these  
13 positions of -- to command and control people.

14 Q. Why do you say so?

10:16:19 15 A. Because --

16 PRESIDING JUDGE: What was that question, Mr Daniels? I  
17 didn't hear it.

18 MR DANIELS: I said why; why is he saying so.

19 THE WITNESS: Because from when the Nigerian and their  
10:16:40 20 force overthrew the AFRC government, that was the end of the  
21 AFRC's life. All that had been operating by then, after February  
22 1998, it was purely SLA business. That is the republic of --  
23 that is Sierra Leone Army business. Nothing had been operating  
24 like AFRC.

10:17:18 25 MR DANIELS:

26 Q. Did you and other persons, or groups of persons, including  
27 the second accused, undertake widespread systematic attacks in  
28 Sierra Leone?

29 A. No.



1 Q. Did you and the second accused direct any attacks on the  
2 civilian population of Sierra Leone?

3 A. No.

4 Q. Can you please refer to paragraph 27 of the indictment:

10: 18: 37 5 "Between about mid-February 1998 and 30 April 1998, Brima  
6 Bazy Kamara was a commander of AFRC/RUF forces based in  
7 Kono District. In addition, Brima Bazy Kamara was a  
8 commander of AFRC/RUF forces which conducted armed  
9 operations throughout the north, eastern and central areas  
10: 19: 01 10 of the Republic of Sierra Leone, including, but not limited  
11 to, attacks on civilians in Koinadugu and Bombali Districts  
12 between about mid February 1998 and 31 December 1998."

13 THE INTERPRETER: Your Honours, can I learned counsel please  
14 read slowly for the interpretation.

10: 19: 28 15 MR DANIELS: Very well.

16 "Brima Bazy Kamara was a commander of AFRC/RUF forces  
17 which attacked Freetown on 6 January 1999."

18 Q. In relation to this specific allegation, I ask of you: Was  
19 the second accused a commander of AFRC forces at Kono between  
10: 20: 00 20 mid-February 1998 and May 1998?

21 A. I don't know. The time that I went to Kono I did not meet  
22 the second accused there. I did not have any information that he  
23 was a commander in Kono during that time that you've spoken  
24 about.

10: 20: 31 25 Q. Was the second accused a commander of RUF forces in Kono?

26 A. No.

27 Q. Why do you say so?

28 A. I never heard that the second accused went to Kono. And  
29 the second accused, he is not a rebel. He is a soldier. He has

1 an institution which he joined. He will never agree to be a  
2 rebel.

3 Q. Did the second accused, to your knowledge, command at any  
4 point in time RUF forces in Koinadugu and the Bombali Districts?

10:21:32 5 A. No. Just like I keep telling this Court, the second  
6 accused is not an RUF rebel. He is a soldier. And he will not  
7 command any RUF troop.

8 Q. Did the second accused command any SLA troops in Koinadugu  
9 or the Bombali Districts?

10:22:00 10 A. No, I have never heard that he commanded any SLA troop in  
11 those districts that you've called.

12 Q. Thank you. Please turn to paragraph 31 of your indictment.

13 "In their respective positions referred to above, Alex  
14 Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu,  
10:23:05 15 individually, or in concert with other, Johnny Paul Koroma  
16 AKA JPK, Foday Saybana Sankoh, Sam Bockarie AKA Mosquito  
17 AKA Maskita, Issa Hassan Sesay AKA Issa Sesay, Morris  
18 Kallon AKA Bilai Karim, Augustine Gbao AKA Augustine Gbao  
19 and/or other superiors in the AFRC junta and the AFRC [sic]  
10:23:41 20 forces, exercised authority, command and control over all  
21 subordinate members of the AFRC junta and AFRC/RUF forces."  
22 Did you hear what I just read to you?

23 A. Yes.

24 Q. Did you understand it?

10:24:07 25 A. Yes.

26 Q. It is alleged that you, together with the second accused  
27 and other persons, were acting in concert with the RUF, including  
28 Foday Sankoh, Sam Bockarie, Issa Sesay, Morris Kallon and  
29 Augustine Gbao to exercise command and control over all AFRC

1 forces, all AFRC and RUF subordinates, during mid-February of the  
2 year 2000. What do you say to this?  
3 A. The date that you called, February 2000, I was --  
4 Q. Excuse me, what I mean is, up to the year 2000. That is  
10:24:57 5 the year of the indictment. What is your reaction?  
6 A. I will ask you to read this same paragraph that you've  
7 read.  
8 Q. Are you looking at it?  
9 A. Yes, sir.  
10:25:17 10 Q. "In their respective positions referred to above, Alex  
11 Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu,  
12 individually, or in concert with each other, Johnny Paul  
13 Koroma AKA JPK, Foday Saybana Sankoh, Sam Bockarie AKA  
14 Mosquito, AKA Maskita, Issa Hassan Sesay AKA Issa Sesay,  
10:25:50 15 Morris Kallon AKA Bilal Karim, Augustine Gbao AKA Augustine  
16 Gbao and/or other superiors in the AFRC junta and AFRC/RUF  
17 forces, exercised authority, command and control over all  
18 subordinate members of the AFRC junta and the AFRC/RUF  
19 forces."  
10:26:16 20 Mr Brima, this allegation is in respect of the time  
21 to do with the indictment, so it's up to the year 2000. Any time  
22 from 1996 to the year 2000. What is your reaction to these  
23 allegations.  
24 A. The AFRC did not have a force or forces that was fighting  
10:26:42 25 for it, and I bring it to this Court that presently now in Sierra  
26 Leone we have the Republic of Sierra Leone Armed Forces, not the  
27 SLPP army. I had joined this army when APC was in power. They  
28 did not call us APC or All People's Congress Army. When the NPRC  
29 came into power, the National Provisional Ruling Council, they

1 did not call me, me or my colleague soldiers who were in the army  
2 as National Provisional Council Ruling Army. When the SLPP came  
3 to power, they did not call it the SLPP army. When the AFRC came  
4 to power --

10:27:28 5 Q. Mr Witness, please could speak a bit slowly because the  
6 interpreter has to do his job?

7 A. Okay, sir. Just as I had said, the APC was in power when I  
8 joined the army, did not call me All People's Congress Army.  
9 After that the SLPP, the NPRC came to power. They did not call  
10:27:52 10 me and my the public --

11 THE INTERPRETER: Your Honours, would the witness go a  
12 little bit slower so as to enable the interpreter to catch up  
13 with him.

14 MR DANIELS:

10:28:00 15 Q. Mr Witness, I caution you a second time. Please go a bit  
16 slowly so the interpreter can catch up with you. I'm just asking  
17 for your reaction to what I just read to you. Did you commit the  
18 allegations as stated in the indictment? Just let us know.

19 A. As it is mentioned in the indictment, I did not commit  
10:28:31 20 these allegations but -- as they mentioned in this indictment.

21 Q. Did the second accused to your knowledge, or in concert  
22 with any other persons, exercise command and control over AFRC  
23 forces? Just give me your answer, please.

24 A. I will give you my answer, but I am still telling this  
10:29:02 25 Court that the AFRC did not have fighters and the second accused  
26 was --

27 PRESIDING JUDGE: Mr Brima, counsel has asked you a  
28 question. Will you please just confine yourself to answering the  
29 question. Do you want to repeat that question, Mr Daniels?

1 MR DANIELS:

2 Q. Please listen to the question. Did the second accused to  
3 your knowledge, or in concert with anyone, exercise control and  
4 command over AFRC, SLA and RUF forces?

10: 29: 39 5 A. No.

6 Q. Why do you say so, and please keep it precise.

7 A. The AFRC did not have fighters, and the second accused was  
8 not an RUF, he was an SLA soldier, and he did not have a command  
9 and control over the names that you've mentioned, those fighters.

10: 30: 17 10 Q. We shall move on, respectfully, to paragraph 32 of the  
11 indictment. Mr Witness, it is alleged at paragraph 32 of this  
12 indictment that:

13 "Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor  
14 Kanu, through their association with the RUF, acted in  
10: 30: 53 15 concert with Charles Ghankay Taylor aka Charles Macarthur  
16 Dapkpanna Taylor. "

17 Did you hear what I just read to you?

18 A. Yes.

19 Q. Did you understand it?

10: 31: 14 20 A. Yes.

21 Q. Now it is alleged that yourself, the second accused and  
22 other persons acted in concert with Mr Charles Taylor, the former  
23 President of Liberia, to commit the crimes alleged in this  
24 indictment. What do you say?

10: 31: 45 25 A. I, Tamba Brima, Bazzy Kamara and Santigie Kanu never joined  
26 the former President of Liberia to cause problem here in Sierra  
27 Leone and all this statement, or this paragraph that you've read  
28 to me, what is said, everything is a lie.

29 Q. Mr Witness, did the second accused, to your knowledge, act

1 in concert with Mr Charles Taylor at any point in time to commit  
2 any crime? Please answer.

3 A. No.

4 Q. Why do you say so?

10:32:34 5 A. Well, the second accused was a member of the AFRC, the  
6 Armed Forces Revolutionary Council. And the Armed Forces  
7 Revolutionary Council, that and the present government in 1997 in  
8 Liberia does not have any good relationship because in Liberia --  
9 it was in Liberia the Nigerian invasion forces --

10:33:23 10 THE INTERPRETER: Your Honour, could the witness go back.

11 JUDGE SEBUTINDE: Mr Brima, could you go slowly and could  
12 you please repeat your answer for the interpreter to interpret  
13 for us. We didn't hear. Please repeat your answer, slowly.

14 THE WITNESS: Yes, My Lord. Can I get the question again,  
10:33:48 15 sir?

16 MR DANIELS:

17 Q. I asked of you: Did the second accused, to your knowledge,  
18 act in concert with Mr Charles Taylor at any point in time to  
19 commit any crime within the territory of Sierra Leone?

10:34:16 20 PRESIDING JUDGE: Mr Brima, before you answer, that's a  
21 very simple question and it calls for a very simple answer. Just  
22 please answer what you've been asked and don't volunteer any  
23 information that has not been requested of you.

24 THE WITNESS: Yes, My Lord. No, the second accused never  
10:34:45 25 act together with the former President of Liberia.

26 MR DANIELS:

27 Q. My next question is: Why do you say so, and please be  
28 precise?

29 A. The second accused was a member of the AFRC and the AFRC

1 government never had any good relationship with the Government of  
2 Liberia by then, which was headed by former President Charles  
3 Taylor.

4 Q. Thank you. I will ask you now to refer to paragraph 33 of  
10: 35: 33 5 the indictment. I will read it to you.

6 "The AFRC, including Alex Tamba Brima, Brima Bazzy Kamara  
7 and Santigie Borbor Kanu, and the RUF, including Issa  
8 Hassan Sesay, Morris Kallon and Augustine Gbao, shared a  
9 common plan, purpose or design (joint criminal enterprise)  
10: 36: 05 10 which was to take any actions necessary to gain political  
11 power and control over the territory of Sierra Leone, in  
12 particular the diamond mining areas. The natural resources  
13 of Sierra Leone, in particular the diamonds, were to be  
14 provided to persons outside Sierra Leone in return for  
10: 36: 24 15 assistance in carrying out the joint criminal enterprise."

16 Mr Witness, it is alleged that yourself and the second  
17 accused and other persons of the RUF including Issa Sesay, Morris  
18 Kallon and Augustine Gbao shared a common plan, purpose and  
19 design, otherwise called a joint criminal enterprise, to gain and  
10: 36: 51 20 exercise control and power over Sierra Leone. What do you say?

21 A. It is a lie. I and the second accused never had any joint  
22 criminal enterprise to work with the people whom you've called.

23 Q. Mr Witness, did you and the second accused ever act -- or  
24 did you exercise control over diamond mining areas within the  
10: 37: 37 25 territory of Sierra Leone?

26 A. No.

27 Q. We shall move on to paragraph 34 of the indictment.

28 "The joint criminal enterprise included gaining and  
29 exercising control over the population of Sierra Leone in

1 order to prevent or minimise resistance to their geographic  
2 control, and to use members of the population to provide  
3 support to the members of the joint criminal enterprise.  
4 The crimes alleged in this indictment, including unlawful  
10: 38: 17 5 killings, abductions, forced labour, physical and sexual  
6 violence, use of child soldiers, looting and burning of  
7 civilian structures, were either actions within the joint  
8 criminal enterprise or were a reasonably foreseeable  
9 consequence of the joint criminal enterprise."

10: 38: 41 10 Did you hear and understand what I just read to you?

11 A. Yes.

12 Q. Mr Tamba Brima, it is alleged in the said indictment that  
13 yourself and the second accused were engaged with persons  
14 including RUF members in a joint criminal enterprise to commit  
10: 39: 02 15 unlawful killings, abductions, forced labour, physical and sexual  
16 violence, use of child soldiers and looting and burning of  
17 civilian property. What do you say to this?

18 A. It is a lie. I never joined those type of organisations.  
19 The whole paragraph that you've read to me, everything is a lie  
10: 39: 36 20 they are saying against me and the people alleged in this  
21 paragraph.

22 Q. To your knowledge, was the second accused involved in any  
23 joint criminal enterprise with anyone, including yourself, to  
24 commit the crimes?

10: 40: 01 25 A. No.

26 Q. Why do you say so?

27 A. Because I and the second accused never joined -- or the  
28 second accused never joined any organisation to whom you called  
29 me and where I also involved to commit these type of crimes.



1 Q. We shall now go to the paragraph 35 of the indictment.

2 PRESIDING JUDGE: Thanks, Mr Daniels. I think it's time  
3 for our usual morning break. We will adjourn the Court until 11  
4 o'clock.

10:41:07 5 [Break taken at 10.43 a.m.]

6 [AFRC22JUN06B - RK]

7 [Upon resuming at 11.07 a.m.]

8 MR DANIELS: Your Honours, I was about to refer to  
9 paragraph 35 of the indictment.

11:04:10 10 Q. Mr Witness, can you please refer to paragraph 35 of your  
11 indictment. I will read.

12 "At that point Alex Tamba Brima, Brima Bazzy Kamara and  
13 Santigie Borbor Kanu, by their acts or omission, are  
14 individually criminally responsible pursuant to Article 6.1  
11:04:37 15 of the Statute for the crimes referred to in Articles 2, 3  
16 and 4 of the Statute as alleged in this indictment, which  
17 crimes each of them planned, instigated, ordered, committed  
18 or in whose planning, preparation or execution each accused  
19 otherwise aided and abetted, or which crimes were within a  
11:05:04 20 joint criminal enterprise in which each accused  
21 participated or were a reasonable foreseeable consequence  
22 of the joint criminal enterprise in which each accused  
23 participated."

24 Q. Did you hear and understand what I read to you?

11:05:25 25 A. Yes.

26 Q. Mr Witness, it is alleged in paragraph --

27 PRESIDING JUDGE: Do you have to explain it to him,  
28 Mr Daniels? He said he just understood what you read to him.  
29 Madam Court Attendant, you said you were going to do

1 something to this microphone and, whatever you have done, my  
2 colleagues cannot hear what I'm saying.

3 MS EDMONDS: I will check with AV, sir. It has only just  
4 been moved, I didn't disconnect anything. I will check. Thank  
11:06:18 5 you.

6 PRESIDING JUDGE: All right. Thank you, Madam Court  
7 Attendant. No need to check with AV. Whatever the glitch was,  
8 it has disappeared. Thank you, Madam Court Attendant.

9 What I was saying is, you have just read the passage to  
11:06:39 10 him, he has got it in front of him, so is it necessary to then  
11 paraphrase it for him again. He said he understood what you  
12 read.

13 JUDGE DOHERTY: Mr Daniels, please put on your microphone.

14 MR DANIELS: I have done so.

11:07:09 15 Q. What do you say to the allegation I have just read to you?

16 A. What you've read to me it does not -- it did not happen  
17 like that and what you've read is lies.

18 Q. Why do you say so?

19 A. Because I did not join the second accused and third accused  
11:07:42 20 to do the type of thing that you read to me.

21 Q. To the best of your knowledge, was the second accused  
22 involved in any criminal enterprise with yourself, the third  
23 accused or any person to plan, instigate, order, commit, aid or  
24 abet the crimes alleged in the indictment?

11:08:12 25 A. The second accused did not get involved with me to commit  
26 any crime or this crime that you have read here. He did not join  
27 me and I did not join him to commit these types of crimes.

28 Q. Thank you.

29 MR DANIELS: I'm moving on to paragraph 36 of the

1 indictment.

2 "In addition, or alternatively, pursuant to Article 6.3 of  
3 the Statute, Alex Tamba Brima, Brima Bazzy Kamara and  
4 Santigie Borbor Kanu, while holding positions of superior  
11:09:06 5 responsibility and exercising effective control over their  
6 subordinates, are each individually criminally responsible  
7 for the crimes referred to in Articles 2, 3 and 4 of the  
8 Statute. Each Accused is responsible for the criminal acts  
9 of his subordinates in that he knew or had reason to know  
11:09:26 10 that the subordinate was about to commit such acts or had  
11 done so and each Accused failed to take the necessary and  
12 reasonable measures to prevent such acts or to punish the  
13 perpetrators thereof."

14 Q. Mr Witness, did you hear and understand what I just read to  
11:09:45 15 you.

16 A. Yes.

17 Q. What is your reaction? What do you say to this allegation?

18 A. I was not in a position for this type of responsibility  
19 that you have read. The two people that you called, the second  
11:10:21 20 accused and third accused, they too were not in any position to  
21 do the type of things which you have told me right now in this  
22 Court. So all that you have read in this statement is not true.

23 Q. To the best of your knowledge, did the second accused hold  
24 any position of superior responsibility in the AFRC, RUF or SLA?

11:11:15 25 A. Repeat that question.

26 Q. To the best of your knowledge, did the second accused hold  
27 any position of superior responsibility in the AFRC, RUF or SLA?

28 A. The second accused only had a position which was PLO 2 but  
29 he was not in position to commit this crime that you have

1       alleged - he and I.

2       Q.     Did the second accused have any subordinates under his  
3       command and control after the AFRC period?

4       A.     Well, all I knew was that the second accused was the PLO 3.

11:12:31 5       Q.     Did the second accused have any subordinates under his  
6       command and control after the AFRC period?

7       A.     No. I don't know that area if he was having people under  
8       him.

9       Q.     Did the second accused exercise any control over all  
11:13:02 10       persons referred to as his subordinates during the AFRC period?

11       A.     Repeat that question.

12       Q.     Did the second accused exercise any control at all over  
13       persons referred to as his subordinates during the AFRC period?

14       A.     Well, I don't know.

11:13:38 15       Q.     Did the second accused command and control anyone to commit  
16       the alleged crimes in the indictment during and after the AFRC  
17       period?

18       A.     Well, I don't know if the second accused had people or was  
19       in command and control of people who did those things.

11:14:18 20       Q.     Please turn now to paragraph 39.

21                "These attacks were carried out primarily to terrorize the  
22       civilian population, but also were used to punish the  
23       population for failing to provide sufficient support to  
24       AFRC/RUF, or for allegedly providing support to the Kabbah

11:15:03 25       government or to pro-government forces. The attacks  
26       included unlawful killings, physical and sexual violence  
27       against civilian men, women and children, abductions and  
28       looting and destruction of civilian property. Many  
29       civilians saw these crimes committed; others returned to

1 their homes or places of refuge to find the results of  
2 these crimes - dead bodies, mutilated victims and looted  
3 and burnt property."

4 What do you say to this?

11:15:41 5 A. I did not see these type of things.

6 Q. Did the second accused ever terrorise the civilian  
7 population of Sierra Leone?

8 A. Well, I do not know, but from the time I saw the second  
9 accused, he did not have any -- he was not in position to do any  
11:16:10 10 of these types of things to people.

11 Q. Please turn to paragraph 40 of your indictment.

12 "As part of the campaign of terror and punishment, the  
13 AFRC/RUF routinely captured and abducted members of  
14 civilian population. Captured women and girls were raped;  
11:17:11 15 many of them were abducted and used as sex slaves and as  
16 forced labour. Some of these women and girls were held  
17 captive for years. Men and boys who were abducted were  
18 also used as forced labour; some of them were also held  
19 captive for years. Many abducted boys and girls were given  
11:17:35 20 combat training and used in active fighting. AFRC/RUF also  
21 physically mutilated men, women and children, including  
22 amputating their hands or feet and carving 'AFRC' and 'RUF'  
23 on their bodies."

24 What do you say to this?

11:18:01 25 A. Well, this, I don't know if they carved or did these funny  
26 things to people.

27 Q. Did the second accused, to the best of your knowledge,  
28 capture and abduct members of the civilian population of Sierra  
29 Leone?

1 A. I do not know.

2 Q. Did the second accused ever order anyone to capture and  
3 abduct members of the civilian population of Sierra Leone?

4 A. From when the AFRC overthrew, when they overthrew the AFRC  
11:18:53 5 until the time I saw the second accused, I did not see him to do  
6 these things, to carve or mark people according to what this  
7 paragraph says.

8 Q. Did the second accused ever order anyone to capture and  
9 abduct members of the civilian population, including women and  
11:19:22 10 children?

11 A. Well, from the time when I met with the second accused in  
12 October 1998, I never heard him give these orders and he was not  
13 in a position to order.

14 JUDGE SEBUTINDE: Mr Daniels, really, I hate to interrupt,  
11:19:46 15 but I think we need to point something out here in the interest  
16 of expedition. This witness, Mr Brima, has not testified that he  
17 was at all times relevant to the indictment physically with  
18 accused number 2 full-time, 24 hours a day, for all those years.  
19 But the questions you are now asking him will presume that he can  
11:20:19 20 account for the actions of accused number 2 at all times relevant  
21 to the indictment. You are asking him these general questions  
22 revolving around the time relevant to the indictment, which is  
23 over a span of four years, and you are asking him if your client  
24 committed these things during the four years, which would presume  
11:20:38 25 that he was there and would vouch. I am personally wondering  
26 what the value of these answers is in helping us go forward in  
27 this case, these general questions that you are asking.

28 MR DANIELS: Well, respectfully, the first and second  
29 accused have been charged together. They have been charged, so

1 in a sense they are co-accused. So we just want to know from him  
2 whether or not he has any knowledge of the second accused  
3 committing the offences as alleged. As a matter of formality, I  
4 am only just going through the indictment out of the avoidance  
11:21:20 5 of -- it is not our allegation that they acted together. That is  
6 the allegation of the Prosecution. I am at the tail end anyway.  
7 Q. Mr Brima, to the best of your knowledge, did the second  
8 accused omit to punish or take punitive action against anyone for  
9 committing the offences alleged in the indictment; do you know?  
11:22:06 10 A. From what I knew, I did not hear that the second accused  
11 did these type of things or committed these type of things that  
12 you've read to me.  
13 Q. Did the second accused ever assist you to commit any crimes  
14 at all within the period of the indictment?  
11:22:29 15 A. No. What the indictment said, the second accused did not  
16 help me and I did not help him to commit these type of things  
17 that you have mentioned.  
18 Q. Was the second accused ever at any point in time second in  
19 command to you?  
11:22:56 20 A. No. He was never a second in command to me.  
21 Q. Was the second accused second in command to you under the  
22 AFRC period?  
23 A. Say that question again.  
24 Q. Was the second accused ever second in command to you under  
11:23:28 25 the AFRC period?  
26 A. During the AFRC regime, the second accused was the PLO 3  
27 and I was the PLO 2.  
28 MR DANIELS: Your Honours, that concludes the generals of  
29 the indictment. I shall now move on to the specifics of the

1 indictment.

2 Q. Mr Witness, will you please turn to page 10 of the  
3 indictment, Registry number 6248.

4 A. Yes.

11:25:05 5 Q. Paragraph 43.

6 "Bo District. Between about 1 June 1997 and 30 June 1997,  
7 AFRC/RUF attacked Tinkonko, Telu, Sembehun, Gerihun and  
8 Mamboma, unlawfully killing an unknown number of  
9 civilians."

11:25:42 10 Did you hear and understand what I just read to you?

11 A. Yes.

12 Q. Did you act together with the second accused to unlawfully  
13 kill anyone within the Bo District?

14 A. No.

11:26:00 15 Q. Did you act together with the second accused to unlawfully  
16 kill anyone in Telu, Sembehun, Gerihun and Mamboma?

17 A. No.

18 Q. Please turn to paragraph 75 of the indictment.

19 "Between 1 June 1997 and 30 June 1997, AFRC/RUF forces  
11:27:14 20 looted and burned an unknown number of civilian houses in  
21 Telu, Sembehun, Mamboma and Tinkonko."

22 Did you hear and understand what I read to you?

23 A. Yes.

24 Q. Did you, together with the second accused, commit any of  
11:27:41 25 the crimes referred to in paragraph 75 of the indictment just  
26 read to you?

27 A. No.

28 Q. To the best of your knowledge, did the second accused  
29 commit any of the crimes referred to in paragraph 75 of the



1 indictment just read to you?

2 A. No.

3 Q. Please turn to paragraph 44 of the indictment.

4 "About mid February 1998, AFRC/RUF fleeing from Freetown  
11:28:53 5 arrived in Kono District. Between about 14 February 1998  
6 and 30 June 1998" --  
7 I beg your pardon. I was reading 45. I beg your pardon.  
8 44, please.

9 A. Is it page 44 or paragraph 44?

11:29:10 10 Q. Paragraph 44.

11 A. Yes, sir.

12 Q. You've got it in front of you?

13 A. Yes.

14 Q. "Between about 25 May 1997 and about 19 February 1998, in  
11:29:24 15 locations including Kenema town, members of AFRC/RUF  
16 unlawfully killed an unknown number of civilians."  
17 Did you understand what I read to you?

18 A. Yes.

19 Q. Did you and the second accused at any time unlawfully kill  
11:29:49 20 an unknown number of civilians in the Kenema District?

21 A. No.

22 Q. Did you ever know of the second accused unlawfully killing  
23 an unknown number of civilians in the Kenema District between May  
24 1997 and February 1998?

11:30:10 25 A. I did not know about that.

26 Q. Please turn to paragraph 60. It is alleged in the  
27 indictment at paragraph 60:  
28 "Between May 1997 and 19 February 1998 in locations in  
29 Kenema District, including Kenema town, members of the

1 AFRC/RUF carried out beatings and ill-treatment of a number  
2 of civilians who were in custody."

3 Did you hear what I just read to you?

4 A. Yes.

11:31:16 5 Q. Did you and the second accused at any time carry out any  
6 beatings and ill-treatment within the Kenema District?

7 A. No, I did not do any type of things like that with the  
8 second accused in Kenema District.

9 Q. If you know, did the second accused on his own ever carry  
11:31:51 10 out beatings and ill-treatment of civilians who were in custody  
11 in Kenema?

12 A. No. He did not beat civilians who were in custody in  
13 Kenema.

14 Q. Why do you say so?

11:32:14 15 A. The second accused, from what I knew, never went to Kenema  
16 during the AFRC period and the time frame that you read, the  
17 second accused never went to Kenema.

18 Q. Please turn to paragraph 67 of your indictment. It is  
19 alleged that:

11:33:00 20 "Between about 1 August 1997 and 31 January 1998, AFRC/RUF  
21 forced an unknown number of civilians living in the  
22 District to mine for diamonds at Cyborg Pit in Tongo  
23 Field."

24 Mr Witness, did you and the second accused force an unknown  
11:33:28 25 number of civilians to mine for diamonds at the Cyborg Pit in  
26 Tongo Field?

27 A. No. I never forced people to mine for diamonds, and I had  
28 never joined the second accused to mine for diamonds in Tongo  
29 during the period that you have spoken about.

1 Q. To the best of your recollection, did the second accused  
2 force an unknown number of civilians to mine for diamonds at  
3 Cyborg Pit in Tongo Field?

4 A. I don't know about that, that the second accused forced  
11:34:21 5 people.

6 Q. Thank you very much. Kindly turn to paragraph 45 of your  
7 indictment. Have you found it?

8 A. Yes.

9 Q. It is to do with the Kono District, paragraph 45.  
11:35:15 10 "About mid February 1998, AFRC/RUF fleeing from Freetown  
11 arrived in Kono District. Between about 14 February 1998  
12 to 30 June 1998" --

13 THE INTERPRETER: Your Honours, can I learned counsel please  
14 read slowly for the interpretation.

11:35:32 15 MR DANIELS: I will start again.

16 "About mid February 1998, AFRC/RUF fleeing from Freetown  
17 arrived in Kono District. Between about 14 February 1998  
18 and 30 June 1998, members of AFRC/RUF unlawfully killed  
19 several hundred civilians in various locations in Kono  
11:36:03 20 District, including Koi du, Tombodu, Foi ndu, Will feh,  
21 Mortema and Bi aya."

22 Did you and the second accused commit any of the offences I  
23 have just referred to within the period referred to in the  
24 indictment?

11:36:43 25 A. No.

26 Q. To the best of your recollection, did the second accused  
27 commit any of the allegations referred to in the paragraph just  
28 read to you?

29 A. I do not know.

1 Q. Please turn to paragraph 52 of your indictment. Are you  
2 there?

3 A. Yes.

4 Q. "Between about 14 February 1998 and 30 June 1998, members  
11:37:51 5 of the AFRC/RUF raped hundreds of women and girls at  
6 various locations throughout the District, including Koidu,  
7 Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu),  
8 Tomendeh, Fokoiya, Wonedu and AFRC/RUF camps such as  
9 'Superman camp' and Kissi-town (or Kissi Town) camp. An  
11:38:24 10 unknown number of women and girls were abducted from  
11 various locations within the District and used as sex  
12 slaves and/or forced into 'marriages' and/or subjected to  
13 other forms of sexual violence. The 'wives' were forced to  
14 perform a number of conjugal duties under coercion by their  
11:38:46 15 'husbands'."

16 Did you hear and understand what I just read to you?

17 A. Yes.

18 Q. Did you and the second accused commit any of the  
19 allegations that I just read to you?

11:39:16 20 A. No.

21 Q. Did the second accused commit any of the allegations I just  
22 read to you, to the best of your knowledge?

23 A. I don't know.

24 Q. Please turn to paragraph 59. Are you ready?

11:39:54 25 A. Yes.

26 Q. "Between 14 February 1998 and 30 June 1998, AFRC/RUF  
27 mutilated an unknown number of civilians in various  
28 locations in the District, including Tombodu, Kaima, and  
29 Wonedu. The mutilations included cutting off limbs and

1 carving 'AFRC' and 'RUF' on the bodies of the civilians."

2 Mr Witness, did you hear and understand what I just read to  
3 you?

4 A. Yes.

11:40:41 5 Q. Did you and the second accused commit any of the crimes  
6 just read to you in paragraph 59?

7 A. No.

8 Q. To the best of your recollection, did the second accused  
9 commit any of the crimes just referred to in paragraph 59?

11:41:06 10 A. I do not know.

11 Q. When you say you don't know, what do you mean?

12 A. I don't know whether the second accused committed these  
13 second crimes, because the time frame that you have read in this  
14 indictment, I was not in Kono, which you are referring to.

11:41:50 15 Q. Would you then please refer to paragraph 68. Are you  
16 ready?

17 A. Yes.

18 MR DANIELS: Respectfully, I think given his answers to the  
19 general allegation and specific allegations so far, we shall move  
11:43:02 20 on to the Kailahun District.

21 Q. So if you could please refer to paragraph 46 of your  
22 indictment, for expediency's sake.

23 "Between about 14 February 1998 and 30 June 1998, in  
24 locations including Kailahun town, members of the AFRC/RUF  
11:43:44 25 unlawfully killed an unknown number of civilians."

26 Did you hear and understand what I just read to you?

27 A. You should repeat the paragraph.

28 Q. "Between about 14 February 1998 and 30 June 1998, in  
29 locations including Kailahun town, members of the AFRC/RUF

1 unlawfully killed an unknown number of civilians."

2 Did you hear and understand?

3 A. It is the paragraph that I want to know. I don't know the  
4 paragraph.

11:44:30 5 Q. 46.

6 A. Yes, I have seen it.

7 Q. Did you and the second accused unlawfully kill an unknown  
8 number of civilians in Kailahun Town?

9 A. No.

11:44:56 10 Q. Did the second accused, if you know, commit any unlawful  
11 killings within the Kailahun District between 14 February 1998  
12 and 30 June 1998?

13 A. No, he did not. The second accused did not commit any kind  
14 of crimes and the second accused did not go to Kailahun within  
11:45:15 15 the time frame that you have spoken about.

16 Q. So your answer is no?

17 A. Yes.

18 Q. Thank you. If you could please turn to paragraph 55 of  
19 your indictment. Are you there?

11:45:53 20 A. Yes.

21 Q. "At all times relevant to this indictment, an unknown  
22 number of women and girls in various locations in the  
23 District were subjected to sexual violence."  
24 The district it refers to is Kailahun District.

11:46:11 25 "Many of these victims were captured in other areas of the  
26 Republic of Sierra Leone, brought to AFRC/RUF camps in the  
27 District, and used as sex slaves and/or forced into  
28 'marriages' and/or subjected to other forms of sexual  
29 violence. The 'wives' were forced to perform a number of

1 conjugal duties under coercion by their 'husbands'."

2 Did you hear and understand what I just read to you?

3 A. Yes.

4 Q. Did you and the second accused commit any of the crimes I  
11:46:52 5 have just read out to you in paragraph 55?

6 A. No, I and the second accused did not commit these sort of  
7 crimes.

8 Q. Did the second accused, if you know, commit any of the  
9 crimes I have just read to you in paragraph 55?

11:47:13 10 A. I do not know if he committed these type of crimes.

11 Q. What do you mean by you don't know?

12 A. Well, the crime that is alleged that you have read in this  
13 paragraph, which the paragraph alleges that the second accused  
14 committed, I and the second accused did not commit these crimes  
11:47:42 15 and I did not commit that crime. And the second accused, I don't  
16 know if he committed these sort of crimes.

17 Q. But you just told this Court that the second accused did  
18 not come to Kailahun District. Do you still stand by your  
19 earlier statement?

11:48:11 20 A. It is really good that you asked me, because I have said  
21 that the second accused did not go to Kailahun and I am going to  
22 still tell this Court that the second accused -- see, about the  
23 district that you talked about, he was not there with me and he  
24 did not join me to commit these sort of crimes. And I and he did  
11:48:31 25 not commit these crimes in that district.

26 Q. Thank you. If you could please turn to paragraph 71. Are  
27 you ready?

28 A. Yes.

29 Q. This is also to do with the Kailahun District.

1 "At all times relevant to this indictment, captured  
2 civilian men, women and children were brought to various  
3 locations within the District and used as forced labour."

4 Did you and the second accused commit the offence just  
11:49:40 5 referred to in paragraph 71?

6 A. No.

7 Q. Did the second accused ever commit the offence referred to  
8 in paragraph 71?

9 A. No, the second accused did not go to the Kailahun District  
11:50:05 10 that you are referring to.

11 Q. Thank you. Please refer to paragraph 54 of your  
12 indictment?

13 "Between about 1 May 1998 and 31 November 1998, members of  
14 the AFRC/RUF raped an unknown number of women and girls in  
11:50:59 15 locations in Bombali District, including Mandaha and Rosos  
16 (or Rosors Rossos}. In addition, an unknown number of  
17 abducted women and girls were used as sex slaves and/or  
18 forced into 'marriages' and/or subjected to other forms of  
19 sexual violence. The 'wives' were forced to perform a  
11:51:19 20 number of conjugal duties under coercion by their  
21 'husbands'."

22 Mr Witness, did you, and the second accused commit any of  
23 the crimes just referred to in paragraph 54 of the indictment?

24 A. No, I and the second accused did not commit these sorts of  
11:51:43 25 crimes.

26 Q. Mr Witness, did the second accused, if you know, on his  
27 own, commit any of the crimes just referred to in paragraph 54 of  
28 the indictment?

29 A. No, I do not know, and I have not heard that the second



1 accused committed these sort of crimes.

2 Q. When you say you do not know, what do you mean?

3 A. Nobody had ever told me that the second accused committed  
4 these sort of crimes. That is why I keep saying that I have not  
11:52:26 5 heard and I do not know whether the second accused committed  
6 these sort of crimes. Because nobody told me that the second  
7 accused committed these sort of crimes in the places that you  
8 called.

9 Q. Please turn to paragraph 62 of your indictment.

11:53:00 10 "Between about 1 May 1998 and 31 November 1998, members of  
11 AFRC/RUF mutilated an unknown number of civilians in the  
12 various locations in Bombali."

13 Did you hear me and understand what I just read to you?

14 PRESIDING JUDGE: I think you should read the whole  
11:53:28 15 paragraph.

16 MR DANIELS: I beg your pardon. I will start again.

17 "Between about 1 May 1998 and 31 November 1998, members of  
18 the AFRC/RUF mutilated an unknown number of civilians in  
19 various locations in Bombali District, including Lohondi,  
11:53:59 20 Malama, Mamaka, Rosos (or Rossos or Rosors). The  
21 mutilations included cutting off limbs."

22 Q. Did you hear and understand what I just read to you?

23 A. Yes.

24 Q. Did you and the second accused commit any of the crimes  
11:54:31 25 just referred to in paragraph 62 of the indictment?

26 A. No, I and the second accused did not commit these sort of  
27 crimes that you read from the paragraph in this district.

28 Q. To the best of your knowledge, did the second accused  
29 commit any of the crimes I have just referred to in paragraph 62

1 of the indictment?

2 A. I don't know if he committed these sort of crimes. From  
3 within the time frame that you read of the indictment, I did not  
4 hear that from anybody, and nobody came to tell me that the  
11:55:20 5 second accused committed these sort of crimes.

6 Q. Thank you. Mr Witness, can you please turn to paragraph 70  
7 of your indictment. It is alleged in paragraph 70 that:

8 "Between 1 May 1998 and 31 November 1998, in Bombali  
9 District, members of the AFRC/RUF abducted an unknown  
11:56:11 10 number of civilians and used them as forced labour."

11 Did you hear and understand was just read to you?

12 A. Yes.

13 Q. Did you and the second accused commit any of the crimes I  
14 have just read out to you in paragraph 70 of the indictment?

11:56:38 15 A. No. I and the second accused did not commit these sorts of  
16 crimes that you have read in this indictment in the Bombali  
17 District.

18 Q. If you know, did the second accused on his own commit any  
19 of the crimes referred to in the indictment, paragraph 70?

11:57:03 20 A. I don't know if he committed these sort of crimes that you  
21 read in this paragraph.

22 Q. What do you mean by you don't know?

23 JUDGE SEBUTINDE: Mr Daniels, really, when a witness says  
24 they don't know that so and so committed, it's as plain as it can  
11:57:28 25 get. I do not know what else you are eliciting. The answer is  
26 very clear. The witness says he doesn't know.

27 MR DANIELS: Very well. At least an inference can be  
28 drawn. This is the point we have been trying to get at. Out of  
29 an abundance of caution, I just want him to say expressly. That

1 is the only reason.

2 JUDGE SEBUTINDE: You want him to explain why he doesn't  
3 know the answer to your question?

4 MR DANIELS: Not why he doesn't know, why he says he  
11:57:53 5 doesn't know, because previously he had --

6 JUDGE SEBUTINDE: And I'm saying it's plain when a person  
7 says they don't know, it is not within their knowledge.  
8 Ordinarily, that is what it means.

9 MR DANIELS: Very well. I will carry on.

11:58:10 10 Q. Please turn to paragraph 78 of your indictment. Are you  
11 there?

12 A. Yes.

13 Q. "Between about 1 March 1998 and 31 November 1998, AFRC/RUF  
14 forces burnt an unknown number of civilian buildings in  
11:58:59 15 locations in Bombali District such as Karina and Mateboi."

16 Mr Witness, did you and the second accused ever commit any  
17 of the crimes referred to in paragraph 78 of the indictment?

18 A. No. I and the second accused have never committed these  
19 crimes from what you have read from the indictment in these  
11:59:28 20 places, places whose names you have called.

21 Q. Did the second accused, if you know, commit any crimes  
22 referred to in paragraph 78 of the indictment?

23 A. No, I don't know, because I wasn't there during the time  
24 frame that you spoke about. I was not in Bombali and nobody had  
11:59:56 25 ever told me, and I'd never heard from anybody that the second  
26 accused committed these crimes in the place that you called.

27 Q. Thank you very much. Would you please turn to paragraph 49  
28 of your indictment. Are you there?

29 A. Yes.

1 Q. It is alleged at paragraph 49 of the indictment that:  
2 "Between 6 January 1999 and 28 February 1999, AFRC/RUF  
3 conducted armed attacks throughout the city of Freetown and  
4 the Western Area. These attacks included large scale  
12:01:23 5 unlawful killings of men, women and children at locations  
6 throughout the city and the Western Area, including Kissy,  
7 Wellington and Calaba Town."

8 Mr Witness, did you and the second accused commit any of  
9 the crimes referred to in paragraph 49 of the indictment?

12:01:51 10 A. No. I and the second accused did not commit these sort of  
11 crimes from what you read from the indictment.

12 Q. Do you know if the second accused on his own committed any  
13 of the crimes I have just referred to in paragraph 49 of the  
14 indictment?

12:02:12 15 A. The second accused did not commit these sort of crimes.

16 Q. Please turn to paragraph 56 of your indictment. Are you  
17 there?

18 A. Yes.

19 Q. "Between 1 [sic] January 1999 and 28 February 1999, members  
12:02:52 20 of the AFRC/RUF raped hundreds of women and girls  
21 throughout the City of Freetown and the Western Area, and  
22 abducted hundreds of women and girls and used them as sex  
23 slaves and/or forced them into 'marriages' and/or subjected  
24 them to other forms of sexual violence. The 'wives' were  
12:03:15 25 forced to perform a number of conjugal duties under  
26 coercion by their 'husbands'."

27 Did you hear and understand what I just read to you?

28 A. Yes, I heard and I understand but I want you to repeat the  
29 date.

- 1 Q. Between 6 January 1999 and 28 February 1999.
- 2 A. Thank you.
- 3 Q. The question is: Did you and the second accused commit the
- 4 crimes just referred to in paragraph 56 of the indictment?
- 12:04:00 5 A. No, I and he never joined together in order to commit these
- 6 crimes.
- 7 Q. If you know, did the second accused on his own commit any
- 8 of the crimes referred to in paragraph 56 of the indictment?
- 9 A. No, he did not commit these crimes.
- 12:04:27 10 Q. Thank you. Please refer to paragraph 63 of your
- 11 indictment. Are you ready?
- 12 A. The paragraph number, sir.
- 13 Q. Sixty-three.
- 14 A. Yes.
- 12:05:11 15 Q. "Between 6 January 1999 and 28 February 1999, members of
- 16 the AFRC/RUF mutilated an unknown number of civilian men,
- 17 women and children in various areas of Freetown, and the
- 18 Western Area, including Kissy, Wellington and Calaba Town.
- 19 The mutilations included cutting off limbs."
- 12:05:43 20 Did you hear and understand what was just read to you?
- 21 A. Yes.
- 22 Q. Mr Witness, did you and the second accused commit any of
- 23 the crimes just referred to in paragraph 63 of the indictment?
- 24 A. No. I and the second accused did not commit these sorts of
- 12:06:10 25 crimes and what you said in the indictment.
- 26 Q. If you know, just tell us, did the second accused, on his
- 27 own, carry out any crimes referred to in paragraph 63 of the
- 28 indictment?
- 29 A. No.

- 1 Q. Please turn to paragraph 72 of your indictment?  
2 "Between 6 January 1999 and 28 February 1999, in particular  
3 as the AFRC/RUF were being driven out of Freetown and the  
4 Western Area, members of the AFRC/RUF abducted hundreds of  
12:07:16 5 civilians, including a large number of children, from  
6 various areas in Freetown and the Western Area, including  
7 Peacock Farm, Kissy and Calaba Town. These abducted  
8 civilians were used as forced labour."  
9 Did you hear and understand what I just read to you?
- 12:07:45 10 A. Yes.
- 11 Q. Did you and the second accused commit any of the crimes  
12 referred to in paragraph 72 of the indictment?  
13 A. From what you read, I and the second accused did not commit  
14 these crimes.
- 12:08:06 15 Q. If you know, did the second accused, on his own, commit any  
16 of the crimes just referred to in paragraph 72 of the indictment?  
17 A. No.
- 18 Q. Please refer to paragraph 79 of your indictment.  
19 "Between 6 January 1999 and 28 February 1999, AFRC/RUF  
12:09:00 20 forces engaged in widespread looting and burning throughout  
21 Freetown and the Western Area. The majority of houses that  
22 were destroyed were in the areas of Kissy, Wellington and  
23 Calaba Town; other locations including the Fourah Bay,  
24 Upgun, State House and Pademba Road areas of the city."  
12:09:28 25 Did you hear and understand what was just read to you?
- 26 A. Yes.
- 27 Q. Did you and the second accused commit any of the crimes  
28 just referred to you in paragraph 79 of the indictment?  
29 A. No, I and the second accused did not commit these sort of

1 crimes from what you've read from the indictment.

2 Q. And if you know, did the second accused, on his own, commit  
3 any of the crimes just referred to in paragraph 79 of the  
4 indictment?

12: 10: 02 5 A. No.

6 MR DANIELS: Your Honours, if you could please just bear  
7 with me, I have just two more districts and I will be completed.

8 Q. Please turn to paragraph 47 of your indictment.

9 "Between 14 February 1998 and 30 September 1998, in several  
10 locations including Heremakono, Kabala, Kumala, Kurubonla,  
11 Katombo, Koinadugu, Fadugu and Kamadugu, members of the  
12 AFRC/RUF unlawfully killed an unknown number of civilians."  
13 Did you hear and understand what I just read out to you?

14 A. Yes.

12: 11: 34 15 Q. Did you and the second accused ever commit any of the  
16 crimes referred to in paragraph 47 of the indictment?

17 A. No.

18 Q. If you know, did the second accused ever commit any of the  
19 crimes referred to in paragraph 47 of this indictment?

12: 11: 58 20 A. I do not know if he committed this type of crimes.

21 Q. Please turn to paragraph 53 of your indictment.

22 "Between about 14 February 1998 and 30 September 1998,  
23 members of the AFRC/RUF raped an unknown number of women  
24 and girls in locations in Koinadugu District, such as  
12: 13: 00 25 Kabala, Koinadugu, Heremakono and Fadugu. In addition an  
26 unknown number of women and girls were abducted and used as  
27 sex slaves and/or forced into 'marriages' and/or subjected  
28 to other forms of sexual violence. The 'wives' were forced  
29 to perform a number of conjugal duties under coercion by

1           thei r ' husbands' . "

2           Did you hear and understand what I just read to you from  
3 paragraph 53 of the indictment?

4           A.     Yes.

12: 13: 41 5       Q.     Did you and the second accused commit any of the crimes  
6 referred to in paragraph 53 of the indictment?

7           A.     No.

8           Q.     If you know, did the second accused commit any of the  
9 crimes referred to in paragraph 53 of the indictment?

12: 14: 03 10      A.     I do not know.

11           PRESIDING JUDGE: Mr Dani els, we' re going to have a very  
12 short adjournment for about five minutes.

13                           [Break taken at 12.17 p.m.]

14                           [Upon resuming at 12.23 p.m.]

12: 20: 52 15      PRESIDING JUDGE: Yes, continue, Mr Dani els.

16           MR DANIELS: Most grateful .

17           Q.     If you could please turn to paragraph 61 of the indictment.

18           A.     Yes.

19           Q.     This is to do with the Koinadugu Di strict.

12: 21: 27 20      "Between about 14 February 1998 and 30 September 1998,  
21 members of the AFRC/RUF mutilated an unknown number of  
22 civilians in various locations in the di strict, including  
23 Kabala and Konkoba (or Kontoba). The mutilations included  
24 cutting off limbs and carving 'AFRC' on the chests and  
12: 21: 53 25      foreheads of the civilians."

26           Did you hear and understand what I just read to you?

27           A.     Yes.

28           Q.     Did you and the second accused ever commit any of the  
29 crimes just read out to you in paragraph 61 of the indictment?



1 A. No.

2 Q. To the best of your knowledge did the second accused ever  
3 carry out any of the crimes referred to in paragraph 61 of the  
4 indictment?

12: 22: 32 5 A. I do not know.

6 Q. Please refer to paragraph 69.  
7 "Between about 14 February 1998 and 30 September 1998, at  
8 various locations including Heremakono, Kabala, Kumala (or  
9 Kamalu), Koinadugu, Kamadugu and Fadugu, members of the  
12: 23: 19 10 AFRC/RUF abducted an unknown number of men, women and  
11 children and used them as forced labour."  
12 Did you hear and understand what I just read to you?

13 A. Yes.

14 Q. Did you and the second accused commit any of the crimes  
12: 23: 44 15 referred to in paragraph --  
16 PRESIDING JUDGE: We're having trouble hearing you,  
17 Mr Daniels. I didn't hear that previous question either.  
18 MR DANIELS: Well, my mic is on. I wonder why.  
19 PRESIDING JUDGE: I have had similar problems with mine.

12: 24: 03 20 JUDGE SEBUTINDE: It appears as if someone in the control  
21 is tampering with the channels as you are speaking. Could this  
22 be addressed, please.  
23 MR DANIELS: Are you hearing me now? Very well, I will do  
24 my best.

12: 24: 21 25 Q. "Koinadugu District. Between about 14 February 1998 and 30  
26 September 1998, at various locations including Heremakono,  
27 Kabala Kumala (or Kamalu), Koinadugu, Kamadugu and Fadugu,  
28 members of the AFRC/RUF abducted an unknown number of men,  
29 women and children and used them as forced labour."

1 Did you hear and understand what I just read to you?

2 A. Yes.

3 Q. Mr Witness, did you and the second accused at any time  
4 commit any of the offences referred to at paragraph 69 of the  
12: 25: 13 5 indictment?

6 A. No.

7 Q. If you know, please tell us, did the second accused on his  
8 own commit any of the crimes referred to in paragraph 69 of the  
9 indictment?

12: 25: 27 10 A. I do not know.

11 Q. Please turn to paragraph 76 of the indictment. This is  
12 Koinadugu District. Are you ready?

13 A. Yes.

14 Q. "Between about 14 February 1998 and 30 September 1998,  
12: 26: 11 15 AFRC/RUF forces engaged in widespread looting and burning  
16 of civilian homes in various locations in the district,  
17 including Heremakono, Kabala, Kamadugu, and Fadugu."

18 Did you hear and understand what I just read to you?

19 A. Yes.

12: 26: 37 20 Q. Did you and the second accused commit any of the crimes  
21 referred to in paragraph 76 of the indictment?

22 A. No.

23 Q. If you know, please tell us, did the second accused on his  
24 own commit any of the crimes referred to paragraph 76 of the  
12: 27: 01 25 indictment?

26 A. I do not know.

27 Q. Please turn to paragraph 50 of your indictment. This is to  
28 do with the Port Loko area.

29 "About the month of February 1999, members of the AFRC/RUF

1 fled from Freetown to various locations in Port Loko  
2 District. Between about February 1999 and April 1999,  
3 members of the AFRC/RUF unlawfully killed an unknown number  
4 of civilians in various locations in Port Loko District,  
12: 28: 18 5 including Manaarma, Tendakum, and Nonkoba."

6 Did you hear and understand what I just read to you?

7 Mr Witness, did you hear and understand what I just read to you?

8 JUDGE SEBUTINDE: Mr Brima, please put on your microphone.

9 THE WITNESS: Yes.

12: 28: 53 10 MR DANIELS:

11 Q. Did you and the second accused commit any of the crimes  
12 just read out to you in paragraph 50 of the indictment?

13 A. No. I and the second accused did not commit these type of  
14 crimes that you have read in the indictment.

12: 29: 17 15 Q. If you know, did the second accused on his own commit any  
16 of the crimes referred to in paragraph 50 of the indictment?

17 A. I do not know.

18 Q. Please turn to paragraph 57 of your indictment.

19 "About the month of February 1999, AFRC/RUF fled from  
12: 30: 08 20 Freetown to various locations in the Port Loko District.  
21 Between February 1999 and April 1999, members of the  
22 AFRC/RUF raped an unknown number of women and girls at  
23 various locations in the district. In addition, an unknown  
24 number of women and girls in various locations in the  
12: 30: 30 25 district were used as sex slaves and/or forced into  
26 'marriages' and/or subjected to other forms of sexual  
27 violence by members of the AFRC/RUF. The 'wives' were  
28 forced to perform a number of conjugal duties under  
29 coercion of their 'husbands'."

1 Mr Brima did you hear and understand what I just read to  
2 you?

3 A. Yes.

4 Q. Did you and the second accused commit any of the offences  
12: 31: 11 5 just read out to you in paragraph 57 of the indictment?

6 A. No.

7 Q. If you know, did the second accused, at any time, commit  
8 any of the crimes referred to in the indictment?

9 A. I do not know.

12: 31: 36 10 Q. Please turn to paragraph 64.

11 "About the month of February 1999, the AFRC/RUF fled from  
12 Freetown to various locations in the Port Loko District.

13 Between February 1999 and April 1999 members of the

14 AFRC/RUF mutilated an unknown number of civilians in

12: 32: 15 15 various locations in the district, including cutting off  
16 limbs."

17 Did you hear and understand what I just read to you?

18 A. Yes.

19 Q. Mr Witness, did you and the second accused ever commit any  
12: 32: 32 20 of the crimes just read out to you in paragraph 64 of the  
21 indictment?

22 A. No.

23 Q. If you know, please tell this Court, did the second accused  
24 commit any of the crimes referred to in paragraph 64 of this

12: 32: 50 25 indictment?

26 A. I do not know.

27 Q. Please turn to the very last reference, that is 73. Are  
28 you there?

29 A. Yes.

- 1 Q. "About the month of February 1999, the AFRC/RUF fled from  
2 Freetown to various locations in the Port Loko District.  
3 Members of the AFRC/RUF used civilians, including those  
4 that had been abducted from Freetown and the Western Area,  
12:33:57 5 as forced labour in various locations throughout the Port  
6 Loko District, including Port Loko, Lunsar and Masiaka.  
7 AFRC/RUF forces also abducted and used as forced labour  
8 civilians from various locations in the Port Loko District,  
9 including Tendakum and Nonkoba."
- 12:34:22 10 Did you hear and understand what I just read to you?
- 11 A. Yes.
- 12 Q. Did you and the second accused ever commit any of the  
13 crimes just referred to in paragraph 73 of the indictment?
- 14 A. No.
- 12:34:48 15 Q. If you know, did the second accused on his own commit any  
16 of the offences I just read out to you on paragraph 73 of this  
17 indictment?
- 18 A. I do not know.
- 19 Q. Please turn to paragraph 65 of the indictment.
- 12:35:38 20 "At all times relevant to this indictment, throughout the  
21 Republic of Sierra Leone, AFRC/RUF routinely conscripted,  
22 enlisted and/or used boys and girls under the age of 15 to  
23 participate in active hostilities. Many of these children were  
24 first abducted, then trained in the AFRC/RUF camps in various  
12:36:04 25 locations throughout the country, and thereafter used as  
26 fighters."
- 27 Did you hear and understand what was just read to you?
- 28 A. Yes.
- 29 Q. Did you and the second accused ever commit any of the

1 crimes referred to in paragraph 65 of this indictment?

2 A. No.

3 Q. If you know, did the second accused on his own commit any  
4 of the crimes referred to in paragraph 65 of the indictment?

12:36:42 5 A. I do not know.

6 Q. Finally, did the second accused order, instruct anyone, to  
7 your knowledge, to commit any of the crimes referred to in the  
8 indictment?

9 A. No. From the time I met the second accused in 1998, he  
12:37:15 10 never gave those orders and he was not in position to do so in  
11 order for him to do what is said in that indictment.

12 Q. Thank you. I'm going to move on.

13 PRESIDING JUDGE: You are finished with the indictment?

14 MR DANIELS: That is correct.

12:37:47 15 PRESIDING JUDGE: Madam Court Attendant, could you take  
16 possession of that indictment from the witness, please.

17 MR DANIELS:

18 Q. Mr Witness, do you know of a place called the West Side,  
19 Sierra Leone.

12:38:29 20 A. Yes.

21 Q. Where is it, to the best of your knowledge?

22 A. How I know about it, it is between Gberi Bridge and  
23 Masiaka, but I do not know the real town, its name.

24 Q. Between the period February 1999 and December 2000, do you  
12:39:07 25 know who was situated at the West Side?

26 A. It was soldiers that were there.

27 Q. Are you referring to SLA soldiers?

28 A. Yes.

29 JUDGE SEBUTINDE: Sorry, Mr Daniels, what is the time frame

1 you have given?

2 MR DANIELS: February 1999 to December 2000.

3 Q. Do you know who was the commander of the West Side during  
4 the period February 1999 to December 2000, of the West Side?

12: 40: 09 5 A. I did not know the commander from February but from the  
6 time I was arrested, that was in August 1999, it was Foday Kallay  
7 and Junior Lion, who is called George Johnson, who were the  
8 commanders there, from what I knew.

9 Q. To the best of your knowledge was the second accused ever  
12: 40: 37 10 the commander of the West Side during the period February 1999  
11 and December 2000?

12 A. From the time I went there I did not see the second accused  
13 and I did not know whether he was the commander there.

14 Q. You have told this Court that at one time you were at the  
12: 41: 09 15 West Side did you ever meet the second accused at the West Side?

16 JUDGE SEBUTINDE: What period are we talking about,  
17 Mr Daniels?

18 MR DANIELS:

19 Q. During the period that you were there, did you say August  
12: 41: 26 20 1999?

21 A. August of 1999 to November 1999.

22 Q. So your answer is that throughout that period you did not  
23 meet the second accused?

24 A. Yes.

12: 41: 59 25 MR DANIELS: Your Honours, unless I can be of further  
26 assistance to this Court, we have no further questions for the  
27 witness.

28 PRESIDING JUDGE: Thank you, Mr Daniels. I note that you  
29 will be cross-examining next, Mr Knoops. We will do that after

1 Lunch.

2 MR KNOOPS: Your Honour, Mr Manly-Spain will conduct the  
3 cross-examination and we will endeavour to conclude it this  
4 afternoon.

12: 42: 38 5 PRESIDING JUDGE: That's good news, Mr Knoops. Thank you.  
6 Mr Brima, once more, please do not discuss the evidence or  
7 case with anybody. We are going to adjourn the case now until  
8 2.15.

9 THE WITNESS: Yes, My Lord.

12: 43: 08 10 [Luncheon recess taken at 12.45 p.m.]

11 [AFRC22JUN06C - SV]

12 [Upon resuming at 2.15 p.m.]

13 PRESIDING JUDGE: Yes, Mr Manly-Spain, you have some  
14 questions to ask.

14: 15: 24 15 MR MANLY-SPAIN: Good afternoon, Your Honours.

16 CROSS-EXAMINED BY MR MANLY-SPAIN:

17 Q. Good afternoon, Mr Brima.

18 A. Good afternoon, sir.

19 MR MANLY-SPAIN: Your Honours, during the process of my  
14: 15: 37 20 cross-examination I shall be referring to a couple of exhibits,  
21 P62, which is the ECOWAS six month peace plan for Sierra Leone,  
22 and P64 which is the Lome Peace Agreement between the government  
23 of Sierra Leone and the Revolutionary United Front of Sierra  
24 Leone.

14: 16: 09 25 PRESIDING JUDGE: Yes, all right. We'll see if we can get  
26 those made available.

27 MR MANLY-SPAIN: Yes, Your Honour.

28 Q. Mr Brima, the indictment under which you stand charged has  
29 been put to you several times. I won't go through the said



1 indictment as has been done before but I wish to refer to the  
2 counts of the indictment and ask you specific questions on those  
3 counts. Mr Brima, do you know that in counts 1 and 2 you have  
4 been charged with terrorising the civilian population jointly and  
14:17:11 5 individually with certain other persons.

6 A. Yes.

7 MR MANLY-SPAIN: Your Honour, may I ask that the indictment  
8 be put before him.

9 PRESIDING JUDGE: Yes. Would the Court Attendant please  
14:17:26 10 give the accused the Krio version of the indictment.

11 MR MANLY-SPAIN:

12 Q. I think you should look at page 9.

13 JUDGE DOHERTY: Mr Manly-Spain, since the accused has a  
14 Krio version, he may not have that page numbering. So may I  
14:17:58 15 suggest a paragraph.

16 MR MANLY-SPAIN: Yes. The Court number is 6247.

17 Q. Have you have seen count 1 and 2?

18 A. Yes.

19 Q. Did you, Mr Brima, together with the third accused and  
14:18:21 20 other persons not named, commit the offences charged thereunder?

21 A. No.

22 Q. Counts 3 to 5, Mr Brima, charges you and other persons,  
23 including the third accused, with unlawful killings. Did you, in  
24 concert together with the third accused or any other persons,  
14:18:58 25 commit the offences under counts 3 to 5?

26 A. No.

27 Q. Counts 6 to 9, Mr Brima, charge sexual violence which is  
28 alleged to have been widespread, including forced marriages and  
29 rapes. Did you, Mr Brima, together with the third accused, or

1 any other persons, commit the offences charged under counts 6  
2 to 9?

3 A. No.

4 Q. The next is counts 10 and 11, physical violence. Have you  
14:20:02 5 seen them?

6 A. Yes.

7 Q. Did you, together or in concert with the third accused,  
8 commit the offences charged under counts 10 and 11?

9 A. No.

14:20:21 10 Q. We'll go next to count 12; the use of child soldiers. Did  
11 you, Mr Brima, together with the third accused and others,  
12 routinely conscript, enlisted and otherwise used boys and girls  
13 below the age of 15 as soldiers, child soldiers?

14 A. No.

14:20:59 15 Q. Next we have count 13. The offence is abduction and forced  
16 labour. Did you, Mr Brima, together with the third accused and  
17 others, commit the offence charged under count 13?

18 A. No.

19 Q. And, finally, we have count 14; looting and burning.

14:21:41 20 Mr Brima, did you, together with the third accused and others,  
21 engage in widespread and unlawful looting, of destruction by  
22 burning of civilian property and looting of civilian property?

23 A. No.

24 Q. Thank you, Mr Brima. Mr Brima, at the time you joined the  
14:22:14 25 army, do you know whether the third accused was already a soldier  
26 in the Republic of Sierra Leone military forces -- the Republic  
27 of Sierra Leone Armed Forces?

28 A. Ask that question, please.

29 Q. At the time you joined the army, the Sierra Leone Army, do

1 you know whether the third accused was already a member of the  
2 army?

3 A. Yes.

4 Q. Mr Brima, I want you to recall 25th May 1997, the day of  
14:23:10 5 the coup d'etat that brought the AFRC into power. Did you know  
6 where the third accused was deployed by the army?

7 A. He was at Camp Charlie, Mile 91.

8 Q. After the coup d'etat --

9 PRESIDING JUDGE: Just before you move on, Mr Spain, was  
14:23:45 10 that Camp Churly?

11 MR MANLY-SPAIN: Camp Charlie.

12 Q. Can you spell Charlie?

13 A. C-H-E-L-L-Y [sic].

14 Q. Where was Camp Charlie in Sierra Leone?

14:24:33 15 A. Camp Charlie was a military base which is at Mile 91 area  
16 in the Tonkolili District. That is the Northern Province of  
17 Sierra Leone. That was a military base.

18 Q. Okay, thank you. Mr Brima, could you recall after that  
19 coup d'etat when you first met or saw the third accused?

14:25:13 20 A. I saw this third accused when I was admitted at the  
21 hospital when he went to visit me.

22 Q. Thank you. Mr Brima, you spoke about your training in the  
23 army and you said it was for only six months -- three months; am  
24 I right?

14:25:46 25 A. Please repeat that again, sir.

26 Q. What was the length of your training in the army?

27 A. It was three months.

28 Q. I believe you also said that you were taught how to use the  
29 rifle to fire?

1 A. Yes.

2 Q. Apart from that, was anything else taught to you? Were you  
3 taught about anything else?

4 A. Well, just as I have said before the Court before, the  
14:26:28 5 things they trained me to do were those they taught me about.

6 Q. Okay; let me put it specifically to you. Were you trained  
7 or educated in what are called crimes against humanity?

8 A. No.

9 Q. Were you taught about the Geneva Conventions and its  
14:27:03 10 protocols, I mean the Geneva Convention of 12th August 1949?

11 A. No.

12 Q. Were you taught about international humanitarian law?

13 A. No.

14 Q. And were you taught about the laws and customs governing  
14:27:32 15 the conduct of armed conflicts?

16 A. No.

17 Q. Were you taught anything about what a soldier should do  
18 when he goes to fight in a war?

19 A. No.

14:28:01 20 Q. Mr Brima, you told this Court about the various battalions  
21 that made up the Sierra Leone Army before the AFRC coup.

22 A. Yes.

23 Q. And you told us that each battalion was headed by a  
24 commander.

14:28:36 25 A. Yes.

26 Q. Do you know from whom these battalion commanders got their  
27 orders?

28 A. Well, from what I know, the battalion commanders, they are  
29 the ones that command the battalion. If they are under a

1 brigade, it is from the brigade that he gets the command. If  
2 they are not under a brigade, they get their command from the  
3 army chief of staff.

4 Q. Mr Brima, you have been telling this Court that the AFRC  
14:29:39 5 ceased to exist after February 1998 due to the Nigerian  
6 intervention; is that so?

7 A. Yes.

8 Q. You have also told this Court, Mr Brima, that this  
9 intervention by the Nigerians was not supported by the  
14:30:12 10 international community?

11 A. Yes.

12 Q. Why do you say so?

13 A. Because the AFRC government attended a conference that was  
14 called the Conakry Peace Communique which gave the AFRC  
14:30:36 15 government six months to stay in power.

16 Q. Do you know when this happened?

17 A. This happened in October 1997.

18 Q. Mr Brima, have you ever seen the document that gave the  
19 AFRC six months, as you have said?

14:31:12 20 A. Yes.

21 Q. If you were to see it now, would you be able to recognise  
22 it?

23 A. Yes.

24 MR MANLY-SPAIN: Your Honour, I would be grateful if  
14:31:28 25 Exhibit P64, a copy of it, is given to the witness.

26 PRESIDING JUDGE: Yes, Madam Court Attendant, can you give  
27 a copy of that to the witness, please, P64.

28 MS EDMONDS: I'm sorry, My Lord. We don't have exhibits in  
29 Court. Counsel have been asked to inform us the day before if

1 they need them. There are too many to bring.

2 PRESIDING JUDGE: I understand. How long would it take to  
3 produce that? Mr Manly-Spain, we can print out a copy, if that's  
4 acceptable, if you want to show that to the witness, otherwise we  
14:32:25 5 can adjourn for a short while.

6 MR MANLY-SPAIN: I will accept that, My Lord.

7 PRESIDING JUDGE: All right. Can you print out a copy,  
8 please.

9 MR MANLY-SPAIN: Both of them, My Lord. I had mentioned  
14:32:35 10 the Lome agreement also.

11 PRESIDING JUDGE: That's 28 pages long, the Lome agreement.  
12 Do you need the whole document or just a specific Article?

13 MR MANLY-SPAIN: We have copies here, Your Honour, except  
14 that the copies that we have have, in addition, the Act that was  
14:33:00 15 passed in Sierra Leone to implement it, as a preamble.

16 PRESIDING JUDGE: Yes, but what I meant to say was are you  
17 going to refer to just a certain Article of the agreement or do  
18 you need the whole document?

19 MR MANLY-SPAIN: Well, for the Lome Peace Accord it's just  
14:33:25 20 a general reference to the signatories of the accord. I have  
21 copies here, Your Honour.

22 PRESIDING JUDGE: The witness now has a photocopy, is that  
23 correct, of P62?

24 MR MANLY-SPAIN: Yes, Your Honour.

14:34:51 25 PRESIDING JUDGE: I beg your pardon, P64, Mr Manly-Spain.

26 MR MANLY-SPAIN: Yes.

27 Q. Mr Bri ma, do you have copy of the ECOWAS Six-Month Peace  
28 Plan For Sierra Leone, Exhibit P64?

29 A. Yes.

- 1 Q. Is that the document you were referring to when you said  
2 that there was a communique that gave the AFRC six months signed  
3 in Conakry?
- 4 A. Yes.
- 14:35:30 5 Q. Can you direct this Court to where this is stated in the  
6 document?
- 7 A. Whilst the paper is in front of me, I cannot read  
8 everything.
- 9 Q. Can I direct you to the first page, page 1, under number 5.
- 14:37:04 10 A. Yes.
- 11 Q. And page 2, also under number 5. Page 2, number 5.
- 12 A. Yes.
- 13 Q. Just go back to page 1, number 5 and just read what we have  
14 there.
- 14:37:31 15 A. "Restoration of the constitutional government and  
16 broadening of the power base takes effect from 22 May  
17 1998."
- 18 Q. And page 2, number 5?
- 19 A. "Restoration of constitutional Government and Broadening of  
14:38:03 20 the Power Base."
- 21 Q. I just want you to read the first sentence under that.
- 22 A. "The restoration of constitutional order to Sierra Leone is  
23 at the heart of the ECOWAS peace plan. Consequently, it is  
24 considered necessary that the Government of Tejan Kabbah  
14:38:27 25 should be enabled to exercise effective control once he is  
26 restored to office on 22 May 1998. Nevertheless" --
- 27 Q. That's all right. Mr Brima, did this restoration of the  
28 government of President Tejan Kabbah take place as is provided in  
29 this agreement?

1 A. No.

2 Q. Do you know what happened?

3 A. Well, as I had said in this Court, the invading force  
4 invaded Sierra Leone, which was the Nigerian invading force.

14:39:20 5 Q. At the time of this invasion which government was ruling  
6 Sierra Leone?

7 A. It was the Armed Forces Revolutionary Council, which was  
8 called the AFRC government.

9 Q. Now, Mr Brima, I want you to look at Exhibit P62, the Lome  
14:39:43 10 Peace Agreement.

11 PRESIDING JUDGE: That's an actual copy that the witness is  
12 being shown?

13 MR MANLY-SPAIN: Yes. I will rephrase it. Look at the  
14 copy of it --

14:40:04 15 PRESIDING JUDGE: I notice there's a Ratification Act  
16 somewhere too, but you're not showing him the Ratification Act?

17 MR MANLY-SPAIN: No, Your Honour. Just the agreement  
18 itself.

19 PRESIDING JUDGE: I understand.

14:40:16 20 MR MANLY-SPAIN:

21 Q. Mr Brima, before today have you seen this Lome Peace  
22 Agreement?

23 A. Yes.

24 Q. Where did you see it?

14:40:40 25 A. I saw it with Major Johnny Paul Koroma.

26 Q. And did you read it?

27 A. I read it.

28 Q. Certain persons, Mr Brima, signed this agreement. I want  
29 you to look at page 15 of the agreement and tell this Court, or



1 read for this Court, the names of the people who signed it, page  
2 15. Page 15.

3 A. The pages have not got number. I am just seeing 16480,  
4 16479. That is where it starts, 16479. But I don't have page 1,  
14:41:33 5 page 2, page 3. They are all blank.

6 MR MANLY-SPAIN: I don't know whether I can have a look at  
7 what he's got.

8 PRESIDING JUDGE: Yes, can Madam Court Attendant show  
9 Mr Manly-Spain what the witness has.

14:42:50 10 MR MANLY-SPAIN:

11 Q. Please look at page 16500. You will see a heading "Entry  
12 into force". Do you see it?

13 A. What is the page number again?

14 Q. 16500?

14:43:20 15 A. Yes, I have seen it.

16 Q. You will see "Done in Lome, this 7th day of the month of  
17 July 1999," et cetera. Have you seen that?

18 A. No, I didn't see it.

19 Q. Did you see certain names there?

14:43:59 20 A. Yes.

21 Q. Can you please read those names?

22 A. Gnassingbe Eyadema, President of the Republic of Togo;  
23 Francis G Okelo, Special Representative of the Secretary-General;  
24 Adwoa Coleman, Representative of the Organisation of African  
14:44:43 25 Unity; Reverend Jesse Jackson, US Presidential Special Envoy for  
26 the Promotion of Democracy in Africa; Alhaji Dr Ahmad Tejan  
27 Kabbah, President of the Republic of Sierra Leone; Corporal Foday  
28 Saybana Sankoh, Leader of the Revolutionary United Front (RUF).

29 Q. Mr Brima, were you aware at the time of the negotiations

1 going on before the signing of this agreement? Please don't  
2 write on it. Were you aware, at the time, of the negotiations  
3 that led to this agreement?  
4 A. I knew about the time.  
14: 45: 54 5 Q. Do you know whether anybody represented the AFRC or ex-AFRC  
6 in those negotiations?  
7 A. No.  
8 Q. Please clarify that; do you know or don't you know?  
9 A. I know. Nobody represented the AFRC or the ex-AFRC in this  
14: 46: 23 10 accord that was signed.  
11 Q. Do you know whether anybody represented the Armed Forces of  
12 the Republic of Sierra Leone?  
13 A. Repeat that question again.  
14 Q. Having read the names that signed the agreement, do you  
14: 46: 46 15 know if anybody -- let me put it to you slightly different. Do  
16 you know whether anybody signed that document on behalf of the  
17 Armed Forces of the Republic of Sierra Leone?  
18 A. Yes.  
19 Q. Did anybody sign it?  
14: 47: 08 20 A. It was Alhaji Dr Ahmad Tejan Kabbah.  
21 Q. Was that as the commander-in-chief of the Armed Forces of  
22 the Republic of Sierra Leone?  
23 A. Yes.  
24 Q. Thank you, Mr Brima.  
14: 47: 32 25 MR MANLY-SPAIN: The documents can be taken back,  
26 Your Honour.  
27 PRESIDING JUDGE: Yes, please, Madam Court Attendant.  
28 MR MANLY-SPAIN:  
29 Q. Mr Brima, in your evidence-in-chief, and also in

1 cross-examination today, you said that the alliance between the  
2 AFRC and the RUF ceased to exist. Do you know when that  
3 happened?

4 A. Ask again, sir.

14:48:29 5 Q. You have told this Court that there was no alliance between  
6 the AFRC and the RUF after a while. That is, let me make it  
7 clear, between the SLAs and the RUF after some time. When did  
8 this happen?

9 A. It was in February 1998.

14:49:15 10 Q. You have also given evidence that there was an event of  
11 looting of the Iranian embassy, as a result of which certain  
12 people were punished; is that so?

13 A. Yes.

14 Q. The people punished, did they include any RUF personnel who  
14:49:38 15 were in Freetown?

16 A. Yes.

17 Q. After that do you know whether these RUF personnel did  
18 anything?

19 A. Well, the RUF personnel -- some of the RUF personnel had a  
14:50:10 20 problem, like Gibril Massaquoi who was -- it was alleged that he  
21 had wanted to overthrow Johnny Paul Koroma. He and Steve Bio.

22 Q. Mr Brima, I want you to concentrate on the Iranian embassy  
23 incident. After that incident and the punishment meted out to  
24 the RUF personnel, did they continue to stay in Freetown?

14:50:41 25 A. Well, it was said the RUF personnel should be punished,  
26 like Issa Sesay, but he did not accept that.

27 Q. What did he do?

28 A. He attacked the army chief of staff at his residence.

29 Q. After this incident, the attack, et cetera, did he continue

1 to stay in Freetown?

2 A. Well, I don't know.

3 Q. Whilst you were in Kono, when you left before the  
4 intervention, did you see the third accused there?

14:51:39 5 A. No, I left the third accused in Freetown when I went to  
6 Kono.

7 Q. After the Nigerian intervention, when was the first time  
8 that you saw the third accused?

9 A. Repeat the question, sir.

14:52:09 10 Q. After the Nigerian intervention and the SLA soldiers had  
11 left Freetown, when was the first time that you saw the third  
12 accused?

13 A. The first time I saw the third accused was in October of  
14 1998 and I saw him at Eddie Town.

14:52:43 15 Q. You have explained to us that you met him under arrest with  
16 other people at Eddie Town. I want you to tell this Court what  
17 you mean by "under arrest." Let me ask you whether you met them  
18 permanently locked up somewhere or whether you met them under  
19 restrictions and under guard.

14:53:21 20 A. I met they were locked up, they were guarded, and I too was  
21 locked up in the same place where they were locked up. All of us  
22 were locked together. We are locked up together. And we were  
23 guarded and our movement was restricted.

24 Q. Mr Brima, you have described the movement of troops under  
14:53:50 25 SAJ Musa's command from Eddie Town to Benguema, Koba Water [sic].  
26 During that period of time whilst you were coming to Freetown,  
27 was the third accused permanently locked up?

28 A. Ask the question again, sir.

29 Q. I'm asking you whether during that period, the movement of

1 SAJ Musa's forces from Eddie Town unto Koba Water, whether the  
2 third accused was permanently locked up?  
3 A. Well, he was not locked up in a house. There was no place  
4 in which he was locked up. But all of us were under arrest, if I  
14:54:52 5 can say. From one place to another -- if you want to move from  
6 one place to another, except you were escorted by armed men.  
7 Q. Okay, Mr Brima, we'll come back to that. The third  
8 accused, you said, was on the day of the coup de'tat at Camp  
9 Charlie, Mile 91.  
14:55:30 10 A. Yes.  
11 Q. And you saw him some time later when he went to visit you  
12 at the 34 Hospital, Wilberforce?  
13 A. Yes.  
14 Q. Mr Brima, do you know of any particular appointment that  
14:55:56 15 was given to the third accused by the AFRC, apart from being a  
16 member of the council?  
17 A. I don't know of any other appointment that was given to the  
18 third accused. As you have said, I knew the third accused as a  
19 member of the council.  
14:56:31 20 Q. During that period -- I want you to restrict yourself to  
21 the period from 25th May 1997 to 14th February 1998. During that  
22 period do you know whether the third accused was in command of  
23 any troops either in Freetown or anywhere else in Sierra Leone?  
24 A. No, he did not command any troop.  
14:57:09 25 Q. After 14th February 1998, do you know whether the third  
26 accused was in command of any troops anywhere in Sierra Leone?  
27 A. Unto the time in October, when I came -- when I saw the  
28 accused, the third accused, I did not know whether he was  
29 commanding troops or not.

- 1 Q. Mr Brima, when you were in Kono after the withdrawal of the  
2 SLA troops from Freetown, and you said you were given information  
3 about their withdrawal from Freetown, did anybody tell you  
4 anything about the third accused?
- 14:58:39 5 A. Yes.
- 6 Q. Who was that?
- 7 A. My late brother, Staff Sergeant Komba.
- 8 Q. Do you remember what you were told?
- 9 A. He told me that the third accused, all of them with him  
14:59:15 10 left Freetown and went to Masiaka. He said that from Masiaka, as  
11 he went with my wife to our home town he did not see the third  
12 accused again.
- 13 Q. Thank you. Mr Brima, I want you to put your mind back to  
14 what you told this Court about the council to which you were  
14:59:59 15 appointed. Did this council have any military function?
- 16 A. No.
- 17 Q. Do you know whether, apart from being a council member,  
18 Mr Kanu held any position within the RUF?
- 19 A. No, he held no position in the RUF.
- 15:01:02 20 Q. Mr Brima, earlier today, you were asked certain questions  
21 about Mr Charles Taylor and you gave an answer that the AFRC did  
22 not have a good relationship with Mr Taylor in 1997; is that so?
- 23 A. Yes.
- 24 Q. Earlier, in your examination-in-chief, you said that after  
15:01:47 25 the overthrow of the AFRC some soldiers of the Sierra Leone Army  
26 tried to escape to Guinea and Liberia. Do you remember saying  
27 that?
- 28 A. Yes.
- 29 Q. Do you know what happened to soldiers, SLA soldiers, who

1       tried to escape to Liberia at that time?

2       A.     Some were fortunate to go and live in Liberia, even went  
3       beyond. Some were arrested.

4       Q.     Those who were arrested, what happened to them after their  
15:02:41 5       arrest?

6       A.     Well, some that were arrested, it was the Liberian  
7       government that arrested them and they handed them over to the  
8       Nigerian soldiers that were in Liberia and they too handed them  
9       over to the Tejan Kabbah government.

15:03:07 10      Q.     Do you know any of these soldiers that was brought back and  
11      handed over to the government of President Tejan Kabbah?

12      A.     Yes. They brought Flight Lieutenant Victor King, and they  
13      brought Flight Lieutenant Arnold Bangura, and they brought WO 2,  
14      that is warrant officer class 2, Sawas and other soldiers, but

15:03:50 15      these are the names I am able to recall. And they brought all  
16      the soldiers that were in Liberia in the ECOMOG and handed them  
17      over to the Tejan Kabbah government, the whole contingent of  
18      LEOBATT, the soldiers that were in Liberia.

19      Q.     At that time, 1997/1998, do you know who the president of  
15:04:26 20      Liberia was?

21      A.     It was the former President Charles Taylor.

22      Q.     Mr Brima, did you have any associates in the RUF with whom  
23      you dealt with Charles Taylor?

24             JUDGE DOHERTY: Sorry, Mr Manly-Spain, I didn't hear your  
15:04:59 25      question correctly. Could you please repeat it.

26             MR MANLY-SPAIN: Whether he had any associates in the RUF  
27      through which he acted in concert with Charles Taylor.

28             THE WITNESS: No, I had no RUF friend that had a business  
29      with Charles Taylor. Neither did I do any business with Charles

1 Taylor.

2 MR MANLY-SPAIN:

3 Q. Apart from yourself, did you, together with the second and  
4 third accused, through some associates, deal with Charles Taylor?

15:05:44 5 A. No, not a day had we had business with him, including the  
6 third accused.

7 Q. Mr Brima, do you understand what is meant that you had  
8 command and control over all subordinate members of the AFRC  
9 junta and AFRC/RUF forces?

15:06:21 10 A. Read it again, sir.

11 Q. Do you understand when it is said that you had exercised  
12 authority, command over all - I'm stressing all - subordinate  
13 members of the AFRC?

14 A. Yes.

15:06:43 15 Q. Was that the case?

16 A. No, that wasn't the case. I hadn't any command over  
17 soldiers. And the AFRC which they said I had command over, the  
18 AFRC had no army and I hadn't a command over any person that  
19 called himself an AFRC soldier.

15:07:20 20 Q. Let us concentrate, Mr Brima, on the Sierra Leone Army.  
21 You have told this Court that the 1st and 7th Battalions, plus  
22 the soldiers at Murray Town and Juba, moved out of Freetown by  
23 14th February 1998?

24 A. Yes.

15:07:46 25 Q. And you also told this Court that apart from these soldiers  
26 there were Sierra Leone contingents in Bo, Kenema, and I believe  
27 you said Daru, Kono?

28 A. Yes.

29 Q. What about in Makeni? Did the SLA have a contingent there?



1 A. Yes, there was a battalion there and a brigade too was  
2 there.  
3 Q. I want you to be patient now, Mr Brima, and listen  
4 carefully. Do you know who was the commander - I don't know  
15:08:38 5 whether to say commandant would be correct - the top man,  
6 soldier, at Makeni at the time the AFRC was overthrown?  
7 A. The most senior man was the brigade commander.  
8 Q. Sorry, did you know his name?  
9 A. His name was Colonel TM Momodu, but I don't know what the  
15:09:15 10 initials stand for.  
11 Q. Please spell Momodu.  
12 A. M-O-M-O-D-U, Momodu.  
13 MR MANLY-SPAIN: Your Honour, I'm asking for permission for  
14 the second accused to use the bathroom.  
15:09:40 15 PRESIDING JUDGE: Yes, he can leave the Courtroom.  
16 THE WITNESS: Yes, sir, likewise myself. I want to ease  
17 myself.  
18 PRESIDING JUDGE: All right. We'll take a short  
19 adjournment and the Madam Court Attendant will let us know when  
15:10:04 20 we can resume.  
21 [Break taken at 3.13 p.m.]  
22 [AFRC22JUN06D - RK]  
23 [Upon resuming at 3.20 p.m.]  
24 MR MANLY-SPAIN: Thank you, Your Honour.  
15:18:52 25 Q. Mr Brima, you have just told me about the commander of the  
26 forces at Makeni. Mr Brima, I want to ask you whether you know  
27 what happened to the soldiers who were in the barracks in the  
28 provinces after the overthrow of the AFRC?  
29 A. After the AFRC had been overthrown, Kamajors and civilians

1 used to kill families of the soldiers and the soldiers  
2 themselves.

3 Q. Yes, apart from that, what did the soldiers do? Let me  
4 assist you. Did the soldiers need to stay in their barracks?

15:19:59 5 A. No.

6 Q. What did they do?

7 A. Everybody ran away. They moved and they left their  
8 barracks and their different brigades.

9 Q. Do you know whether these soldiers of the SLA, when they  
15:20:31 10 left their barracks, they went to the same place?

11 A. No. As I have explained to this Court before, except the  
12 ones that remained -- that left Freetown to Masiaka. But really,  
13 during that time the command was not all that was effective.

14 Q. Specifically, Mr Brima - if you can answer you say yes, if  
15:21:13 15 not you say no - did you know the strength of the Sierra Leone  
16 Army before the overthrow of the AFRC? That is the strength as  
17 in manpower?

18 A. From what I heard, from a general muster parade I attended  
19 at the army headquarter, it was said they were 17,000 strong.

15:21:53 20 Q. You were able to see the SLA soldiers that were with SAJ  
21 Musa. Was it about 17,000 strong?

22 A. No, it wasn't up to that.

23 Q. How many soldiers would you say were with SAJ Musa?

24 A. I cannot give the exact number, but what I observed, it  
15:22:27 25 wasn't up to 1,000. From what I observed it wasn't up to 1,000.

26 Q. Mr Brima, did the third accused ever raise any concern with  
27 you about his army number ending with the two numbers five five?

28 A. He did not raise any concern with me in connection with his  
29 number.

1 Q. Did you know of any other soldier during your time in the  
2 army whose number ended with five five?

3 A. Yes.

4 Q. About how many did you know?

15:23:40 5 A. I can call one, that was Sergeant James Conteh and he was  
6 playing for the army football team. They used to call him  
7 Five-Five. And most of the soldiers whose numbers end with five  
8 five, they also call them Five-Five.

9 MR MANLY-SPAIN: Thank you, Mr Brima, that is all.

15:24:35 10 PRESIDING JUDGE: Yes, thank you, Mr Manly-Spain. Mr Agha,  
11 it is your turn to cross-examine.

12 MR AGHA: Your Honour, I would rise at this stage and take  
13 us back to the status conference on 25th May whereby the  
14 Prosecution had requested an order for an adjournment after the  
15:24:59 15 evidence of Mr Brima. The observation of the Court at that time  
16 was that if new matters arose out of Mr Brima's testimony, then  
17 we could ask the Court for an adjournment. The Prosecution is of  
18 the view that a number of new matters have indeed arisen out of  
19 Mr Brima's testimony and would be requesting a short adjournment.

15:25:27 20 These matters, for example, relate to the fact that the  
21 Prosecution was unaware of the escape of the accused from  
22 Kailahun to Kono in July, his escape from Kono to Yarya, his  
23 village, his arrest at Yarya by Commander O-Five, his continued  
24 arrest and detention at Eddie Town, his arrest and detention on  
15:26:03 25 the march to Freetown up to SAJ Musa's death, his escape at Goba  
26 Water and the fact that he wasn't actually in Freetown at all.  
27 These are matters which have actually taken the Prosecution by  
28 some surprise.

29 Additionally to that, as the Prosecution had indicated

1 earlier, it was trying to obtain some documents which it hoped to  
2 put to the accused in order to test his evidence. Now we still  
3 haven't, as yet, received these documents, although we are  
4 trying. We would prefer, if we can, to put them to the accused  
15:26:46 5 during cross-examination as opposed to rebuttal. We don't know  
6 when we will get those documents at all, so obviously the  
7 Prosecution won't be asking for an indefinite delay. What we  
8 would believe to be a reasonable period is that we would like to  
9 commence our cross-examination, bearing in mind the factors just  
15:27:00 10 mentioned, on Wednesday of next week.

11 I understand that the learned Defence counsel are not in  
12 opposition to such a request, but I will leave them to speak on  
13 that. But that is the position of the Prosecution, Your Honour.

14 PRESIDING JUDGE: Does any member of the Defence wish to  
15:27:33 15 reply to that application.

16 MS THOMPSON: Your Honour, my learned friend was kind  
17 enough to have intimated to us on this side a while ago, I think  
18 it was about the beginning of this week or perhaps towards the  
19 end of last week, that he would be seeking an adjournment. We  
15:27:52 20 have discussed this and we do understand why he has asked for an  
21 adjournment, although I think some of the material he has  
22 mentioned is not entirely new. My concern on behalf of the Bri  
23 ma team was the length of the adjournment he was seeking. Now that  
24 he says Wednesday, that's fine by us.

15:28:12 25 Also from a Defence point of view, although I'm not seeking  
26 to aid my learned friend's application, perhaps it would help  
27 this witness, having been in the witness box for some two and  
28 half weeks now -- perhaps a couple of day's rest might help him.  
29 We do not want, and I'm sure the Court doesn't want, us to go

1 back to the situation where he would have to complain about  
2 headaches or stress or something like that. Perhaps a couple of  
3 day's rest would help him. I say that not necessarily to aid my  
4 learned friend's application, but perhaps as something the Court  
15:28:56 5 could consider as well. Unless Your Honour wishes me to say  
6 anything further, that's all I wish to say.

7 PRESIDING JUDGE: Thank you, Ms Thompson. Mr Agha, can I  
8 take it you wouldn't have any reply to that?

9 MR AGHA: No, Your Honour, not at all. I am entirely in  
15:29:13 10 your hands.

11 PRESIDING JUDGE: I didn't make a note of all of those new  
12 matters that you say have arisen. Would you mind going through  
13 them again, please.

14 MR AGHA: Yes, Your Honour. The new matters which we  
15:29:23 15 believe have arisen during the evidence of the accused really  
16 starts from July 1998 onwards when the accused alleges that he  
17 escaped from Kailahun and came to Kono. Thereafter it seems that  
18 on arriving in Kono, on that very day, he escaped to his village  
19 in Yarya, I believe it's known as, where he then, I believe,  
15:29:51 20 stayed for three months before being arrested by Commander  
21 O-Five, having been sent by SAJ Musa. He then, according to his  
22 own evidence, was taken in custody to Colonel Eddie Town straight  
23 from Yarya. Whilst in Colonel Eddie Town --

24 PRESIDING JUDGE: Just pause for a moment. I'm up to where  
15:30:15 25 you say arrested by Commander O-Five, ordered by SAJ Musa.

26 MR AGHA: I apologise, Your Honour. I will go a little bit  
27 slower. Thereafter he was taken in custody from Yarya, his  
28 village, to Colonel Eddie Town. At Colonel Eddie Town he then  
29 remained again in custody and detention until his eventual escape

1 at Goba Water after SAJ Musa's death. Thereafter he made his way  
2 to Makeni, I believe, and was not in Freetown at all.

3 Now, I'm aware that there was some intimation that he may  
4 have spent some period of detention in Colonel Eddie Town, but as  
15:31:16 5 for his continuing arrest and detention from his village Yarya  
6 until his escape in Goba Water, these are new matters for the  
7 Prosecution, I would submit.

8 PRESIDING JUDGE: Thank you, Mr Agha. We would like to  
9 adjourn, not long, just a few moments just to discuss the  
15:31:34 10 application. We will adjourn and we will return certainly before  
11 4.00 p.m..

12 [Break taken at 3.35 p.m.]

13 [Upon resuming at 3.50 p.m.]

14 PRESIDING JUDGE: Just to be quite sure on our facts,  
15:46:42 15 Mr Agha, I understood you to say your application was for the  
16 trial to commence again next Wednesday; is that right.

17 MR AGHA: Yes, that's correct, Your Honour.

18 PRESIDING JUDGE: Thank you.

19 We are satisfied that the Prosecution has been taken by  
15:47:02 20 surprise by the new material which has come to light in the  
21 testimony of the first accused, Mr Brima.

22 We note that the Prosecution's application for an  
23 adjournment is not opposed by the Defence. In our opinion, the  
24 application is reasonable and we accordingly grant it.

15:47:30 25 This trial will be adjourned until 9.15 next Wednesday,  
26 June 28.

27 Before the Court rises, Mr Brima, it is going to be a  
28 considerable break before we resume, but I must remind you that  
29 you are still not permitted to talk about the case or the

1 evidence with anybody. Is that clear?

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: All right. Thank you. The Court will  
4 now rise and resume next Wednesday, 9.15.

5 [Whereupon the hearing adjourned at 4.51 p.m.  
6 to be reconvened on Wednesday, the 28th day of  
7 June, 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ALEX TAMBA BRIMA	2
CROSS-EXAMINED BY MR DANIELS	5
CROSS-EXAMINED BY MR MANLY-SPAIN	64