

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

WEDNESDAY, 28 JUNE 2006  
9.17 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Mr Simon Meisenberg Ms Carolyn Buff Ms Evelyn Campos Sanchez
For the Registry:	Ms Maureen Edmonds Mr Geoff Walker Mr Thomas George
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Ms Melissa Pack Ms Maja Dimitrova (Case Manager) MrSean Morrison (intern)
For the Principal Defender:	No appearance
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Ibrahim Foday Mansaray (legal assistant) Ms Rebecca Cohen (intern)
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanau:	Mr Ajibola E Manly-Spain

1 [AFRC28JUN06A - SV]  
2 Wednesday, 28 June 2006  
3 [Open session]  
4 [The accused present]  
09:17:11 5 [Upon commencing at 9.17 a.m.]  
6 WITNESS: ACCUSED ALEX TAMBA BRIMA [Continued]  
7 [The witness answered through interpreter]  
8 PRESIDING JUDGE: Yes, good morning. Mr Brima, I will  
9 remind you again you're still on your former oath to tell the  
09:17:47 10 truth. Is that understood?  
11 THE WITNESS: Yes, My Lord.  
12 PRESIDING JUDGE: Mr Agha, you've changed position.  
13 MR AGHA: Sorry about that Your Honours.  
14 PRESIDING JUDGE: It's quite all right. I just couldn't  
09:18:06 15 see you with the screen here, but go ahead, Mr Agha.  
16 MR AGHA: Thank you, Your Honours. Good morning Your  
17 Honour. Good morning to learned counsel of the Defence.  
18 CROSS-EXAMINED BY MY AGHA:  
19 Q. Good morning, Mr Brima.  
09:18:22 20 A. Morning.  
21 Q. So today I'm going to ask you some questions and I'd kindly  
22 like your responses to those questions.  
23 Now, according to your testimony, you attended the  
24 Wilberforce Army Primary School, didn't you?  
09:18:38 25 A. Yes.  
26 Q. From what ages were you at the Wilberforce Army Primary  
27 School?  
28 A. I was there from the age of five.  
29 Q. Until?



1 A. From the age of five until the age of 12.

2 Q. Now the Wilberforce Army Primary School is within the  
3 Wilberforce Barracks, isn't it?

4 A. Yes.

09:19:26 5 Q. And according to your own testimony, you then attended the  
6 Services Children's School, didn't you?

7 A. Say it again.

8 Q. After the Wilberforce Army Primary School you attended the  
9 Services Children's School; is that correct?

09:19:48 10 A. Yes.

11 Q. And from what ages did you attend the Services Children's  
12 School?

13 A. Like I told you, from the age of five years to the age of  
14 12 years, when I left Wilberforce Primary I went to Services and  
09:20:15 15 hopefully from the age of eight or nine years I went to Services  
16 Children's School.

17 Q. And where is the Services Children's School located?

18 A. It's at the Wilberforce Barracks.

19 Q. Now, you have a West African school certificate at ordinary  
09:20:45 20 and advanced level, don't you?

21 A. Yes.

22 Q. And you went to the Institute of Public Administration and  
23 Management, didn't you?

24 A. Yes.

09:21:05 25 Q. You also attended the Freetown Technical Institute; is that  
26 right?

27 A. Yes.

28 Q. And you hold a certificate referred to as Association of  
29 Accounting Technicians; is that right?



1 A. Yes.

2 Q. You can read English, can't you?

3 A. Yes.

4 Q. You can write English?

09:21:43 5 A. Yes.

6 Q. And you can speak English?

7 A. Yes.

8 Q. You'd agree with me that you were a reasonably well  
9 educated man, wouldn't you?

09:21:56 10 A. Yes.

11 Q. Now, your father was in the Sierra Leonean Army, wasn't he?

12 A. Yes.

13 Q. Roughly how long was he in the army?

14 A. My father was in the army from 1947 to 1996.

09:22:25 15 Q. So it was a long period of time then?

16 A. Yes.

17 Q. And what was the rank of your father when he joined the  
18 army?

19 A. I beg your pardon?

09:22:41 20 Q. Do you know the rank of your father when he joined the  
21 army?

22 A. No.

23 Q. Do you know the final rank of your father when he left the  
24 army?

09:23:06 25 A. Yes.

26 Q. And what was that rank?

27 A. He was a sergeant.

28 Q. In which year did your father leave the army or was he  
29 still serving at the time of his death?



1 A. He left the army in 1996.

2 Q. So he was retired at the time of his death?

3 A. Before. Before he died he had already retired.

4 Q. Now, you have four other brothers who are currently serving  
09:23:38 5 in the SLA, don't you?

6 A. Yes.

7 Q. Now, all four of these brothers are older than you, aren't  
8 they?

9 A. Yes.

09:23:59 10 Q. What ranks were your brothers when they joined the army?

11 A. Repeat that question.

12 Q. What ranks were your brothers when they joined the army?

13 A. You mean before they joined the army, because I have some  
14 problems with the interpreter so I want you to repeat that  
09:24:32 15 question.

16 Q. At the time your brothers joined the army, what ranks were  
17 they given?

18 A. Ask that question again.

19 Q. At the time when your brothers joined the army, what ranks  
09:24:55 20 were they given?

21 A. They did not have any rank. They were civilians when they  
22 joined the army.

23 Q. But presumably they became privates?

24 A. Well, after training every soldier becomes a private, when  
09:25:21 25 once you've gone through the training, when you pass out from the  
26 training. I'm talking about the Sierra Leone Army when you go as  
27 a recruit. When once you pass through the training you become a  
28 private and it's not only a single individual. Every soldier who  
29 has passed recruit infantry training, you become a private.





1 Q. And after your brothers became privates were any of them  
2 promoted?

3 A. Yes.

4 Q. I believe that two of your brothers were promoted. Can you  
09:25:59 5 tell me what ranks they currently hold?

6 A. You mean after training?

7 Q. Yes.

8 A. Or now?

9 Q. Now. What do they currently hold now?

09:26:18 10 A. As I already was testifying before this Court, one of them  
11 was promoted to the rank of WO 2, warrant officer class 2, he was  
12 a sergeant-major. It was during these days that I knew. The one  
13 is still a sergeant.

14 Q. Now, two of your brothers joined the army before you,  
09:26:46 15 didn't they?

16 A. Yes.

17 Q. You yourself grew up in Wilberforce Barracks in Freetown,  
18 didn't you?

19 A. Yes.

09:26:56 20 Q. SAJ Musa also grew up at Wilberforce Barracks, didn't he?

21 A. Yes.

22 Q. SAJ Musa was a family friend, wasn't he?

23 A. Yes.

24 Q. You were living with your father at Wilberforce Barracks  
09:27:18 25 whilst you were growing up, weren't you?

26 A. Yes.

27 Q. And by May 1997, three of your brothers had enlisted in the  
28 army; correct?

29 A. I beg your pardon?



1 Q. By May of 1997 three of your brothers had joined the army;

2 is that correct?

3 A. No.

4 Q. How many had joined by May 1997?

09:27:58 5 A. Before May 1997 four of my brothers had already joined the

6 army?

7 Q. So all four then?

8 A. Yes.

9 Q. And were any of these brothers living at Wilberforce

09:28:20 10 Barracks?

11 A. Yes.

12 Q. And did you remain living at Wilberforce Barracks until you

13 joined the army?

14 A. Yes.

09:28:36 15 Q. So how long did you spend growing up at Wilberforce

16 Barracks, how many years?

17 A. Well, from when I was born I was at Wilberforce Barracks,

18 but I did not stay there permanently. It came to a certain time

19 when I went straight to my elder sister at Kissy, 119 Locust. So

09:29:06 20 I was not at Wilberforce Barracks all the time.

21 Q. But you were splitting your time between your sister's

22 house and Wilberforce Barracks; is that right?

23 A. Yes.

24 Q. Now, hundreds of soldiers and their families live at

09:29:28 25 Wilberforce Barracks, don't they?

26 A. Yes.

27 Q. Corporal Tamba Brima had a family living at Wilberforce

28 Barracks prior to the May 1997 coup, didn't he?

29 A. Ask that question again. I want to know what Corporal



1 Tamba Brima you're referring to, either me or the other one in  
2 the year that you mentioned.

3 Q. I apologise, Witness. I'll say it slowly. Corporal Tamba  
4 Gborie had a family living at Wilberforce Barracks before May  
09:30:09 5 1997, didn't he?

6 A. Yes.

7 Q. So did warrant officer 2 Franklyn Conteh, aka Woyoh, didn't  
8 he?

9 THE INTERPRETER: Could counsel please go over that name,  
09:30:25 10 slowly.

11 MR AGHA: Yes.

12 Q. The name is warrant officer 2 Franklyn Conteh, alias Woyoh.  
13 He also had a family living at Wilberforce Barracks prior to May  
14 1997, didn't he?

09:30:49 15 A. Well, warrant officer Franklyn Conteh that you mentioned, I  
16 do not know him by that name that you called Woyoh.

17 MR FOFANAH: May it please, Your Honours, may counsel  
18 respectfully spell the name Woyoh. It seems a bit strange.

19 PRESIDING JUDGE: Yes, I think you did spell it earlier  
09:31:09 20 Mr Agha. Could you spell it again, please.

21 MR AGHA: Yes, Your Honour, certainly. I think it has been  
22 spelt on numerous occasions but it's actually, for the record,  
23 W-O-Y-O-H.

24 Q. So, Witness, what name --

09:31:36 25 A. Yes. I know WO 2 Franklyn Conteh. I don't know him by  
26 that name that you called. So WO 2 Franklyn Conteh that I know  
27 him by.

28 Q. Was his family living at Wilberforce Barracks in May 1997?

29 A. Well, I cannot tell.



1 Q. What about Corporal Hassan Papa Bangura? Was his family  
2 living at Wilberforce Barracks around May 1997?

3 A. Well, I cannot tell.

4 Q. What about Corporal Foday Kallay? Had any family members  
09:32:20 5 of his been living in Wilberforce Barracks in around May 1997?

6 A. Yes.

7 Q. Now, Wilberforce Barracks is on a very large site, isn't  
8 it?

9 A. Yes.

09:32:39 10 Q. There are schools within the barracks?

11 A. Yes.

12 Q. There's a market within the barracks, isn't there?

13 A. Yes.

14 Q. And there's also a football pitch within Wilberforce  
09:33:02 15 Barracks, isn't there?

16 A. Yes.

17 Q. Would you agree with me that you spent a large part of your  
18 childhood growing up and playing within the confines of  
19 Wilberforce Barracks?

09:33:19 20 A. I will not agree with you in that regard.

21 Q. Where did you spend all your time growing up if it wasn't  
22 in the barracks? You went to school there, after all.

23 A. I spent my time in the barracks. I spent it at Kissy.

24 Q. So you spent a large part of your time in Wilberforce  
09:33:40 25 Barracks; you'd agree with me on that, would you?

26 A. Yes.

27 Q. Now, whilst you say were growing up at the barracks, you  
28 mixed with the other children of the soldiers who were also  
29 living in the barracks, didn't you?





1 A. Yes, I mingled with the children of soldiers, but not all  
2 the children of soldiers that I mingled with.

3 Q. Yes. You had friends, some who were not soldiers and some  
4 who were soldiers; that's right, isn't it?

09:34:17 5 A. I said I mingled with the children of soldiers but not all  
6 the children of soldiers that I mingled with.

7 Q. But whilst you were at Wilberforce Barracks growing up, you  
8 regularly saw soldiers, didn't you?

9 A. Yes.

09:34:35 10 Q. You'll agree with me then that you grew up in a military  
11 environment?

12 A. Yes.

13 Q. Now, these soldiers that you saw whilst you were growing up  
14 at Wilberforce Barracks, they were wearing military uniforms,

09:34:56 15 weren't they?

16 A. Yes.

17 Q. You saw your father in a military uniform, didn't you?

18 A. Yes.

19 Q. I assume you saw at least one of your brothers in a  
09:35:10 20 military uniform as well?

21 A. Not one, but two.

22 Q. Now, these military uniforms, they were green or camouflage  
23 in colour, weren't they?

24 A. They used to wear green, and they used to wear red and  
09:35:32 25 black, and they used to wear brown, and they used to wear combat.

26 Q. So you were familiar with the different types of military  
27 uniforms worn, even while you were growing up, weren't you?

28 A. No, I do not know all the different types of military  
29 uniform when I was growing up.



1 Q. But you've just named quite a number of them, so you must  
2 have known the majority of them?

3 A. It was the ones that I knew that I named.

4 Q. Now, on these military uniforms there was insignia, wasn't  
09:36:19 5 there?

6 A. I don't know what you mean by symbol, except if you break  
7 it down for me.

8 Q. What about stripe? Did you ever see stripe on a uniform?

9 A. Stripe like how? Break it down for me so that I could  
09:36:41 10 understand.

11 Q. Well, you're a soldier, as you said in your evidence. I  
12 was wondering a stripe as in, let's say, a lance-corporal's  
13 stripe. Does a lance-corporal have a stripe or what did he have?

14 A. Well, in the army we would say that the man has a rope.  
09:37:01 15 That is to say that he has a rank, lance-corporal.

16 Q. You said a rope; is that right?

17 A. Yes, that's what we used to call it in the army. We would  
18 say that that man has been promoted, he has a rope.  
19 Lance-corporal, for instance, he has two ropes. Corporal, he has  
09:37:21 20 three ropes, with sergeant.

21 Q. Where are these ropes on the uniform?

22 A. It's fixed on the arm, on the shoulder. This part that I  
23 point on my hand. It's fixed on your sleeve, the sleeve of your  
24 shirt.

09:37:41 25 Q. So while you were growing up, you saw these ropes on the  
26 uniforms of the soldiers at Wilberforce Barracks; is that right?

27 A. Yes.

28 Q. Now, did you discuss with your friends growing up at  
29 Wilberforce Barracks what these different ropes meant?



1 A. I did not discuss with my friends the meaning of those  
2 different ropes.

3 Q. So, according to you, you grew up with children of other  
4 soldiers, and you were never curious to know whether one father  
09:38:25 5 had one rope and another father had two ropes and what it meant?

6 A. Well, I was not too concerned about that.

7 Q. But you didn't discuss it amongst your friends? It didn't  
8 occur to you whose father was more important than the next man's  
9 father?

09:38:49 10 A. We did not have that discussion with friends.

11 Q. That surprises me. I would have done.

12 A. Why should that surprise you?

13 Q. Well, if I was growing up in an environment with other  
14 children who are all soldiers and their fathers were soldiers,  
09:39:12 15 I'd be curious to know what positions their fathers were, whether  
16 they were more important than mine. It's a thing that, when  
17 growing up, one does. That's why.

18 A. Well, you said that --

19 THE INTERPRETER: Your Honours, would the witness go a  
09:39:28 20 little bit slow?

21 JUDGE SEBUTINDE: Mr Brima, there's a request that you  
22 speak slowly and repeat what you've just said. The interpreter  
23 didn't get it. A bit more slowly, please.

24 THE WITNESS: Yes, My Lord. I said well, when I was  
09:39:51 25 growing up, as a child, I did not want to know about the stars of  
26 my colleagues' father too much. I was concerned about my own  
27 father because he was the one that was taking care of me.

28 MR AGHA:

29 Q. Now, what about the third accused? Did he grow up with you



1 in Wilberforce Barracks?

2 A. No.

3 Q. Was his father in the army?

4 A. No.

09:40:20 5 Q. How long have you known the second accused? Since  
6 childhood, isn't it?

7 A. Yes.

8 Q. Your fathers were best friends?

9 A. Yes, they were friends. He was a friend to the second  
09:40:45 10 accused's father.

11 Q. So you and the second accused have been friends since  
12 childhood, haven't you?

13 PRESIDING JUDGE: He just said yes, Mr Agha.

14 MR AGHA: Okay.

09:40:58 15 Q. Now, you and the second accused used to play football  
16 together?

17 A. I used not to play football.

18 Q. You never played football as a child while growing up in  
19 Sierra Leone?

09:41:13 20 A. When I was growing up, as a child, I played.

21 Q. Were you any good?

22 A. Well, I wasn't good. I did not concentrate on football.

23 Q. Now, you and the other accused, the second and third  
24 accused, you joined the army at roughly the same time, didn't  
09:41:43 25 you?

26 A. Well, it was not like that. It was I and the second  
27 accused that joined at the same time.

28 Q. But the third accused joined slightly before you; is that  
29 correct?





1 A. It's correct.

2 Q. You and the second accused were squad mates in the army,  
3 weren't you?

4 A. Yes.

09:42:18 5 Q. You and the second accused underwent military training at  
6 the same time, didn't you?

7 A. Yes.

8 Q. So you and the second accused, as a family friend, used to  
9 meet frequently, didn't you?

09:42:29 10 A. Yes.

11 Q. You even visited the second accused before the intervention  
12 in around January and February 1998, didn't you?

13 A. I beg your pardon?

14 Q. You even visited the second accused around January/February  
09:42:47 15 1998 before the intervention in Freetown, didn't you?

16 MS THOMPSON: Your Honour, before the witness answers this  
17 question, I'm concerned about the fact that we seem to be going  
18 over what's already been said in examination-in-chief. I don't  
19 know if my learned friend is trying to see whether he'll elicit a

09:43:10 20 different answer to that which has already been given in chief,  
21 but most of the questions that have been asked so far have been  
22 questions dealing with -- basically repeating answers already  
23 given by the witness in examination-in-chief and basically  
24 putting that to the witness again for the witness to either

09:43:29 25 confirm or deny. I'm not sure whether that's the logic of  
26 cross-examination. Of course, I don't want to tell my learned  
27 friend how to go about cross-examining the witness, that's for  
28 him. But I'm really concerned about putting what's already been  
29 before this Court again to the witness. I don't know what the



1 logic of that is.

2 PRESIDING JUDGE: All right, Ms Thompson. What do you say  
3 to that, Mr Agha?

4 MR AGHA: Your Honours, I'm building towards a line of  
09:43:52 5 questioning and I don't feel I can just dive straight in there  
6 and put to him something. I feel I want to lay some ground and  
7 then give him the opportunity to respond.

8 PRESIDING JUDGE: All right. You're going to link it up  
9 with some other line of cross-examination?

09:44:10 10 MR AGHA: That's correct.

11 PRESIDING JUDGE: All right, Mr Agha. You continue for  
12 now.

13 MR AGHA:

14 Q. So, Witness, I'll repeat the question. You even visited  
09:44:19 15 the second accused before the intervention in around  
16 January/February 1998, didn't you?

17 A. Well, before that, we used to visit ourselves.

18 Q. And, according to you, during the withdrawal from Freetown,  
19 after the intervention, the second accused saved your family,  
09:44:40 20 didn't he?

21 A. Yes.

22 Q. So an account of the second accused being a close friend  
23 and him saving your family, you have a good reason to lie before  
24 this Court in order to help the second accused out, don't you?

09:44:59 25 A. No. I want you to believe that what I'm saying is true.  
26 You were not there. It's the truth that I know that I'm telling  
27 you and I would not lie on his behalf.

28 Q. Now, turning to your own military career. You joined the  
29 SLA straight from school at the age of 19 in 1991, didn't you?



1 A. Yes.

2 Q. The Sierra Leone Army, when you joined, was made up of  
3 full-time soldiers, wasn't it?

4 A. Well, I would not be able to tell you whether it was  
09:45:42 5 full-time soldier.

6 Q. Were there any part-time soldiers as well?

7 A. What do you mean by part-time?

8 Q. Well, did you go to work as a soldier in the morning and  
9 then go to work as a mechanic in the afternoon, or did you go to  
09:46:03 10 work the whole day as a soldier?

11 A. Well, I joined as a soldier and I worked as a soldier.

12 Q. So that was your job full-time?

13 A. Yes.

14 Q. And the other soldiers who you trained with and worked  
09:46:24 15 with, that was also their job full time?

16 A. Well, I can only talk about myself.

17 Q. Now, when you joined the army you received three months  
18 military training, didn't you?

19 A. Yes.

09:46:43 20 Q. You were taught how to march?

21 A. Repeat that word.

22 Q. Were you taught how to march?

23 A. March like how? Let me know.

24 Q. In a parade ground. Do soldiers march in a parade ground  
09:47:07 25 in unified fashion? Were you taught that?

26 A. You see, I was taught. We call that a drill. That was  
27 taught me.

28 Q. Were you taught to salute superior officers?

29 A. They taught me to salute.



1 Q. You learnt about muster parades, didn't you?

2 A. Yes.

3 Q. You learnt military terminology like drill shell, fall-in,  
4 didn't you?

09:47:43 5 THE INTERPRETER: Can counsel please take those words  
6 slowly.

7 MR AGHA:

8 Q. You were trained in military terminology like fall-in,  
9 drill shell, weren't you?

09:47:59 10 A. Yes.

11 Q. You were trained in the use of weapons, weren't you?

12 A. Yes.

13 Q. And you learnt about different types of weapons, didn't  
14 you?

09:48:09 15 A. Well, I cannot tell you that I learnt about different types  
16 of weapons. The rifle that I had access to which I learned about  
17 that, that was my personal rifle. I did not know about other  
18 types of weapon.

19 Q. In weapon training you were trained to shoot and hit your  
09:48:35 20 target, weren't you?

21 A. Yes.

22 Q. That target you were meant to shoot and hit was RUF enemy  
23 soldiers, wasn't it?

24 A. Well, the target I was trained to shoot was a dummy target.  
09:48:56 25 By that, I mean, like that seal up there or the symbol up there,  
26 if you say I should shoot at it, I can do that.

27 Q. But the object of your training was to send you to fight  
28 the RUF, wasn't it?

29 A. Well, that is what I'm telling you. The object that was





1 before me during the training, it was a dummy target.

2 Q. Yes, the target was a dummy target, but after you finished  
3 your training where were you sent? You were sent to fight in the  
4 war against the RUF, weren't you?

09:49:37 5 A. Yes. I was briefed on that; that the RUF, which was the  
6 enemy force against the Government of Sierra Leone, that I should  
7 go and fight against that group.

8 Q. Now, you say you were trained in field craft. Can you  
9 explain to this Court what field craft is?

09:50:04 10 A. Well, in field craft we can say judging distance according  
11 to appearance method. By that, I mean there are three judges  
12 sitting before there. As I have seen the three judges, according  
13 to what I obtained from my field instructor who taught me field  
14 craft, I've seen them in daylight. At night again if I was

09:50:39 15 watching and then I observed the same three targets, okay, I  
16 would be able to discern whether it is human beings or any other  
17 thing. If they are movable, I am able to know.

18 Q. You were trained in tactics as well, weren't you?

19 A. Yes.

09:51:05 20 Q. And this included troop movements during an advance, did it  
21 not?

22 A. Yes.

23 Q. And during a retreat as well?

24 A. Yes.

09:51:28 25 Q. You were trained in different kinds of orders, weren't you,  
26 like drill order?

27 A. Say it again.

28 Q. You were trained in the different types of orders. For  
29 example, a drill order, you learnt what that meant?



1 A. Well, I want you to break down what you meant by order,  
2 because I don't understand what you meant by order.

3 PRESIDING JUDGE: Yes, Mr Agha, that question could be  
4 confusing. Do you mean order of march or do you mean verbal  
09:52:15 5 orders given to the troops?

6 MR AGHA: I'll clarify, Your Honour.

7 Q. While you were in your training you were taught about rank  
8 and insignia, weren't you?

9 A. I beg your pardon?

09:52:32 10 Q. Whilst you were training you were taught about rank and  
11 insignia. For example, that a corporal is more senior than a  
12 private; is that right?

13 A. Well, that did not -- the focus was not much on that during  
14 my training, but the order that was given to me, like the drill  
09:53:01 15 order --

16 Q. But you learnt that if a corporal gave an order to a  
17 private, the private had to follow that order, didn't he?

18 A. Yes.

19 Q. And you were taught that junior ranks had to follow the  
09:53:25 20 orders of more senior ranks, weren't you?

21 A. Yes.

22 Q. And the second accused as your, I think, squad mate, he  
23 received the same kind of training as you, didn't he?

24 A. So I believe.

09:53:47 25 Q. Now, you've already explained to this Court the ranking  
26 system in the army which is from private, then corporal,  
27 lance-corporal, et cetera. So you know about seniority in the  
28 army, don't you?

29 A. I know the ranks in the army.



1 Q. And you knew that lower ranked officers had to follow the  
2 ranks of more senior officers -- the orders they gave, rather?

3 A. Lower rank officers, like which rank?

4 Q. For example, lance-corporal had to follow the orders of  
09:54:46 5 private; correct? Sorry, private had to follow the orders of  
6 lance-corporal; correct?

7 A. Well, I want to tell you that the language that you are  
8 using, officer, other ranks lance-corporal is not an officer. An  
9 officer is somebody that carried a pip or he has a bangle on his  
09:55:15 10 hand. That is an officer. So if you use the word officer then  
11 you are mixing up the statement that you are putting to me.

12 Q. Thank you for the education on that. I'll try to be a  
13 little bit more cautious. So let me put it this way: A private  
14 had to follow the order of a corporal; is that correct?

09:55:39 15 A. Yes.

16 Q. A corporal had to follow the order of a sergeant; is that  
17 correct?

18 A. Yes.

19 Q. And now we come to officers. I believe the first officer  
09:55:59 20 is second lieutenant; is that correct?

21 A. Yes.

22 Q. And a sergeant had to follow the orders of a second  
23 lieutenant, didn't he?

24 A. Well, I want you to talk about the staff sergeant who is  
09:56:15 25 very close to the lieutenant. An order is a chain of a command.  
26 When the orders come from the top, it comes down to the bottom  
27 unto the sergeant

28 Q. Right, yes, I see, so there's a chain of command that it  
29 comes down from the top through from the officers to the lower



1 ranks. That's what you mean, yes?

2 A. Yes.

3 Q. Now, if, let us say, a sergeant gave an order to a  
4 lance-corporal and that lance-corporal disobeyed the order, he'd  
09:57:02 5 be subject to discipline, the lance-corporal, wouldn't he?

6 A. Yes, but I want to tell you that in the army it is very  
7 rare for a junior -- somebody in the junior rank refuses the  
8 orders of the senior. For what I know in the army is obey and  
9 complain. Whatever you told me to do, I shall do that. For  
09:57:32 10 instance, whatever a sergeant orders a lance-corporal, then the  
11 lance-corporal is to do that.

12 Q. So if the lance-corporal disobeyed he'd be in a lot of  
13 trouble, wouldn't he?

14 A. Yes.

09:57:48 15 Q. Now, you trained at Lungi initially; that's right, isn't  
16 it?

17 A. I was trained both at Lungi and Benguema.

18 Q. And while you were training there you followed the commands  
19 and orders of your instructors and teachers?

09:58:23 20 A. Yes.

21 Q. So you would agree with me that the military chain of  
22 command was followed at both Lungi and Benguema during your  
23 training?

24 A. Yes.

09:58:43 25 Q. After you completed your training you were initially  
26 deployed with the navy at Bonthe Island and at that time the SLA  
27 were fighting the RUF; they were actually at war, weren't they?

28 A. Let me correct you there. I was posted at the navy. It  
29 was the navy that transferred me to Bonthe.





1 Q. Thank you for the clarification, but at that time the war  
2 was going on with the RUF, wasn't it?

3 A. Yes.

4 Q. Then in around 1992/1993 you were fighting as an infantry  
09:59:48 5 soldier in Kailahun; is that correct?

6 A. Kailahun, Kono. It wasn't only in Kailahun that I was  
7 fighting in 1992 as an infantry.

8 Q. And whose command were you under?

9 A. I was under the command of the chief security officer to  
10:00:26 10 Captain Valentine EM Strasser, by then.

11 Q. So after training you were actually putting into practice  
12 on the battlefield what you'd been taught, weren't you?

13 A. Yes.

14 Q. And I believe that the SLA had some military successes  
10:00:52 15 against the RUF in 1992 and 1993. You recaptured the whole of  
16 Kono in 1993 from the RUF, didn't you?

17 A. It was initially in '92 that we captured Kono after the  
18 first attack in October.

19 Q. And did you have any more military successes after that?

10:01:22 20 A. We had military success but I want you to know that on the  
21 side of the army there were casualties.

22 Q. Yes, that obviously occurs in combat. And they got medical  
23 treatment; is that right?

24 A. Yes.

10:01:38 25 Q. Now, whilst in the army, prior to May 1997 you were trained  
26 in close protection, weren't you?

27 A. What do you mean by close protection? Break it down for  
28 me.

29 Q. Okay. You became a bodyguard to Captain Strasser when he



1 took over the country. So did you receive any particular kind of  
2 training so that you could look after him well and do your job  
3 properly as a security and then bodyguard?

4 A. No. As a soldier I was attached to Captain Strasser and I  
10:02:31 5 was protecting him as a soldier. So both closed and open, yes, I  
6 was trained that during my period in the training school.

7 Q. Now, Captain Strasser became head of state of Sierra Leone  
8 through a military coup in April 1992, didn't he?

9 A. Yes.

10:02:56 10 Q. SAJ Musa was also a part of this coup, wasn't he?

11 A. Yes.

12 Q. And SAJ Musa became a senior figure in the NPRC ruling  
13 government, didn't he?

14 A. Yes.

10:03:13 15 Q. And you would agree with me that at that time Captain  
16 Strasser, as head of state, was one of the most important people  
17 in Sierra Leone?

18 A. Yes.

19 Q. And you also used to protect his wife and family from time  
10:03:38 20 to time, didn't you?

21 A. Ask that question again.

22 Q. Occasionally you also used to guard Captain Strasser's wife  
23 and family, didn't you?

24 A. Yes.

10:03:55 25 Q. So it would be fair to say that you were a well-trained and  
26 reliable soldier to be protecting the head of state during the  
27 NPRC government, wouldn't it?

28 A. Well, it was a deployment as I can call it and an  
29 attachment. I was not alone. There were people that were taken



1 that were not trained. They recruited people from all  
2 battalions. It was my normal infantry training which I used to  
3 protect him.

4 Q. And he stayed alive. You managed to protect him, didn't  
10:04:41 5 you?

6 A. Yes.

7 Q. Now, it was during the NPRC government that you came to  
8 respect SAJ Musa, wasn't it?

9 A. I beg your pardon?

10:05:03 10 Q. You came to respect SAJ Musa during the NPRC government,  
11 didn't you?

12 A. It wasn't only SAJ Musa. I respected all officers.

13 Q. And you knew that before the NPRC government handed back  
14 power to civilian government that SAJ Musa had left Sierra Leone,  
10:05:31 15 didn't you?

16 A. Yes.

17 Q. Now, according to you, you knew about the appointments and  
18 ranks of various members of the NPRC government because you used  
19 to mix and chat with their securities, didn't you?

10:05:51 20 A. Yes.

21 Q. The third accused, he was attached as a security to Captain  
22 Strasser, wasn't he?

23 A. Yes.

24 Q. Hassan Papa Bangura was also attached as a security to  
10:06:13 25 Strasser as well, wasn't he?

26 A. No.

27 Q. He wasn't? It must be the second accused. He was attached  
28 to one of the officials of the NPRC government as security,  
29 wasn't he?



1 A. Put the question to me again.

2 Q. The second accused, he also acted as a security to one of  
3 the members of the NPRC government, didn't he?

4 A. Yes.

10:06:52 5 Q. Abu Sankoh Zagalo was also a bodyguard to one of the  
6 officials of the NPRC government, wasn't he?

7 A. I don't know.

8 Q. I thought you used to mix with all the securities.  
9 Wouldn't you have come across Zagalo?

10:07:12 10 A. Never have I met him, nor have we met as security.

11 Q. So you never met Abu Sankoh Zagalo before?

12 A. I have seen him before, but when you said as a security to  
13 officer in the NPRC, that is not to my knowledge.

14 Q. Now, through your role as a security and through mixing  
10:07:47 15 with the other securities of the NPRC government, you knew that  
16 the NPRC government had a Supreme Council, didn't you?

17 A. I knew of that.

18 Q. So by 1998, through your training and combat experience,  
19 you learnt about military formations such as brigades and  
10:08:14 20 battalions, didn't you?

21 A. Repeat your question.

22 Q. By 1998, through your training and combat experience in  
23 Kailahun and Kono, you learnt about the composition of brigades  
24 and battalions, didn't you?

10:08:38 25 A. No.

26 Q. Did you learn of formations of brigades and battalions?

27 A. Well, I was in the army when they formed brigades and  
28 battalion. I know of a brigade, but I belong to a battalion.

29 MR FOFANA: Excuse me, Your Honours. May the second





1 accused be kindly excused to use the convenience?

2 PRESIDING JUDGE: Yes, certainly. The second accused can  
3 be excused.

4 MR FOFANAH: Thank you.

10:09:27 5 MR AGHA:

6 Q. Now, coming back to your training, according to you, you  
7 did a three months crash training because it was a time of war;  
8 is that right?

9 A. Yes.

10:09:40 10 Q. And, according to you, the RUF invaded Sierra Leone on  
11 about 21st March 1991?

12 A. That date which you've mentioned, I don't think that the  
13 date is correct.

14 Q. What do you think the correct date is, round about?

10:10:10 15 A. Well, I cannot say the exact date, but the date you've  
16 called, 21 March, I don't think that is the correct date. Maybe  
17 later I would be able to tell you the correct date.

18 Q. Well, according to your own evidence, the RUF invaded  
19 Sierra Leone on 21st March 1991. So I can refresh your memory  
10:10:46 20 with that if it helps.

21 A. Well, I'm speaking through an interpreter and finding  
22 problems when the interpreter is interpreting. But that date, it  
23 was not I that stated that date.

24 Q. So that's incorrect then?

10:11:05 25 A. I did not give that date in this Court.

26 Q. Well, we'll come back to that a little later.

27 A. Okay.

28 Q. Now, you mentioned that you didn't have the benefit of six  
29 to nine months training because of this war; is that correct?



1 A. Yes.

2 Q. So presumably soldiers who'd joined the SLA before the war  
3 would have had the benefit of six to nine months training?

4 A. Yes.

10:11:53 5 Q. Now, I want to come back, with the permission of the Court,  
6 and just remind you, if I may, from your own evidence about when  
7 you believed the war started.

8 PRESIDING JUDGE: What part of the transcript is that,  
9 Mr Agha?

10:12:10 10 MR AGHA: I'm going to print copies for Your Honours and  
11 everyone else so that they can see.

12 PRESIDING JUDGE: All right, thank you.

13 Mr Court Attendant, I think there are some copies of  
14 transcript to be handed to the Bench from the Prosecution.

10:12:55 15 MR AGHA:

16 Q. Now, this is from a transcript of your own evidence from  
17 7th June 2006 and it's page 16 and 17. It's your own evidence.  
18 I had mentioned to you that it was 21st. In fact, even I was  
19 wrong.

10:13:19 20 But if I just read to you line 29 on page 16 to line 2 on  
21 page 17, just to remind you, this is what you replied :

22 "Well, from what I learnt, I'm aware that the RUF started  
23 attacking the Sierra Leone territory -- I heard about the  
24 RUF since 23rd March 1991."

10:13:49 25 So would you say 23rd March 1991 was about the right time  
26 that the RUF started attacking the territory of Sierra Leone?

27 A. As you've refreshed my memory, yes, that is the exact date,  
28 23rd March of 1991.

29 Q. Thank you. So before that there wasn't any war in the



1 territory of Sierra Leone, as far as you're aware?

2 A. Well, there was no war which I was aware about before that  
3 time.

4 Q. So soldiers who joined the SLA before 21st March 1991 would  
10:14:44 5 have got six to nine months training, wouldn't they?

6 A. From what I got from my instructor, that was the way. They  
7 used to get six months training.

8 MR FOFANAH: Excuse me, Your Honours. Again it appears my  
9 learned colleague is still going on the date. The witness has  
10:15:09 10 been refreshed and the date is 23rd. The question that was just  
11 asked referred to 21st. So may we seek clarification as to  
12 whether he's still dangling between the two dates?

13 PRESIDING JUDGE: Was that a slip of the tongue, Mr Agha?

14 MR AGHA: I think it was actually a slip of the tongue and  
10:15:28 15 a couple of days here or there isn't actually the issue,  
16 Your Honour. But I can actually go back and --

17 PRESIDING JUDGE: To save any controversy, I'd simply put  
18 the correct date to the witness.

19 MR AGHA:

10:15:45 20 Q. I apologise, witness, I'm not trying to confuse you on  
21 this. I think you've already replied. The date is 23rd March  
22 and not 21st as I mentioned. So it was before 23rd March that  
23 you would agree that, so far as you're aware, there was no war  
24 going on in Sierra Leone?

10:16:15 25 A. To my knowledge, I did not know of any war before that  
26 date.

27 Q. So since the third accused joined the army in 1990, he  
28 would have received the full six to nine months training,  
29 wouldn't he?



1 A. Well, I cannot talk for the third accused. But what I  
2 know, the third accused, who was trained before me, they were in  
3 the training school when the RUF attacked Sierra Leone. So they  
4 went straight to the war front.

10:16:57 5 Q. Now, according to you, you did not get any training in  
6 international humanitarian law, did you?

7 A. Yes.

8 Q. And you heard about international humanitarian law in this  
9 Court; is that correct?

10:17:22 10 A. Yes.

11 Q. And, according to you, you still do not have any idea what  
12 "international humanitarian law" means, do you?

13 A. Yes.

14 Q. So I'm wondering, if you didn't know what international  
10:17:40 15 humanitarian law was, how would you have known you weren't  
16 trained in it?

17 A. Well, it was when I came to this Court that I came to  
18 realise that I was not trained on that, because when I observed  
19 my indictment, according to international humanitarian law,  
10:18:02 20 greatest responsibility, I read. That was the time I came to  
21 know those things. But as far as my training is concerned, you  
22 would be told that an enemy is over there, go there, don't sleep.  
23 It was only in this Court that I came to understand that language  
24 "international humanitarian law."

10:18:27 25 Q. And your enemy, after training, was the RUF, wasn't it?

26 A. Yes.

27 Q. And you were sent to fight the RUF, weren't you, at the  
28 front?

29 A. Yes.





1 Q. I put it to you that after your training in 1991 you were  
2 not ordered to go into Freetown and, as your job as a soldier, to  
3 kill innocent civilians, were you?

4 A. I beg your pardon?

10:19:02 5 Q. Were you told in 1991 at your training that it was your job  
6 as a soldier to go into Freetown and kill innocent civilians?  
7 Was that what you were told to do?

8 A. Let me correct you. There was no war in Freetown by then.  
9 It was where the war was, that was the area I was deployed.

10:19:30 10 Q. So if you'd answer the question, you weren't told to go  
11 into Freetown in 1991 and kill innocent civilians, were you?

12 A. I did not come to Freetown in 1991 and I did not kill any  
13 civilian. The area where the war was, it was the area I was  
14 posted. So the 1991 you've mentioned, there was no war in

10:19:57 15 Freetown.

16 Q. Yes, but my question to you was not whether you did come to  
17 Freetown and kill, I'm saying to you you were not ordered during  
18 your training, once the training was over, to go to Freetown in  
19 1991 and kill civilians, were you?

10:20:13 20 A. I myself am still telling you that there was no war in  
21 Freetown. The area where war was was the area where I was posted  
22 and it was that area that I fought. That was Bonthe by then.

23 Q. Witness, I didn't ask you whether there was a war in  
24 Freetown. Just please answer the question.

10:20:33 25 MS THOMPSON: Your Honour, to be fair, this is a  
26 speculative question. There is no evidence before this Court  
27 that there was a war in Freetown in 1991 at the time of this  
28 witness's training. I do understand what my learned friend is  
29 trying to get, but I think it is speculative. He has to be



1 precise about the questions he's putting to the witness for him  
2 to be able to understand, because the question he's asking is  
3 that in 1991 whether he was trained to do something that happened  
4 some five years later.

10:21:06 5 JUDGE SEBUTINDE: I don't think that this question focuses  
6 on where the war was or wasn't. It's focusing on the kind of  
7 training and orders that the witness received and there's nothing  
8 speculative about what was the orders he did receive or didn't  
9 receive. I think the witness should answer this question in a  
10:21:24 10 direct -- the answer is either yes or no.

11 MS THOMPSON: Your Honour, may I then ask that my learned  
12 friend then break it down for the witness to understand, because  
13 the way it is now I don't think he's going to get any answers  
14 from this witness at the moment.

10:21:41 15 JUDGE SEBUTINDE: Mr Agha, could you repeat your question,  
16 please.

17 MR AGHA: I'll try my best, Your Honour.

18 Q. After your training at 1991 at Lungi and Benguema were you  
19 ordered to go into Freetown and kill innocent civilians; yes or  
10:22:07 20 no?

21 A. I was not ordered to go and kill civilians and I was not  
22 ordered to come to Freetown because there was no war in Freetown.

23 Q. Were you ordered, after your training, to go to Freetown  
24 and burn down houses; yes or no?

10:22:26 25 A. I was posted to the Sierra Leone Navy which was in  
26 Freetown. They were the ones that transferred me to Bonthe.

27 Q. I didn't ask you, witness, where you were transferred. If  
28 you would kindly listen to the question, it's very clear. In  
29 1991, after your training, were you ordered to go to Freetown and



1 burn down houses? You either were or you were not, so which was

2 it?

3 A. Well, that's what I was telling you, that in 1991, as I was

4 conscious, there was no war in Freetown. I am still telling you,

10:23:01 5 but you are trying to take me to Freetown where there was no war

6 in 1991.

7 Q. I'm not suggesting to you there was a --

8 JUDGE SEBUTINDE: Mr Brima, listen to the question and

9 please answer it as truthfully as you can. The question pertains

10:23:15 10 to the orders you were or were not given.

11 MR FOFANAH: May it please Your Honours, in the light of

12 your last direction, may we kindly ask of the Court that the

13 place be deleted from the question if the specific import of the

14 question is to be directed on the issue of the orders, because

10:23:45 15 the witness seems to be confused about the place.

16 JUDGE SEBUTINDE: Mr Fofanah, we've made a ruling on this.

17 Let Mr Agha ask the question again. These questions so far have

18 been pertaining to the orders this witness did or did not receive

19 which is distinct from the facts on the ground.

10:24:05 20 MR FOFANAH: As Your Honour pleases.

21 MR AGHA:

22 Q. So, Mr Brima, I'll ask you again and I'll try to make it as

23 simple as I can. And all I'm looking for from you is a yes or no

24 answer. In 1991 after you finished your training in Lungi and

10:24:26 25 Benguema were you ordered to go to Freetown and burn down houses

26 of civilians; yes or no?

27 A. No.

28 Q. Now, again, were you ordered to go to Freetown and amputate

29 the arms of civilians; yes or no?



1 A. No, no.

2 Q. Were you ordered to go to Freetown and rape women? As a  
3 professional soldier, is that what you were ordered to do?

4 A. No.

10:25:02 5 Q. So, according to your own testimony then, when you did go  
6 and fight the RUF you came across an SLA in around '91/'92 who'd  
7 had both his arms chopped off by the RUF, didn't you?

8 A. Yes.

9 Q. Such a brutal act against a soldier must have shocked you.  
10:25:30 10 It shocked you, didn't it?

11 A. Yes.

12 Q. In 1991 you weren't ordered to go and amputate the arms of  
13 your enemy, the RUF, were you?

14 A. No.

10:25:51 15 Q. Now, we've discussed a little bit about punishments in the  
16 army and I'd like to bring you back to the Strasser government.  
17 That's the NPRC government. Now, you were a security in the  
18 government for Strasser and a bodyguard?

19 A. I was a security to Captain Strasser.

10:26:15 20 Q. Yes, that's correct. So during the NPRC government of  
21 Captain Strasser between 1992 and 1996 court-martials were  
22 established to punish soldiers who raped, killed or robbed  
23 civilians, weren't they?

24 A. Well, that's not to my knowledge.

10:26:46 25 Q. You're telling me you moved with Captain Strasser as his  
26 security and bodyguard and you didn't know that court-martials  
27 had been established to punish soldiers for crimes against the  
28 civilian population? Is that what you're telling me?

29 A. That's not to my knowledge.





1 Q. Now, according to you - and I'm taking you now to 1998 -  
2 invading Nigerian forces attacked Freetown in January and  
3 February 1998, didn't they?

4 A. Ask it again.

10:27:29 5 Q. In January and February 1998, this is around the time of  
6 the intervention, invading Nigerian forces attacked Freetown,  
7 didn't they?

8 A. Yes.

9 Q. Now, according to you, in January and February 1998 when  
10:27:53 10 the Nigerian forces attacked Freetown they killed many innocent  
11 civilians, didn't they?

12 A. Yes.

13 Q. You considered it wrong for the invading Nigerian forces to  
14 kill innocent civilians, didn't you?

10:28:08 15 A. Yes.

16 Q. You'd agree with me that it was a crime for the invading  
17 Nigerian forces to kill innocent civilians, wouldn't you?

18 A. Well, the Nigerian army was not -- I did not see any reason  
19 why they should come and fight in Sierra Leone.

10:28:30 20 Q. I didn't ask you that. I asked you that it was a crime for  
21 the invading Nigerian forces to come and kill innocent civilians,  
22 wasn't it?

23 A. Yes.

24 Q. So you knew in January and February 1998 that it was a  
10:28:47 25 crime for soldiers in invading forces to kill innocent civilians,  
26 didn't you?

27 A. That is in 2000 that I came to know about that, that they  
28 killed a lot of civilians.

29 Q. But you knew it was a crime, didn't you?



1 A. Yes.

2 Q. Now you were present at the muster parade in Colonel Eddie  
3 Town when SAJ Musa addressed the troop in December '98, weren't  
4 you?

10:29:32 5 A. Ask again.

6 Q. Do you remember this muster parade in Colonel Eddie Town in  
7 1998 which was addressed by SAJ Musa and from which you gave  
8 extensive evidence before this Court. Can you recall that?

9 A. Yes.

10:29:48 10 Q. According to you, SAJ gave quite detailed information about  
11 his intentions to attack Freetown at that muster parade, didn't  
12 he?

13 A. Yes.

14 Q. Now, I'd like to read you a part of a transcript of what  
10:30:07 15 SAJ Musa said at that muster parade, so if the Court could please  
16 bear with me while we print out the relevant transcripts and pass  
17 them around.

18 PRESIDING JUDGE: I take it this is a transcript of the  
19 accused's evidence-in-chief; is that right, Mr Agha?

10:30:28 20 MR AGHA: No, it's a transcript of what another witness has  
21 said. When it comes, it's witness TF1-334 and I shall be reading  
22 from line 5 on page 26 through to line 8 on page 27.

23 JUDGE DOHERTY: Which date, Mr Agha, please?

24 MR AGHA: The date is 13th June 2005, Your Honour.

10:32:05 25 Q. Yes, Mr Brima, I'm just returning to this muster parade and  
26 it's what witness TF1-334 had to say. So I will kindly, with  
27 this Court's permission, read from this transcript. At line 6:

28 "A. SAJ Musa, as he was reading the administration said,  
29 'Now, the deputy chief in command is Tamba Alex Brima,



1 alias Gullit,' and he said he was to report directly to  
2 him.  
3 "Q. Now, Ibrahim Bazy Kamara, was anything said about him  
4 by SAJ Musa at this meeting in the field?  
10:32:47 5 "A. Yes.  
6 "Q. Please tell us what was said by SAJ Musa at this  
7 meeting.  
8 "A. SAJ Musa said Ibrahim Bazy Kamara is the third in  
9 command, and he was to report to Gullit.  
10:33:07 10 "Q. What did SAJ Musa say in relation to Santigie Borbor  
11 Kanu, alias Five-Five, at this meeting in the field in  
12 Colonel Eddie Town?  
13 "A. SAJ Musa said Santigie Borbor Kanu still remained as  
14 the chief of staff, and he was to report to Bazy who was  
10:33:33 15 the third in command.  
16 "Q. Witness, was anything said at this meeting, so far as  
17 you recall?  
18 "A. Yes.  
19 "Q. Other than about the organisation of men under  
10:33:53 20 SAJ Musa?"  
21 THE INTERPRETER: Your Honour, please, could counsel take  
22 that line again.  
23 PRESIDING JUDGE: Did you hear that, Mr Agha?  
24 MR AGHA: Yes. I apologise to the interpreter.  
10:34:12 25 "Q. Other than about the organisation of men under SAJ  
26 Musa?  
27 "A. Yes.  
28 "Q. What else was said? Please try to use the words used  
29 by SAJ Musa as best you can.



1 "A. SAJ said now he was just coming from Britain when he  
2 joined the AFRC, and he said he studied law. He wanted to  
3 remind everybody about the crime against humanity. He said  
4 the troop that he was leading, he said: One, there was to  
10:34:42 5 be no burning of houses; secondly, there was not going to  
6 be any amputations, that we were to talk face to face with  
7 the civilians; and the third, he said the movement to  
8 Freetown was to reinstatement the army. He said if anybody  
9 broke the laws that he has given, that disciplinary action  
10:35:06 10 would be taken. Wherein, if anybody is caught breaking the  
11 laws, he would be punished."

12 Q. Now, that is the end of that transcript. You remember  
13 SAJ Musa saying that at the muster parade, don't you, Mr Brima?

14 A. No, he did not say so.

10:35:43 15 Q. Well, you seem to remember nearly everything else he said  
16 at that muster parade, so how come you can't remember that part  
17 of his speech to you?

18 MR FOFANAH: Objection, My Lord. It has not been  
19 established that SAJ Musa said so. It has not been established.

10:35:58 20 PRESIDING JUDGE: The other thing is, Mr Agha, he did not  
21 say he did not remember. He said that SAJ Musa did not say that.

22 MR AGHA: I apologise, Your Honour. The only other point  
23 I'd raise is I believe that Mr Fofanah is a cross-examining  
24 counsel so I'm not quite sure on what basis he's objecting.

10:38:45 25 PRESIDING JUDGE: We'll adjourn early. We'll come back at  
26 11 o'clock, Mr Agha.

27 [Break taken at 10.40 a.m.]

28 [AFRC28JUN06B - RK]

29 [Upon resuming at 11.05 a.m.]





1           PRESIDING JUDGE: Well, we are ruling on a submission by  
2 Prosecution counsel that Mr Fofanah, who is counsel for the  
3 second accused Kamara, does not have the right to object to  
4 questions asked by the Prosecution on the basis that the second  
11:02:08 5 accused did not call the witness who is currently being  
6 cross-examined who is the first accused.

7           MR FOFANAH: I apologise for that, Your Honours.

8           PRESIDING JUDGE: I haven't ruled yet, Mr Fofanah, there is  
9 certainly nothing to apologise for. Certainly when the first  
11:02:39 10 accused was being examined in chief, we ruled that the  
11 Prosecution could not object to questions asked by other  
12 cross-examining counsel because the Prosecution had not called  
13 the witness and still itself had the right to cross-examine.  
14 However, the situation is different here.

11:03:02 15           In a joint trial, the testimony of any witness may impact  
16 on all or any of the accused. In fact, a similar issue as to the  
17 one that has arisen here was decided by Trial Chamber I in the  
18 case of Prosecution against Norman et al on 8th June 2006. That  
19 was a motion by a counsel for an accused who did not call the  
11:03:41 20 witness to have a right to object to questions asked by the  
21 Prosecution during cross-examination of that witness.

22           Now it is interesting that in that case the Prosecution  
23 took the view that even where the witness in question was not  
24 called by the accused making the objection to the question, he  
11:04:06 25 ought to be allowed to object and any objection so raised would  
26 then be ruled on by the Trial Chamber in the usual way. The  
27 Prosecution in that case was of the view which I have just  
28 indicated that the testimony of any witness affects, or can  
29 affect, any or all of the accused.



1           Now, under Rule 90(F) the Trial Chamber has the  
2     responsibility of controlling the mode and order of interrogating  
3     witnesses and presenting evidence so as to: One, make the  
4     interrogation and presentation effective for the ascertainment of  
11:04:54 5     the truth and; two, avoid the wasting of time.

6           We hold that since the testimony of the witness currently  
7     being cross-examined may operate for or against all of the  
8     accused, that it is in the interests of justice to allow counsel  
9     for an accused to object to a Prosecution question, even though  
11:05:27 10    he himself has not called that witness and that will be the case.

11           Mr Fofanah, your objection will be considered. What was  
12     the objection again?

13           MR FOFANAH: I objected on the grounds that the transcript  
14     read out to the witness was only the testimony of witness  
11:05:52 15     TF1-334, and that has not been established as a matter of fact,  
16     it was just his testimony. My learned colleague, as I understood  
17     it, was putting that to the witness as if it has been established  
18     as a matter of fact before this Court. So I was saying that it  
19     has not been established that what 334 said was in fact the truth  
11:06:13 20     or was a factual situation.

21           PRESIDING JUDGE: I see. I think I commented, Mr Agha,  
22     that you are put to the witness -- you are querying that he did  
23     not have a reason not to remember. But in fact he did not say he  
24     didn't remember, he said that SAJ Musa did not say that. He just  
11:06:36 25     denied that it was said. He didn't say that he didn't remember  
26     it. So I will uphold the objection to that question in the form  
27     that it was asked. Yes, go ahead, Mr Agha.

28           MR AGHA: Thank you, Your Honour.

29     Q.     Now, witness, before the break I read to you the transcript



1 of what SAJ Musa had said according to witness TF1-334 regarding  
2 crimes against humanity and you said, "No, he did not say so."  
3 So picking up from there, don't you find it quite amazing that  
4 you remember so many other things that he said but you don't  
11:08:03 5 think -- or you know he didn't say that?

6 A. I have told you that SAJ Musa did not utter that word which  
7 you read in that statement.

8 Q. Now, in your evidence, according to you, accused number two  
9 was a patriotic soldier because he did not commit any crimes  
11:08:32 10 which you know of and he served the army loyally. Do you  
11 remember that?

12 A. Well, I do not recall that I used that word patriotic. I  
13 said that he was a loyal soldier because he did not commit any  
14 crime for which he was arrested in the army that he was serving  
11:08:55 15 during that time.

16 Q. You actually say he did not commit any crimes. So my  
17 question to you is: What do you mean by crimes? What crimes are  
18 you talking about?

19 A. Any offence which the army would hold him responsible for  
11:09:15 20 during the time that he was serving the army.

21 Q. Give me an example. Would shooting another soldier of the  
22 same army be an offence? Would that be a crime?

23 A. Well, I would not be able to break it as you are saying it  
24 as --

11:09:37 25 THE INTERPRETER: Your Honours, would the witness go a  
26 little bit slow?

27 PRESIDING JUDGE: Mr Brima, you are going too fast for the  
28 interpreter. Could you please repeat your answer, just a bit  
29 more slowly.



1 THE WITNESS: From the time that the second accused joined  
2 the Republic of Sierra Leone military force, up to this time that  
3 we are here, he had never held the second accused for crimes or a  
4 default in the army. That is what I meant by that, that he had  
11:10:12 5 not committed any crimes.

6 MR AGHA:

7 Q. So my question to you was: What do you mean by crimes?  
8 For example, if I am a soldier and you are a soldier and you are  
9 unarmed, and I shoot you dead, have I committed a crime? Would  
11:10:29 10 that classify as a crime?

11 A. Well, in the army, what I'm saying is that if you are  
12 serving in the army, you disobey the particular order from your  
13 superior, it's a crime. If you did something the army did not  
14 accept, it was a crime that you committed in the army. For  
11:10:57 15 example, if you are an officer and you ordered me that I should  
16 go there and I refuse, I have committed a crime. Then if you  
17 gave me instructions and I did not listen to that, I have  
18 committed a crime. If I use particular language against you  
19 which I was not supposed to use, to somebody who is superior to  
11:11:12 20 me, I have committed a crime. If you gave me an order that I  
21 have not obeyed, I have committed a crime.

22 Q. What happens if you don't have any orders and you, as a  
23 soldier, just go out and shoot another member of the SLA dead?  
24 Is that a crime in the army?

11:11:32 25 A. Well, since I am not a custodian of the army, all that I  
26 will say is when we are in the front, we have been experiencing  
27 this fire. A soldier could misfire. Either he misfired and  
28 killed, and misfired is -- or you misfire and fire at himself.

29 Q. I'm not talking about the front. What about if you went





1 into Freetown today and a soldier shot a civilian, would that be

2 a crime?

3 A. Well, a soldier would not do that, because he knew that.

4 Q. What if he did?

11:12:14 5 A. If he did that, he would be arrested.

6 Q. But would it have been a crime?

7 A. Yes.

8 Q. Now, in your evidence, you also mention high crimes. What  
9 do you mean by high crimes?

11:12:38 10 A. Ask that question again.

11 Q. In your evidence you talk about high crimes. What is a  
12 high crime?

13 A. Well, it's a crime that I came to know about in this Court.  
14 They said that the greatest responsibility, that for all the bad  
11:13:09 15 things that the army had done, I was captured or the second  
16 accused and the third accused.

17 Q. According to you, if a soldier committed a crime, he may be  
18 stripped of his rank; is that right?

19 A. It would not be so all the time until you are found guilty.  
11:13:37 20 If the punishment was to strip you of your rank, it will be done.

21 Q. Or if you fell short, or you were a trouble-causer, that  
22 soldier could be demoted or dismissed; is that right?

23 A. It depended on the officer who was taking orders.

24 Q. But it could be the case that you would be punished and  
11:14:07 25 dismissed?

26 A. Well, just like I have said, I am not the officer. It is  
27 not all the crimes that you commit for which you would be sacked.  
28 The crimes that you commit for which you would be sacked --

29 Q. But you can be dismissed for committing a crime; right?



1 A. If you are found guilty, you would be dismissed. Then it  
2 depended upon the crime that you committed.

3 Q. Now you also mention in your evidence that if a soldier  
4 fell short, he could be subject to being demoted. What does  
11:14:57 5 falling short mean?

6 A. Repeat.

7 Q. Give me an example of a soldier falling short. What does  
8 that mean?

9 A. When you do something for which you are not given an  
11:15:29 10 instruction or something for which you are not instructed to do,  
11 if a soldier went and stole -- I explained that when I was in  
12 training school, when a recruit with whom I was training -- he  
13 stole his companion's beret. He was dismissed for that.

14 Q. You also referred to trouble-causer. What do you mean by  
11:15:51 15 trouble-causer?

16 A. If you, for example, again, you are in a checkpoint, then  
17 you are supposed to check vehicles, but you went, for example,  
18 and you tried to check somebody's vehicle, then you took  
19 something from that vehicle and the complaint is laid, so you  
11:16:14 20 have stolen.

21 Q. So after an investigation, you could be dismissed or  
22 demoted for being a trouble-causer or falling short; correct?

23 A. Well, it depends on the officer who takes the order.

24 Q. But it could happen, couldn't it? You could be dismissed  
11:16:42 25 or demoted; couldn't you?

26 A. That is why I told you it depends on the officer who takes  
27 the order.

28 Q. I'm not asking you who it depends on. I'm asking whether  
29 it is a possibility, whether it can happen?



1 A. Yes, it can happen if the crime that he commits, that is  
2 the decision that was taken.

3 Q. So you, therefore, know that if a soldier committed a  
4 crime, he may be punished by the army for committing that crime,  
11:17:21 5 don't you?

6 A. Well, what you have said is true. If you commit a crime  
7 which is between -- or which came to the notice of the officer,  
8 you would be punished.

9 Q. Now, witness, I would like to turn back to some of your  
11:17:45 10 earlier evidence. This concerns the period when you were in  
11 combat in, I believe, Kono and Kailahun in the early 1990s. Now,  
12 you mentioned a Tom Nyuma - and the spelling is N-Y-U-M-A - who,  
13 at one time, was Resident Minister East. Do you remember that?

14 A. Yes.

11:18:19 15 Q. I'd like to show you a copy of some parts of his military  
16 records concerning Mr Tom Nyuma's retirement.

17 MR AGHA: With the permission of the Court, if I may do  
18 that.

19 PRESIDING JUDGE: You have that document there, do you?

11:18:35 20 MR AGHA: I do, Your Honour.

21 PRESIDING JUDGE: Mr Court Attendant, if you would assist  
22 counsel, please.

23 MS THOMPSON: Your Honour, may we be shown this as well,  
24 because we have never seen this.

11:19:11 25 PRESIDING JUDGE: You have got copies there for the  
26 Defence, I take it?

27 MR AGHA: Yes, I understand that we do.

28 PRESIDING JUDGE: Yes, Mr Agha.

29 MR AGHA: Can a copy be placed before the witness? Thank



1 you.

2 Q. Now, witness, this small document in front of you is the  
3 part of Mr Tom Nyuma's military file concerning his retirement.

4 If you briefly look at the first page, it sets out retirement and

11:21:00 5 ST Nyuma. The next page, if you would kindly turn to that, it  
6 has his regimental number SL464. Surname, Nyuma. Forenames,  
7 Sahr, S-A-H-R --

8 A. The first page, which number?

9 Q. If you look at the top right-hand corner of the document,  
11:21:38 10 it says 00019480.

11 PRESIDING JUDGE: 81.

12 MR AGHA: 81, I beg your pardon.

13 PRESIDING JUDGE: It looks as though you have the pages  
14 stapled in the wrong order, Mr Agha.

11:22:07 15 MR AGHA:

16 Q. Actually, if you go to 80, the next page. Do you have  
17 that?

18 A. I have seen it.

19 Q. So, as I was mentioning, there is the regimental number;  
11:22:32 20 surname, Nyuma; and forenames, Sahr Tommy. If you then were to  
21 flip two pages and go to page 0019483. Do you have that?

22 A. Yes.

23 Q. Now, on the front of the page, at the start it says,  
24 "Discharge serial number." If we skip that and go to the middle  
11:23:28 25 section, which says, "Part 1" - do you have that? It says, "To  
26 be completed by OIC records office."

27 A. Yes.

28 Q. It says, "Prior service: Date of enlistment 27 November  
29 1988"? Do you see that?





1 A. Yes.

2 Q. If you could then kindly flick a couple more pages forward  
3 where at the top of the document is 0019845?

4 A. Yes.

11:24:16 5 Q. This concerns service and gratuity, other ranks, officers.  
6 Do you have that?

7 A. Yes.

8 Q. And it reads: "Army number, SL/464. Rank,  
9 lieutenant-colonel. Name, ST Nyuma." Then at 1, "The abovenamed  
11:24:42 10 officer." Do you see that?

11 A. Yes.

12 Q. Now, I want to move away from that document for a moment,  
13 because we were discussing Mr Tom Nyuma as resident minister.  
14 Now, as you have seen from that document, Tom Nyuma was enlisted  
11:25:16 15 in the army in 1988.

16 A. Which page?

17 Q. Going back to the earlier page we read first of all, which  
18 is 00019483 which has a date of enlistment, as we discussed, 27th  
19 November 1988?

11:25:54 20 A. Yes.

21 Q. We have also seen that Tom Nyuma was a commissioned  
22 officer, wasn't he?

23 A. Yes.

24 Q. You joined the army in 1991, didn't you?

11:26:08 25 A. Yes.

26 Q. So how did you do your training with Tom who enlisted in  
27 1988?

28 A. He has said the truth because he enlisted in 1988. He  
29 became an officer in 1991. That was the time that I trained with



1 him. He was officer when I was a recruit.

2 PRESIDING JUDGE: You had an objection?

3 MS THOMPSON: Yes, Your Honour. Page 00019480 of my  
4 learned friend's document, second section under Nyuma Sahr Tommy,  
11:26:55 5 date of enlistment 24th July 1991. If there are two dates in the  
6 document then my learned friend has to clarify which date he is  
7 relying on, because there is a date of enlistment in the year  
8 1991 in the document.

9 PRESIDING JUDGE: Yes, that certainly needs to be  
11:27:18 10 explained, Mr Agha.

11 MR AGHA:

12 Q. Even if we rely on 1991, Tom Nyuma was an officer and you  
13 were other ranks, so how did you train with him?

14 A. For the time that I trained as a soldier in the Republic of  
11:27:40 15 Sierra Leone military force, Tom Nyuma went and trained as an  
16 officer. He had left that other rank and when he trained as an  
17 officer, he was one officer that I trained with in the training  
18 school. They were officers whilst we were recruits called  
19 officer cadets. And they distributed them into companies and  
11:28:05 20 platoons, when some of them became platoon commanders. That was  
21 how I came to train with Tom Nyuma in 1991.

22 Q. But you did not undergo training with him, did you? He was  
23 your platoon commander. He was an officer, you were other ranks.

24 A. Yes. But, as I explained to you now, it was I and him that  
11:28:39 25 trained in 1991. Most of the exercises that we did, the  
26 officers' village was there by the officers' mess. Then we, the  
27 other ranks, our own village was towards the playing field. For  
28 each officer who trained during that year, if I can go far beyond  
29 like Tom Nyuma, you had Idriss Kamara who was the former resident



1 ministers south in the NPRC. You had this officer, Chindeka, you  
2 had Komba Mondeh. All of us were trained. Whilst they trained  
3 as officers, we trained for other ranks. For any military  
4 exercise that we underwent in terms of tactics or drills, we  
11:29:23 5 would all do it together. Each officer had his own platoon.  
6 Each officer had his own platoon. That was how I came to train  
7 with Tom Nyuma.

8 Q. He wasn't training with you, he was commanding you?

9 MS THOMPSON: Your Honour, I think the witness has given an  
11:29:37 10 explanation of how he came to say that he was training with Tom  
11 Nyuma.

12 PRESIDING JUDGE: I agree with Ms Thompson, Mr Agha.

13 MR AGHA: I will move on, Your Honour.

14 Q. Now, when you were in Kailahun in the 90s, you mentioned  
11:29:59 15 that the head of state Captain Strasser came to Kailahun, didn't  
16 you?

17 A. I want you to breakdown that word "in the 90s." What do  
18 you mean? '90, '91, '92, '93?

19 Q. Let us say 1992?

11:30:16 20 A. Yes.

21 Q. He came to boost morale, didn't he?

22 A. That one was one. And, two, he went to fight.

23 Q. So, according to you, the head of the Sierra Leone state  
24 led a combat mission in Kailahun?

11:30:45 25 A. Ask it again.

26 Q. According to you, the head of the state of Sierra Leone  
27 went as a commander of an operation in active combat in Kailahun;  
28 is that right?

29 A. Yes.



1 Q. That is pretty unusual for head of state, don't you think?

2 MS THOMPSON: My learned friend comments on the answers  
3 given by the witness, which then invites some kind of dialogue  
4 which I'm not sure leads us to any evidence.

11:31:30 5 PRESIDING JUDGE: Well, I will allow the question this  
6 time, Mr Agha, but it was getting very close to comment rather  
7 than question.

8 MR AGHA: Thank you, Your Honour.

9 Q. Now, back in your combat days in 1991/1992 in Kono in  
11:31:50 10 Kailahun, you mentioned some SLAs in your platoon were injured by  
11 a mine explosion in Kailahun. Do you remember that?

12 A. Yes, including I myself.

13 Q. Roughly how many men were there in your platoon at the time  
14 of the explosion?

11:32:13 15 A. Well, it depended on the strength of the army because a  
16 platoon could be 32, it could be above 32. It's dependent upon  
17 the strength of the army.

18 Q. You mentioned a number of SLAs were injured. How many  
19 roughly were there who were injured apart from yourself?

11:32:38 20 A. Well, I cannot tell the total number, but I will be able to  
21 call people who if they themselves show you their scars, like the  
22 third accused.

23 Q. So the third accused was injured and hospitalised with you  
24 on account of that explosion; is that right?

11:33:05 25 A. Yes.

26 Q. And the third accused was your work-mate, wasn't he?

27 A. Yes.

28 Q. So you maintained good relations with the third accused;  
29 that's right, isn't it?





1 A. Yes.

2 Q. I just want to skip to a new area, and this concerns your  
3 promotions. In 1991 you were promoted to lance-corporal?

4 A. Yes.

11:33:45 5 Q. And as a lance-corporal you had the ability to give orders  
6 to privates, didn't you?

7 A. Yes.

8 Q. And if a private disobeyed you, you had the authority to  
9 discipline him?

11:34:00 10 A. No.

11 Q. What did you have the authority to do?

12 A. I would charge him. I would charge him.

13 Q. You would charge him?

14 A. Yes.

11:34:14 15 Q. What would happen when you charged him?

16 A. I would go to the officer for the charge, or the sergeant.  
17 The sergeant or the officer. Then the officer then would  
18 investigate the case and if he was found guilty for the charge  
19 that I levelled against him, he would take an action against the  
11:34:36 20 soldier.

21 Q. Now, when you were promoted to a lance-corporal - I believe  
22 that's right, from a private to a lance-corporal - were you  
23 promoted by an officer senior in rank to you?

24 A. Well, promotion in the army -- you see, you have a board  
11:34:58 25 sitting. But the officer who was in Bonthe, yes, it was through  
26 their recommendation that I got the promotion, because they would  
27 not just look at me and promote me when they did not know about  
28 me. But if somebody recommended, you, the soldier, that this  
29 soldier has been working and that we needed to promote him.



1 Q. So you were promoted because you performed your duties as  
2 soldier well?

3 A. Well, I'm telling you that I was promoted because of the  
4 officer who recommended me. He recommended me. Maybe I  
11:35:38 5 satisfied the officer under whom I have working.

6 Q. And you received another promotion to corporal; that's  
7 correct, isn't it?

8 A. Yes, yes.

9 Q. Again the procedure for promotion was a recommendation; is  
11:35:57 10 that right?

11 A. Yes.

12 Q. And generally the recommendations for your promotions were  
13 made by higher ranking officers than yourself?

14 A. Yes.

11:36:16 15 Q. Now, when you became a full corporal, if there were  
16 privates who were performing well, could you recommend maybe to  
17 the sergeant up the chain that this private deserved some kind of  
18 recognition?

19 A. I want to correct you. I was not promoted to a full  
11:36:42 20 corporal. In the Sierra Leone Army there was no full corporal.  
21 We have corporal.

22 Q. I apologise. Corporal. So, as a corporal, if a private  
23 was performing his functions well, could you recommend to the  
24 sergeant above you that the private deserves some kind of  
11:37:04 25 recognition?

26 A. I did not sit in that board. I am a junior soldier. That  
27 board -- I was not up to the rank of a sergeant. I don't know  
28 whether a sergeant do recommend, but a sergeant could be a  
29 platoon sergeant, but I believe that the platoon commander or a



1 company commander, but a corporal couldn't do that  
2 recommendation. If a corporal would have done that, then I would  
3 have promoted myself, saying that I have done this job, then I  
4 promoted myself.

11:37:48 5 Q. So it's senior officers who promote more junior officers;  
6 is that correct? Is that a fair assessment?

7 A. Officers, officers?

8 Q. Senior soldiers promote junior soldier?

9 A. They recommended and when the board thought -- it was the  
11:38:15 10 board that promoted. That was why the promotion, it came from  
11 the army headquarters and went to the battalions and brigades.

12 Q. So you are quite familiar with the promotion system in the  
13 army then; you would agree with me on that?

14 A. I beg your pardon, sir?

11:38:30 15 Q. You would agree with me that you were quite knowledgeable  
16 about the promotion system in the army; how a promotion came  
17 about?

18 A. Well, not very well because, as a corporal, I never  
19 recommended somebody that was promoted.

11:38:50 20 Q. But you knew how promotions came about, didn't you? You  
21 have just explained to us, through a board of more senior --

22 A. So that was the way the officers explained to us. Some  
23 officers would observe a soldier that worked very well and  
24 recommended him. After the promotions were out, the soldier may  
11:39:17 25 not be given a promotion. Except when the sergeant-major talked  
26 to, because something I have experienced, when the sergeant-major  
27 talked to you, the soldier had to sum-up courage so that the next  
28 promotion, would try for you to get because you are hard working.

29 Q. Now, almost immediately after the May 1997 coup under the



1 AFRC government, a number of soldiers were promoted in rank by  
2 Johnny Paul Koroma, weren't they?

3 A. Well, I wouldn't say it was Johnny Paul Koroma because, all  
4 I know, the promotion comes from the HQ, the army headquarters,  
11:40:08 5 then to all brigades and battalions. If Johnny Paul promoted  
6 anybody verbally, by word of mouth, saying, "I have promoted  
7 you," then I would have told you about that. But since I joined  
8 the army, when there were promotions, I went to the notice board  
9 and watched all my company or my unit or my battalion, I went and  
11:40:40 10 watched the notice board. If I saw my number, then I would fix  
11 my rank.

12 Q. Witness, I want to talk to you about the period immediately  
13 after the May 1997 coup whereby the Kabbah government was  
14 overthrown. Shortly after that coup, Johnny Paul Koroma was  
11:41:06 15 promoted from major to lieutenant-colonel, wasn't he?

16 A. Yes. Not shortly after the coup. I cannot say the length  
17 of time, but he had that promotion that you have talked about.

18 Q. Other soldiers were also promoted shortly after the coup,  
19 weren't they?

11:41:34 20 A. No. And I want you to explain to me what you meant by  
21 "shortly after the coup."

22 Q. Within two or three months.

23 A. No. There were no promotions out. The promotions that  
24 were out, it was in December of 1997.

11:41:59 25 Q. I put it to you that you were promoted almost immediately  
26 after the coup to the rank of sergeant. What do you have to say  
27 about that?

28 A. I am telling you that it is a lie. They did not promote  
29 me.





1 Q. After the May 1997 coup when President Kabbah fled the  
2 country, are you aware that the AFRC government, whilst it was in  
3 power, had to face President Kabbah's government which was in  
4 exile? President Kabbah set up a government in exile. Were you  
11:42:49 5 aware of that?

6 A. I did not know. Not to my knowledge.

7 Q. So President Kabbah just disappeared out of the country, so  
8 far as you are aware?

9 A. Well, I don't have -- I did not know anything about that,  
11:43:14 10 saying that he disappeared.

11 Q. What about the Conakry Peace Agreement you discussed in  
12 this Court the other day. Was President Kabbah anything to do  
13 with that?

14 A. Well, that accord, it was the AFRC that had something to do  
11:43:39 15 with it. I don't know whether President Kabbah had anything to  
16 do with that accord or that communiqué, that peace communiqué.  
17 It was the AFRC.

18 Q. Didn't you read his name out when you looked at that  
19 Conakry Accord when you were giving your evidence, President  
11:44:06 20 Kabbah?

21 A. I did not read the Conakry Peace Accord about President  
22 Kabbah. I read the Lome Peace Accord. I can recall that that  
23 was the one I read when I mentioned President Kabbah's name.  
24 Because the person that asked me the question said I should read  
11:44:24 25 the names of those people -- the name of people who were in  
26 the -- which were in the accord.

27 Q. According to you, you did not look at the Conakry peace  
28 agreement in this Court?

29 A. I looked at it, but not every place. I think it was only a



1 sentence. A sentence which the lawyer said I should read out,  
2 then I read it out.

3 Q. So you did read it. So why did you earlier say you didn't?  
4 Which was it? Did you or didn't you?

11:45:01 5 A. Did what?

6 Q. Saw the Conakry peace agreement in this Court?

7 MS THOMPSON: Your Honour --

8 THE WITNESS: I have told you that --

9 PRESIDING JUDGE: Ms Thompson is on her feet. What is your  
11:45:22 10 objection?

11 MS THOMPSON: My objection, Your Honour, is he said he saw  
12 it. The question is whether he saw President Kabbah's name on it  
13 and my memory is that the issue of the President Kabbah's name  
14 was on the Lome Accord and not the Conakry Accord. I have bits  
11:45:33 15 of my notes but not the transcript of last Friday's evidence.

16 In any event, the answer I think given by the witness is  
17 that he did not see President Kabbah's name on the Conakry Accord  
18 as a signature, but on the Lome Accord. My learned friend is  
19 putting a question to the witness as if the witness had said he  
11:45:54 20 hadn't looked at the Conakry Accord in Court and that's not what  
21 he said.

22 PRESIDING JUDGE: What do you say to that objection, Mr  
23 Agha?

24 MR AGHA: It may be my misunderstanding, but I thought he  
11:46:09 25 said he hadn't seen the Conakry agreement in the Court, that he  
26 saw the Lome one. But I may be mistaken and stand to be guided  
27 by the transcript.

28 PRESIDING JUDGE: I think you will find that that's what he  
29 said, unless I'm incorrect as well. It would appear he said, "I



1 did not read the Conakry agreement. It was the Lome."

2 MR AGHA:

3 Q. So now we are clear about that. Now, President Kabbah  
4 established a government in exile against the AFRC government.

11:47:00 5 Were you aware of that?

6 A. No, I did not know that.

7 Q. Did President Kabbah, so far as you're aware, recognise the  
8 AFRC government?

9 A. I don't know.

11:47:20 10 Q. Well, I put it to you that President Kabbah regarded the  
11 AFRC government as an illegitimate government and that when he  
12 returned to power he nullified all promotions that were given  
13 during that period of the AFRC government.

14 A. Put that question again.

11:47:48 15 Q. I put it to you that President Kabbah regarded the AFRC  
16 government as an illegitimate government. What do you have to  
17 say about that?

18 A. Well, except when you are telling me that now. But I and  
19 President Kabbah had never sat together, or President Kabbah  
11:48:10 20 never told me that word or he said that which I heard from him.  
21 What you are saying is not to my knowledge.

22 Q. I put it to you that President Kabbah, when he returned to  
23 government in 1998, annulled all promotions that had been given  
24 by the illegitimate AFRC government?

11:48:51 25 PRESIDING JUDGE: That requires an answer from you,  
26 Mr Brima. It has been suggested to you that when President  
27 Kabbah returned to power in 1998, he nullified or annulled all  
28 promotions that were given by the illegitimate AFRC government.  
29 What do you say to that?



1 THE WITNESS: That was true.

2 MR AGHA:

3 Q. And I put it to you that that's the reason why your  
4 discharge book shows that you are a corporal rather than a  
11:49:27 5 sergeant.

6 A. I myself is putting it to you that it is not true. I am a  
7 corporal. I wasn't a sergeant. And I told the Court that my  
8 elder brother, who had the same name with me, was promoted to a  
9 sergeant. It wasn't me.

11:50:01 10 Q. Coming again to rank, you are not a sergeant, apparently.  
11 According to you, you have never been referred to as a brigadier,  
12 have you?

13 A. Not a day. I have never been referred to as a brigadier.

14 Q. Now, numerous witnesses have come before this Court who  
11:50:28 15 have testified that you were promoted or referred to as a  
16 brigadier after the intervention but before your arrest by the  
17 Special Court, haven't they?

18 A. That was what the witnesses said, but I'm telling you that  
19 the witnesses -- those witnesses were paid witnesses. Those  
11:50:52 20 witnesses who came and said that I am a brigadier, or the witness  
21 that referred to me as a brigadier, those were paid witnesses.

22 Q. I would like to read you a transcript of one of those  
23 witnesses and seek your comments on that, with the permission of  
24 the Court.

11:51:14 25 A. Go ahead, sir.

26 MR AGHA: I am told that it is a transcript in closed  
27 session.

28 PRESIDING JUDGE: You are applying to close the Court now,  
29 Mr Agha?





1 MR AGHA: Just briefly while I read that transcript, Your  
2 Honour.

3 PRESIDING JUDGE: Is there a way that these can be  
4 collected? I take it there will be other questions that may have  
11:51:45 5 been asked in closed session. I'm just asking is there a way  
6 that these can be collected so that we can hold perhaps just one  
7 or two closed sessions, rather than going back and forth from  
8 open to closed.

9 MR AGHA: Certainly that's something which we can consider  
11:52:05 10 doing and take under advisement, but sometimes the chronology is  
11 the difficult. As we go along, some are in closed very late  
12 which are not relevant to the actual topic we're discussing. So  
13 it does cause some difficulty.

14 PRESIDING JUDGE: All right. How long do you estimate the  
11:52:23 15 Court would be closed?

16 MR AGHA: On this particular document, not very long, Your  
17 Honour. It would be quite short, I hope.

18 PRESIDING JUDGE: And the reason would be that the witness  
19 who gave this evidence is a protected witness and that this would  
11:52:42 20 be for his security and safety.

21 MR AGHA: Yes, I understand that to be right because that  
22 was the reason why he gave the evidence in closed session  
23 initially.

24 PRESIDING JUDGE: All right. Members of the public, we are  
11:52:57 25 going to have to close this session just very briefly and the  
26 reason is that the evidence coming up now may interfere with the  
27 safety of a protected witness. Mr Court Attendant, if you could  
28 make the necessary arrangements, please.

29 [At this point in the proceedings, a portion of the



1 transcript, pages 59 to 60, was extracted and sealed under  
2 separate cover, as the session was heard in camera.]

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1 [Open session]

2 PRESIDING JUDGE: Yes, go ahead, Mr Agha.

3 MR AGHA: I would also, with the Court's permission, like  
4 to read another transcript to the witness and this is witness  
12:03:00 5 TF1-033. It is dated 12th July 2005. It's page 21, and I shall  
6 be reading from lines 6 to 14.

7 PRESIDING JUDGE: Yes, Mr Agha.

8 MR AGHA:

9 Q. Mr Witness, I will just read briefly what TF1-033 has to  
12:03:54 10 say.

11 "Q. Now, whilst you were in captivity, what was the  
12 highest rank that Tamba Brima attained?

13 "A. He was a brigadier.

14 "Q. At all times?

12:04:13 15 "A. Yes.

16 "Q. Do you know who promoted him?

17 "A. Well, that was how he was called. I don't know who  
18 promoted him to that rank. But by the time I came in  
19 contact with him, he was called Brigadier Gullit."

12:04:37 20 So, Mr Witness, do you still say that you have never been  
21 referred to as a brigadier?

22 A. At all not. I have never been a brigadier and this witness  
23 that you are talking about, alias or aka, is not a rank in the  
24 name in the army. And that witness who is referring to me as  
12:05:07 25 Gullit, I have told this Court that I am not Gullit. It is my  
26 late brother. Because I am here, all witnesses will come ask and  
27 say what he or she wants to say because I am here. So what you  
28 have just said was a lie.

29 Q. Let me get something clear in my own mind with you,



1 Mr Witness. Is it your evidence that unless someone is a  
2 soldier, he is not able to tell rank; is that right?

3 A. To me that I am sitting here, I just know the ranks in the  
4 police. I am an army soldier.

12:05:49 5 Q. Is it your case that if I hear someone being referred to as  
6 a brigadier, a corporal, a private, because I am not a soldier,  
7 that's meaningless?

8 A. I have not said so. But I'm telling you that that witness  
9 is lying. I have not gone up to that rank.

12:06:16 10 Q. What about the third accused. According to you, he  
11 remained in the other ranks throughout his career; is that right  
12 as well?

13 A. Ask that question again.

14 Q. The third accused, did he remain an other-ranked soldier  
12:06:36 15 throughout his military career?

16 A. Yes, he was as other ranks until he retired from the army.

17 Q. So he was never a brigadier either?

18 A. Never has he been a brigadier. He had not even been an  
19 officer in the Republic of Sierra Leone forces.

12:07:06 20 MR AGHA: With the permission of the Court I would like to  
21 read another piece of a transcript. This is dated 5th October  
22 2005. It is Lieutenant-Colonel John Petrie. It is page 77, and  
23 I will just read from line 17 to 26.

24 PRESIDING JUDGE: Go ahead, Mr Agha.

12:07:44 25 MR AGHA:

26 Q. Witness, this is what Lieutenant-Colonel John Petrie had to  
27 say:

28 "Q. Did anything happen when you went up to that end of  
29 the table?"





1 "A. I spoke to them, to Five-Five in particular.

2 "Q. What was said in that communication?

3 "A. I'd been briefed that, as part of deployment  
4 briefings, he was known in part as Brigadier Five-Five and  
12:08:14 5 I asked him how he'd to be a brigadier at his age when I  
6 was only a lieutenant-colonel at mine.

7 "Q. Did you receive any response?

8 "A. Yeah. He wasn't particularly amused and I think he  
9 thought I was not being particularly nice about it, but I  
12:08:36 10 was just passing time really."

11 So, according to you, Lieutenant-Colonel John Petrie is  
12 mistaken as well about Brigadier Five-Five?

13 A. Lieutenant-Colonel John Petrie was one of the liars. He  
14 was one of the liars that came to this Court. What he said about  
12:09:00 15 the third accused was not like that. And Lieutenant-Colonel John  
16 Petrie who came and testified to this Court, he was one of the  
17 men who went and met us at Pademba Road Prisons to go and recruit  
18 us to come and give evidence against Johnny Paul Koroma in this  
19 Court. So he would never say the truth in this Court.

12:09:30 20 Q. It is interesting that you mention that Lieutenant-Colonel  
21 John Petrie came to Pademba Road Prison and asked you to give  
22 evidence against Johnny Paul Koroma. Lieutenant-Colonel John  
23 Petrie actually gave evidence before this Court, didn't he?

24 A. Yes.

12:09:56 25 Q. Did your Defence counsel ask you about these issues at  
26 Pademba Road and how he was forcing people to give evidence about  
27 Johnny Paul Koroma?

28 MS THOMPSON: I object to that.

29 PRESIDING JUDGE: What is the objection, Ms Thompson?



1 MS THOMPSON: It is not for the witness to answer that.  
2 It's a question about what his Defence counsel, whoever it may  
3 have been at the time, put to the witness or not. It is not for  
4 this witness to answer that. He can't comment on strategies used  
12:10:21 5 by his Defence counsel at that time. I don't think he is in any  
6 position to answer that question.

7 PRESIDING JUDGE: We will allow the question. We find that  
8 question is relevant.

9 MR AGHA:  
12:10:49 10 Q. So when Lieutenant-Colonel John Petrie, this big liar,  
11 according to you, came and gave evidence to this Court, your  
12 counsel didn't ask him about his making these offers to you at  
13 Pademba Road, did he?

14 A. Well, I did not know whether my lawyers asked him. I  
12:11:14 15 cannot recall all that my lawyers asked of him.

16 Q. Don't you speak to your lawyers?

17 A. Ask that question again.

18 Q. Don't you speak to your lawyers?

19 A. I used to talk to my lawyer.

12:11:32 20 Q. Don't you think it's a pretty significant thing to tell  
21 your lawyers, that this man is coming to lie against you because  
22 he --

23 MS THOMPSON: Your Honour, I am going to object again.

24 PRESIDING JUDGE: What is the basis, Ms Thompson?  
12:11:48 25 Privilege?

26 MS THOMPSON: It is privilege, Your Honour, yes.

27 PRESIDING JUDGE: Yes, I think that is going a bit far,  
28 Mr Agha, asking the witness what was told to him by his lawyer.  
29 I think they can claim privilege on that. I won't allow the



1 question.

2 MR AGHA:

3 Q. Anyway, Mr Brima, I put it to you that at one time after  
4 the coup of 25th May 1997, up until your retirement from the  
12:12:20 5 military, you were a brigadier. What do you have to say about  
6 that?

7 A. I will tell you that you are lying. I was not a brigadier,  
8 and I never got up to that rank, brigadier.

9 Q. I put it to you also that the co-accused, accused number  
12:12:43 10 three, was also a brigadier from the time of the coup of May 1997  
11 until the year 2000. What do you have to say about that?

12 A. I will tell you that it's a lie. You are lying. The third  
13 accused who you referred to has never been a brigadier.

14 Q. I would like now to turn to a different topic, if I may,  
12:13:25 15 and that is concerning your brothers, one in particular. In May  
16 1997 how many living brothers did you have?

17 A. I had six brothers who were alive in 1997.

18 Q. How many of them were called Komba?

19 A. It was one who was called Komba.

12:14:09 20 Q. That was the one who you allege shot witness TF1-046, isn't  
21 it?

22 A. Ask that question again.

23 Q. That was the brother who, according to you, was shot by  
24 Gibril Massaquoi. If I can ask for that be redacted, please --  
12:14:41 25 oh, no, that's fine. Is that right?

26 A. Yes, it was not Gibril Massaquoi alone. George Johnson,  
27 who is called Junior Lion, he was the very person who first shot  
28 at my brother.

29 Q. But, according to your evidence, it was the actual shooting



1 by Gibril Massaquoi that led to the death of your brother Komba;  
2 is that right?

3 A. Yes.

4 Q. Gibril Massaquoi gave damning evidence against you before  
12:15:15 5 this Court, didn't he?

6 A. Yes.

7 Q. He said you are a coup plotter, didn't he?

8 A. Well, I will not be able to answer that question because I  
9 did not make a coup.

12:15:36 10 Q. He said that you were a member of the Supreme Council,  
11 didn't he?

12 A. It's a lie. I was not a member of the Supreme Council.

13 Q. Now, again, when Gibril Massaquoi came to give evidence,  
14 was it ever mentioned that he was the one who shot your brother -  
12:16:09 15 during cross-examination?

16 A. Gibril Massaquoi did not say so and he will not accept  
17 that, that he shot at my brother.

18 Q. But did you ask him? Was he asked, that's the question.  
19 Was he asked?

12:16:26 20 A. You know, I'm not a lawyer. I don't have a right to ask  
21 him. But I will not recall all that had happened during the time  
22 that he was being cross-examined by my lawyers, but I believe  
23 that it is my lawyers that would be able to answer that question  
24 if they had asked him.

12:16:46 25 Q. I put it to you that you lied when you said that Gibril  
26 Massaquoi was the person who shot your brother because you wanted  
27 to discredit his evidence, didn't you?

28 A. I am telling you that you are also lying. I did not want  
29 to discredit Gibril Massaquoi and the time will come when maybe





1 somebody will come and tell this Court that it was Gibril who did

2 it.

3 Q. You remember Junior Lion gave evidence before this Court,

4 don't you?

12:17:23 5 A. Yes.

6 Q. Now, Junior Lion gave his evidence from 15th and 21st

7 September 2005, which was roughly three weeks before Gibril

8 Massaquoi gave his evidence. Do you recall that?

9 A. Well, I cannot tell you the duration between Junior Lion

12:17:50 10 and Gibril Massaquoi. But all I know is Junior Lion came and

11 gave evidence in this Court, Gibril Massaquoi came and gave

12 evidence in this Court against me and the two other accused.

13 Q. Well, I will tell you Junior Lion gave his evidence first

14 and he was asked by your counsel about him shooting Komba. Now,

12:18:19 15 three weeks later, Gibril Massaquoi comes and you don't even

16 mention, or he is not even asked about shooting your brother.

17 Can you explain that?

18 A. Well, since that I'm sitting before this Court -- when they

19 shot at my brother and I came and explained to you, and you are

12:18:41 20 not here in Sierra Leone during that time. Even when Gibril

21 Massaquoi came to court, you were not here. Perhaps if you had

22 been here and he had seen your face when you were asking him,

23 perhaps you would have known that it's true that I'm telling you

24 today.

12:18:59 25 Q. Well, I put it to you that at the time Gibril Massaquoi

26 gave his evidence after Junior Lion, it hadn't even crossed your

27 mind that he shot your brother Komba -- was shot by Komba --

28 Komba shot him, rather. It hadn't even crossed your mind.

29 MS THOMPSON: He shot Komba.



1           PRESIDING JUDGE: I think you have got those facts turned  
2 around. Perhaps you could ask that again, Mr Agha.

3           MR AGHA:

4           Q. I put it to you that when Gibril Massaquoi came to give his  
12:19:26 5 evidence after Junior Lion, it hadn't even crossed your mind that  
6 Gibril Massaquoi had shot your brother Komba, had it?

7           A. It came into my mind. Even up to now that I am sitting  
8 here, it is still in my mind that it was Gibril who shot at my  
9 brother, which led to the death of my brother.

12:19:54 10          Q. But you never asked him?

11          A. You know that I am not a lawyer. My lawyers are the best  
12 people that would be able to answer that question. If I were a  
13 lawyer I should have asked him before this Court.

14          Q. We'll move on to a different area now which is your name.  
12:20:11 15 Your name of Alex. You are known as Alex Tamba Brima, aren't  
16 you?

17          A. No. I am not known by that name and I do not have that  
18 name. My name is Tamba Brima.

19          Q. Before this Court, witnesses TF1-334, TF1-033, TF1-114  
12:20:49 20 TF1-167, onwards and onwards, have come and given evidence that  
21 you are Alex Tamba Brima. Are they all mistaken?

22          A. They were the ones that felt that they should call me by  
23 that name, but I that have my name. I have told you that I am  
24 Tamba Brima. Never have I heard that name, that Alex. I don't  
12:21:14 25 know where it came from. I am Tamba Brima.

26          Q. These witnesses were not lying then, they were just  
27 mistaken?

28          A. I am not talking on behalf of the witness. All I know is  
29 that these witnesses have been lying.



1 MR AGHA: With the permission of the Court, I would like to  
2 read from a transcript. The first witness is in open session and  
3 it is TF1-114. The transcript is dated 14th July 2005, and it is  
4 page 118 to 119 and I will be reading from line 14 on page 118 to  
12:22:34 5 line 3 on page 119.

6 PRESIDING JUDGE: We seem to be one copy short for the  
7 Bench.

8 MR AGHA: I think some pages are on the way, Your Honour.  
9 I apologise.

10 PRESIDING JUDGE: I see. We actually need three pages of  
11 118.

12 MR AGHA: I apologise, Your Honour, I think we are having  
13 some problem with the printer, but I think it is getting there.

14 Q. Witness, this is what TF1-114 had to say regarding your  
12:25:33 15 name?

16 "Q. Tell the Court what happened in May 1997 that you  
17 recall.

18 "A. Well, late in '97 I was in my workshop. In the  
19 morning we just heard a firing all over Freetown here.  
12:25:41 20 Later we came to know that there was a coup plot against  
21 the SLPP government by the junta forces. AFRC. Junta  
22 forces.

23 "Q. How did you learn that, Mr Witness?

24 "A. It was announced by the mass media.

12:25:59 25 "PRESIDING JUDGE: [Microphone not activated] proceed,  
26 Mr Hodes."

27 "THE INTERPRETER: Your Honours, could the lawyer take that  
28 last line again.

29 "MR AGHA:



1 "PRESIDING JUDGE: [Microphone not activated]  
2 proceed, Mr Hodes.  
3 "MR HODES:  
4 "Q. Do you recall any of the names that were announced as  
12:26:26 5 being part of this?  
6 "A. Yes. Late Corporal Gborie made the announcement.  
7 "Q. Can you spell that name for the Court?  
8 "A. Of course, Corporal is CPL. Gborie is G-B-O-R-I-E,  
9 Gborie.  
12:26:45 10 "Q. Were there any other names being announced by the  
11 mass media with regards to this overthrow of the  
12 government?  
13 "A. Well at that time some names were called out like  
14 Alex Tamba Brima, yes. Those were one of the PLO alias,  
12:27:02 15 Gullit."  
16 Now, witness you heard what witness TF1-114 has to say  
17 about your name. Why would he come here and not tell the truth  
18 about your name?  
19 A. Well, he did not even mention the names of the other  
12:27:25 20 accused. That witness he was lying. I have my own name and it  
21 is I that I'm supposed to tell you that that is my name. My name  
22 is Tamba Brima. But that name by which they called me Alex Tamba  
23 Brima or Brima Alex Tamba, that is not my name.  
24 Q. You still maintain you have never been referred to as Alex?  
12:27:58 25 A. That is not my name. The first day when I came to this  
26 Court I did tell my lawyer that that was not my name.  
27 Q. With the Court's permission I would like to read you  
28 another transcript. That is dated 5 October 2005. It is page 67  
29 and the witness is Lieutenant-Colonel John Petrie.





1           PRESIDING JUDGE: Yes, go ahead, Mr Agha.

2           MR AGHA: I will just read from line 1 to 11 what Colonel  
3 Petrie said regarding your name.

4           "Q. Now, you told us that you saw the files of the men  
12:29:05 5           you've named as Gullit and Five-Five. I'm going to ask you  
6           about the file of the man you have named as Gullit. Did  
7           you see another name in that file?

8           "A. Yes, I did. The file of the person who was referred  
9           to me as Gullit was Tamba Alex Brima.

12:29:25 10          "Q. How do you know that was Gullit's file.

11          "A. Because everybody involved referred to him as Gullit.  
12          I had members of the JPU with me when I was" --

13          THE INTERPRETER: Your Honours, could counsel go a little  
14          slower. We are interpreting everything here.

12:29:41 15          MR AGHA: I apologise to the interpreters.

16          "A. Because everybody involved referred to him as Gullit.  
17          I had members of the JPU with me when I was going through  
18          those files as I asked those questions and they referred to  
19          that person as Gullit."

12:30:06 20          Is Lieutenant-Colonel John Petrie lying again about your  
21          name?

22          A. Yes, he lied about my name because he came and worked for  
23          money in this Court and John Petrie was not the one that gave me  
24          the name. My name is Tamba Brima.

12:30:38 25          Q. Now, still on the question of your name, when you -- I  
26          would like to show you a document which you signed when you came  
27          to this Court, with the Court's permission.

28          A. Show me it.

29          PRESIDING JUDGE: Just give the Defence a look at the



1 document as well, Mr Agha.

2 MR AGHA: Certainly.

3 PRESIDING JUDGE: You will want a copy handed to the  
4 witness as well.

12:31:52 5 MR AGHA: Yes, please, Your Honour.

6 PRESIDING JUDGE: Yes, go ahead.

7 MR AGHA:

8 Q. Mr Brima, do you see this document before you?

9 A. Yes.

12:32:03 10 Q. Now, it has case number SCSL/03 and there is something else  
11 and it is The Prosecutor versus Alex Tamba Brima. And it is  
12 called request for legal assistance. Do you see that?

13 A. I have seen it.

14 Q. It then says: "I," and it is written in manuscript "Tamba  
12:32:32 15 Alex Brima standing trial before the Special Court for Sierra  
16 Leone."

17 PRESIDING JUDGE: I seem to have the wrong document here.  
18 The document I have is a power of attorney.

19 MR AGHA: I think, Your Honours, you have been passed the  
12:32:56 20 wrong document. We can look at this document and then go the  
21 other one.

22 PRESIDING JUDGE: You are going to raise this one as well?

23 MR AGHA: I will be raising it any way.

24 PRESIDING JUDGE: Well, I think you better make sure the  
12:33:07 25 Defence have it and also the accused.

26 MS THOMPSON: Your Honours, we have a document, Prosecutor  
27 versus Alex Brima, power of attorney.

28 PRESIDING JUDGE: It seems we all have the power of  
29 attorney.



1 MR AGHA: Everyone except me. I apologise.

2 PRESIDING JUDGE: Mr Brima, what is the name of that  
3 document you have been handed?

4 THE WITNESS: Power of attorney. Then it says Prosecutor  
12:33:40 5 versus Alex Brima.

6 PRESIDING JUDGE: All right. Thank you.

7 THE WITNESS: Thank you, My Lord.

8 MR AGHA: I apologise for the confusion.

9 Q. Mr Brima, that document in front of you, it says  
12:33:54 10 "Prosecutor versus Alex Brima, power of attorney, made this 12  
11 day of March 2003."

12 A. Yes.

13 Q. It then says, "I," and in handwriting, "Tamba Alex Brima  
14 (insert name and address of principle)" and at the bottom you  
12:34:19 15 will see a signature which appears to be "TA Brima, 2 March  
16 2003"; is that right?

17 A. No, it is not TA Brima. It is T Brima and I am telling you  
18 that this document when they arrested me and took me to Bonthe,  
19 let me reveal this the Court, I signed this document under  
12:34:47 20 duress. During that time it was I and late Corporal Foday  
21 Sankoh, Chief Norman was with us. I never knew that we had  
22 lawyers that would come and defend me. They only placed the  
23 document before me and said I should sign. I'm happy that you  
24 asked me. I signed this document under pressure and when the  
12:35:13 25 time comes, I tell this Court the way I was treated at Bonthe. I  
26 was handcuffed when I signed this document in order for me to  
27 appear before a judge. The parties that witnessed the signing,  
28 at any time they visited us, I told them that when we were there  
29 we never knew our own rights. I particularly. That was why I



1 signed this document. So if it is this document that you have  
2 brought before, me, I'm happy that I have seen it and I'm telling  
3 the judges and the people that I signed this document under  
4 duress. I was forced.

12:36:01 5 Q. It is your signature, isn't it?

6 A. I signed it, but I told you that I was forced to sign it.  
7 I am not Alex Brima. I am not Alex Tamba Brima. My name is  
8 Tamba Brima. It was not I who wrote my name on this document. I  
9 signed it.

12:36:21 10 Q. So it is your handwriting, "I, Tamba Alex Brima." You  
11 didn't write that, did you? Is that the case?

12 A. It was not I that wrote it.

13 Q. Okay. You signed this document under pressure and --

14 A. Yes.

12:36:39 15 Q. This is a document authorising lawyers to represent you and  
16 act on your behalf. Why would you need any pressure to sign a  
17 document for legal help?

18 A. I was brought to this Court because I did not give evidence  
19 to what I was told to do. Number two, when I was taken to

12:37:07 20 Bonthe, it was only later that I came to realise about my rights.

21 When I was taken to Bonthe, all that we did there was under  
22 duress. I was locked for 23 hours, five minutes. It was only a  
23 short while that I was brought out. The officer that was in  
24 charge of me forced me to smoke when I was not a smoker. That is

12:37:36 25 where I developed ulcer.

26 Q. Turning back to the signature, which you say you signed,  
27 can we see an A in there, TA? What letter do you think that is?

28 A. That letter is C, it is not A. T Brima.

29 Q. There is no T-A-B? It is C, according to you? Is that





1 right?

2 A. From what I signed, I'm telling you that I did it under  
3 duress and I will bring document that will show that I signed  
4 this under duress and I will bring document here to support me  
12:38:24 5 that wherever I signed, you will not see any A there. And I  
6 would recall some of the international staff that will come and  
7 tell this Court that really in Bonthe we were treated as slaves.

8 MR AGHA: With the permission of the Court, I would like to  
9 show the witness another document.

12:38:52 10 PRESIDING JUDGE: Yes, Mr Agha.

11 MR AGHA: Hopefully I will get it right, this time. But,  
12 Your Honour, before that time, could I kindly ask that this  
13 document be exhibited.

14 PRESIDING JUDGE: Yes. Does the Defence have anything to  
12:39:19 15 say on that tender?

16 MS THOMPSON: No, Your Honour.

17 PRESIDING JUDGE: When, Mr Court Attendant is back, I will  
18 get a Prosecution exhibit number from him.

19 MR AGHA: Thank you, Your Honour.

12:40:08 20 PRESIDING JUDGE: Mr Court Attendant, if you could give me  
21 a number. Mr Agha you are tendering the Photostat copy, I take  
22 it. You don't have the original?

23 MR AGHA: No, Your Honour. That would be within the  
24 possession of the Court itself, Your Honour.

12:40:33 25 MR WALKER: Next exhibit is P81, Your Honour.

26 PRESIDING JUDGE: Yes. The document entitled "Prosecutor  
27 versus Alex Brima, power of attorney, made on 12 March 2003,"  
28 will be admitted into the evidence as Exhibit P81.

29 [Exhibit No. P81 was admitted]



1 PRESIDING JUDGE: Yes, go ahead, Mr Agha.

2 MR AGHA:

3 Q. Now, Mr Brima, having been forced to sign the power of  
4 attorney appointing lawyers for you, I have now placed a new  
12:41:31 5 document before you?

6 A. I have seen it.

7 Q. This reads "Prosecutor versus Alex Tamba Brima. Request  
8 for legal assistance." Then proceeds: "I," written in hand,  
9 "Tamba Alex Brima, standing trial before the Special Court for  
12:41:51 10 Sierra Leone hereby declare I cannot afford legal representation  
11 for the aforementioned matter." It is dated 12 March 2003, and  
12 it is signed at the bottom. Is that your signature?

13 A. This document before I can make a comment on the signature,  
14 this document, it was under force I signed this document again.

12:42:23 15 Q. Mr Brima, can you please answer the question. Is that your  
16 signature?

17 A. I'm answering to your question. It is my signature.

18 Q. And is that your handwriting, Tamba Alex Brima?

19 A. It is not my handwriting.

12:42:49 20 Q. So according to you, you were forced to sign this document?

21 A. Yes.

22 Q. If we look at the signature block again, do you see the A  
23 in there bit more clearly this time, TA Brima?

24 A. I see the A, but I'm telling you that I was forced to sign  
12:43:11 25 this document with a name which is not my name. I am still  
26 reiterating this in this court, when I was arrested on 10th  
27 March, when they placed this document before me, I want to tell  
28 you that it was not somebody from the Court. It was a policeman  
29 serving in the Sierra Leone Army that brought -- in the Sierra



1 Leone police that brought this document before me and said I  
2 should sign and I still made comments. The first lawyer that I  
3 had, the late Terrence Terry, I explained to him all about these  
4 documents.

12:43:46 5 Q. You explained to him about this document. This document is  
6 a request for you to have someone pay for your lawyer. You have  
7 told us you read English. You told us you write, English. You  
8 told us you speak English?

9 A. Yes.

12:43:59 10 Q. Why would you not sign this document voluntarily?

11 A. Because I hadn't access to the document. It was placed  
12 before me. I was ordered to sign and I followed the directive  
13 that was given to me saying, "Mr man sign this document," and I  
14 did. It is only today that I am speaking to you that I feel I  
12:44:30 15 have freedom to talk to you, but when I was in Bonthe, it was  
16 only as I am explaining to you. I was only brought 15 minutes --  
17 I would be locked in for the rest of the day. For the day I did  
18 23 hours, five minutes in the cell. I hadn't clothes to wear; no  
19 trousers on. I was only there with my brief. That was the way I  
12:44:56 20 was in the cells and I was not the only person there.

21 Q. And what did the people do to force you to make this  
22 signature on this document? What did they do to you?

23 A. Any time they went into my cell, the security that was  
24 there, one white person called John Anthony, he had a pistol  
12:45:25 25 which he held on his side. He placed me under gunpoint as he  
26 opened the door. He went with four or three security. They all  
27 held truncheons on the hand and they all tell me: "Move into  
28 your cell. Move into your cell." I get in and raised my hands  
29 on the wall before the security could enter with their truncheons



1 but the security that I'm talking about are here that were in  
2 Bonthe. So this slogan in Bonthe was "move to the wall." When  
3 you enter the hold, you will raise your hands up and you face the  
4 wall. So they came and arrested me. Before any other person  
12:46:13 5 could enter that cell before -- he could bring document before  
6 me.

7 Q. Mr Brima, the question was: What did they do to make you  
8 sign the document? Did they put a gun to your head? Simple  
9 answer, just tell us.

12:46:29 10 A. I was under gunpoint by John Anthony and other security  
11 called Jeff. So it was under that condition that I was when I  
12 was made to sign these documents.

13 Q. Now, this seems extraordinary treatment that you have  
14 received. Did you write a letter of complaint to anyone about  
12:47:05 15 this treatment when you came in the Special Court?

16 A. I did not write a letter to a person regarding this  
17 treatment.

18 Q. You didn't tell your lawyer?

19 A. I told my late lawyer, but he promised -- he promised me  
12:47:30 20 that when the appropriate time reached, he will solve the problem  
21 and as I'm saying it today here, you the lawyer, the Prosecution  
22 and the judges sitting over there are listening.

23 Q. You have not mentioned this, apart from your late lawyer,  
24 this appalling treatment, for nearly three years; is that right?

12:48:03 25 A. Yes. I said it to my lawyer.

26 Q. In your detention facility you have access to pen and  
27 paper, don't you?

28 A. We have access to pen and paper.

29 Q. So you had the ability to right to the chief of defence





1 unit about this, didn't you?

2 A. Well, up 'til now, as I am in the detention facilities, it  
3 is very difficult for me to write to the chief of detention  
4 facilities.

12:48:38 5 Q. It has been difficult for over three years, is that it?

6 A. Well, I cannot say it is difficult.

7 Q. Let me make it an easier way for you. You appeared in this  
8 Court for an initial appearance back, I suspect, in 2003. Did  
9 you mention it then when you were asked to enter a plea, this

12:49:05 10 terrible treatment?

11 A. When I entered into the plea in 2003 - I am happy when you  
12 asked me that question - it is --

13 THE INTERPRETER: The interpreter is sorry. Could the  
14 witness speak a little bit slower so that could be interpreted  
12:49:28 15 accordingly.

16 PRESIDING JUDGE: Yes. Could you go back over that, Mr  
17 Brima. The interpreter did not have time to interpret it all.  
18 Please go over that, Mr Brima.

19 THE WITNESS: The first time or the time the lawyers said I  
12:49:45 20 should -- the lawyer said I appear before this Court in 2003, I  
21 appeared before Judge Itoe and I was handcuffed and I'm thanking  
22 to God today that I have never appeared before this Bench  
23 handcuffed. But in Bonthe I appeared handcuffed, then they gave  
24 me jumper like a condemned prisoner because I was stripped naked.

12:50:15 25 MR AGHA:

26 Q. Mr Brima, I'm asking you between 2003 up until today when  
27 you have been listening to the Prosecution witnesses, attending  
28 to court, coming to status conferences, whether you ever made  
29 mention of this terrible treatment you received before this



1 Honourable Tribunal?

2 A. I made that complaint to my lawyer, late Terrence Michael  
3 Terry.

4 Q. What about the Court? You told them you were sick and you  
12:50:48 5 needed your milk. I would have thought this is a far more  
6 important matter to tell the Court?

7 A. Well, this is the opportune day to day to tell this Court  
8 the way I was treated.

9 Q. I would have thought the opportune day would have been when  
12:51:07 10 you were giving your own evidence. Why in your own evidence did  
11 you not tell us all about this mistreatment on all the documents  
12 you were forced to sign?

13 A. Well, the lawyers that led me in evidence, they restricted  
14 me to such things that they asked me about. They did not ask me  
12:51:25 15 about this Court nor about these documents and as I've appeared  
16 before you today and you put the question to me, that is why I'm  
17 explaining.

18 Q. Actually that is not entirely correct. Your Defence  
19 counsel asked you if you had anything else to say after he read  
12:51:42 20 the charges to the indictment. You then went on and on telling  
21 this Court various factors unrelated to the charges. I would  
22 have thought it would be the first thing you would have said how  
23 people were pointing guns at you, beating you and forcing you to  
24 sign documents?

12:52:01 25 A. Well, my lawyers did not bring this document before me.  
26 You are the one that brought this document before me and you have  
27 jogged my memory regarding that. As I have seen these documents,  
28 and this document it was in Bonthe that I signed it. Since it  
29 jogged my memory, that is why I'm explaining it to you.



1 Q. You have forgotten about this terrible experience until  
2 then?

3 MS THOMPSON: Your Honour, my learned friend is going over  
4 and over this again. I would have thought the first answer,  
12:52:32 5 which was when I spoke to my late lawyer he said he would bring  
6 it up at the appropriate time, was an answer to these questions.  
7 My learned friend has gone on and on about presumably when this  
8 appropriate time was and I'm not sure we are getting anywhere  
9 except an altercation, looking very unpleasant to me, between my  
12:52:52 10 learned friend and the witness as to why he didn't not say it in  
11 examination-in-chief and whatnot. The witness has given an  
12 answer as to why he is saying now and why he had not said it  
13 before. My objection is that this question has been asked and  
14 answered and my learned friend seems to be flogging a dead horse.

12:53:13 15 PRESIDING JUDGE: Do you want to reply to that, Mr Agha?

16 MR AGHA: Yes, I do. The horse may be dead, but the fact  
17 is each time I ask the accused, he comes up with a different  
18 reason as to why he didn't not raise it. And essentially, I do  
19 not find those reasons, at least to my mind, as something I feel  
12:53:29 20 I cannot explore further because his evidence has been pretty  
21 damning. If there is good reason why he has not revealed it when  
22 he has had many opportunities, I would like to understand why.

23 PRESIDING JUDGE: Yes. The Prosecution is entitled to  
24 challenge the witness's answer. I will overrule the objection  
12:53:50 25 and allow that question, Mr Agha.

26 MR AGHA: I actually forgot what the last question was.

27 Q. So apparently it was the document which jogged your memory;  
28 is that right?

29 A. Yes.



1           PRESIDING JUDGE: Mr Agha, before you go on, we will be  
2 breaking for lunch around 1.00, if there is an appropriate time  
3 around then. There is no need to hurry, but we've gone well over  
4 the normal lunch-time, so I thought we would break at 1.00 and  
12:54:24 5 come back at 2.30.

6           MR AGHA: I apologise for that.

7           PRESIDING JUDGE: No, not at all. I am just giving you  
8 some prior notice that we will be looking to adjourn around 1.00,  
9 if you could tailor your questioning accordingly.

12:54:40 10           MR FOFANAH: May it please Your Honours, isn't today a half  
11 day?

12           PRESIDING JUDGE: We have not been in court for Monday or  
13 Tuesday --

14           MR FOFANAH: Sorry, Your Honour.

12:54:51 15           PRESIDING JUDGE: Normally we would have a half day,  
16 Mr Fofanah, and I apologise for not announcing at the beginning  
17 of the session this morning that we would be going through for  
18 the whole day today.

19           MR FOFANAH: Grateful, Your Honour.

12:55:09 20           MR AGHA:

21 Q.    So you are telling me that you forget about this really,  
22 really terrible treatment you received for almost three years  
23 until in document jogged your memory; is that right?

24 A.    As you placed this document before me, that made me to  
12:55:35 25 remember and when I had recollected, that is why I have explained  
26 to you.

27 Q.    Well, I put it to you that you signed both these two  
28 documents, which have been placed before you just as few moments  
29 ago, voluntarily, entirely at your own free will. What do you





1 have to say about that?

2 A. I'm telling you that it is lies, and you would get these  
3 types of complaint from other detainees that were in Bonthe. I  
4 did not see this document willingly and I'm telling this Court I  
12:56:17 5 signed the document under pressure.

6 Q. I was just wondering, Mr Brima, do you sign any document  
7 willingly?

8 A. Yes.

9 Q. Good. Let's see if we can find some of those later.

12:56:37 10 MR AGHA: I think this may be the appropriate time, but  
11 before that I would ask for the document to be tendered an  
12 exhibit.

13 PRESIDING JUDGE: Yes. Anything to say about that tender,  
14 Defence?

12:56:51 15 MS THOMPSON: No, Your Honour.

16 PRESIDING JUDGE: Yes, all right. The photocopy entitled  
17 "Prosecutor versus Alex Tamba Brima request for legal assistance"  
18 will be admitted into the evidence as Exhibit P82.

19 Mr Court Attendant, could you please take possession of  
12:57:11 20 those documents that are with the witness at the moment.

21 [Exhibit No. P82 was admitted]

22 PRESIDING JUDGE: Because we have gone over the normal  
23 lunch hour, we will adjourn now and reconvene the Court at 2.30  
24 this afternoon. Mr Brima please do not discuss the evidence with  
12:57:41 25 anybody.

26 [Luncheon recess taken at 1.00 p.m.]

27 [AFRC28JUN06C - SV]

28 [Upon resuming at 2.32 p.m.]

29 PRESIDING JUDGE: Yes, Mr Manly-Spain.



1 MR MANLY-SPAIN: Yes, Your Honour, I am apologising for the  
2 absence of the third accused. I've just been informed that he is  
3 not feeling well. That is why he's not here this afternoon.

4 PRESIDING JUDGE: What are your instructions in that  
14:33:05 5 regard, Mr Manly-Spain?

6 MR MANLY-SPAIN: I have only this minute been asking why  
7 he's not here and they tell me he's not here because he's not  
8 well. The Office of the Principal Defender, the duty counsel was  
9 sent to inform me about that.

14:33:19 10 PRESIDING JUDGE: As I see it, he's got a right to be here.  
11 You don't know whether he's waived his right to attend in view of  
12 his illness and delegated you to proceed in his absence? You  
13 can't say that or not?

14 MR MANLY-SPAIN: I can't say, but I'll be holding the fort  
14:33:41 15 in his absence.

16 PRESIDING JUDGE: All right. Thank you. Mr Manly-Spain,  
17 we're going to adjourn for a little while, and if you can get  
18 some instructions from your client as to whether he's prepared to  
19 let you represent him and absent himself, we'll be able to  
14:35:09 20 continue today.

21 MR MANLY-SPAIN: As Your Honour pleases, but what I am  
22 informed is that the detention centre informed the Defence office  
23 about his illness, and they sent word to me to make this  
24 representation. I believe we can go on, Your Honour.

14:35:31 25 PRESIDING JUDGE: Yes, we can. But, as I understand the  
26 law applicable through our Rules, if your client really wishes to  
27 take part in the trial but he is unable, due to ill health, then  
28 we can't proceed. But if, on the other hand, he is quite  
29 willing, in his absence, to allow his counsel to represent him,



1 then we can proceed.

2 MR MANLY-SPAIN: As your Honour pleases. I will get in  
3 touch with the detention centre and in a few minutes, five  
4 minutes or so, I'll be back.

14:36:13 5 PRESIDING JUDGE: Thank you, Mr Manly-Spain. I don't know  
6 if the Prosecution has anything you wish to say on that, but  
7 that's the position, as we understand it.

8 MR AGHA: The Prosecution is actually in agreement with  
9 Your Honour's position, just for certainty. Thank you,  
14:36:32 10 Your Honour.

11 PRESIDING JUDGE: Thank you, Mr Agha. All right,  
12 Mr Manly-Spain, we'd be obliged if you could make those inquiries  
13 and let us know as soon as you can.

14 MR MANLY-SPAIN: Yes, Your Honour.

14:37:01 15 PRESIDING JUDGE: Thank you. We'll adjourn the Court  
16 temporarily.

17 [Break taken at 2.37 p.m.]

18 [Upon resuming at 2.48 p.m.]

19 PRESIDING JUDGE: Yes, Mr Manly-Spain.

14:48:21 20 MR MANLY-SPAIN: Yes, Your Honour. I spoke with the third  
21 accused. He was with the doctor but he instructs me to continue  
22 to represent him in his absence this afternoon.

23 PRESIDING JUDGE: Thank you for that, Mr Manly-Spain. We  
24 appreciate the trouble you took. In that case the hearing,  
14:48:38 25 pursuant to Rule 60, the hearing will continue in the absence of  
26 the third accused.

27 MS THOMPSON: Your Honour, if I might raise something else  
28 before my learned friend recommences his cross-examination.  
29 Before we broke off for lunch there was a long series of



1 questions regarding what had transpired at Bonthe and the fact  
2 that my learned friend appeared to be putting to the witness that  
3 he'd only just mentioned his treatment and been forced to sign a  
4 document in Bonthe this morning.

14:49:16 5 In fact, Your Honour, this was first mentioned on 16th June  
6 at page 46 of the transcript of that date, and I thought it only  
7 fair for me to mention that -- it starts from page 46 up to page  
8 47 -- where he talks about this in examination-in-chief and  
9 mentions John Anthony and other people forcing him to sign a  
14:49:43 10 paper.

11 I mention it now so that it's on the record and, secondly,  
12 perhaps if my learned friend is going to continue that line of  
13 questioning, since he's started with the practice of putting to  
14 the witness portions of his examination-in-chief, it might only  
14:49:58 15 be fair that he does so if he's going to continue with that line  
16 of questioning. If he isn't, then I mention it for the record  
17 that it has been mentioned before.

18 PRESIDING JUDGE: All right. Thank you, Ms Thompson. Of  
19 course that's also a matter you can raise in re-examination.

14:50:14 20 MS THOMPSON: Yes, Your Honour.

21 PRESIDING JUDGE: Yes, Mr Agha.

22 MR AGHA: Thank you, Your Honour.

23 Q. Good afternoon, Mr Brima.

24 A. Good afternoon.

14:50:30 25 Q. Before we broke off for lunch we were discussing your  
26 maltreatment whilst you were signing a power of attorney on 12th  
27 March 2003 and then also when you made a request for legal  
28 assistance. You mentioned that you told your maltreatment -- so  
29 you were mentioning that you raised your mistreatment to your





1 lawyer at the time who had passed away. What was the name of  
2 your lawyer at the time who you mentioned this mistreatment to,  
3 which you received on 12th March, when you were signing these  
4 documents?

14:51:55 5 A. I want you to ask the question again.

6 PRESIDING JUDGE: I think he actually did name that lawyer  
7 before lunch.

8 MR AGHA: I thought he had actually, Your Honour. I just  
9 wanted to be sure myself.

14:52:11 10 Q. Was the dead lawyer who you told about your mistreatment  
11 Mr Terrence Terry?

12 A. I didn't tell you, from what the interpreter is telling me,  
13 that the lawyer mistreated me. But that was what the interpreter  
14 told me. So I want you to ask your question again.

14:52:37 15 Q. Before we broke for lunch you indicated that you were  
16 mistreated and forced to sign various documents. You brought  
17 this mistreatment to the attention of your lawyer; is that  
18 correct?

19 A. Yes.

14:52:57 20 Q. And was that lawyer you told Mr Terrence Terry?

21 A. I'm having problem with the interpreter.

22 PRESIDING JUDGE: Mr Interpreter, what is the problem?

23 THE INTERPRETER: Your Honours, let me check with the Krio  
24 interpreter in the next booth.

14:53:46 25 Your Honours, I will ask counsel to repeat the question.

26 PRESIDING JUDGE: Right. If you could try for the third  
27 time, Mr Agha, it might get through this time.

28 MR AGHA: Third time lucky.

29 Q. So, Mr Witness, what was the name of the lawyer who has



1 since died who you told about your mistreatment?

2 A. The name of the lawyer is Terrence Michael Terry.

3 MR AGHA: Now, with the permission of the Court, I'd like  
4 to show the witness another document. This again is a power of  
14:54:37 5 attorney.

6 Q. Now, witness, you can see from this document that it's  
7 Prosecutor --

8 A. Yes.

9 Q. -- versus Alex Tamba Brima, power of attorney made 24th  
14:55:33 10 March 2003; is that correct?

11 A. It is correct, from what you read.

12 Q. And it then reads: "I, Mr Tamba Alex Brima (insert name  
13 and address of principal) hereby appoint Mr Terrence Terry"; is  
14 that correct?

14:56:03 15 A. What you have read, it is correct.

16 Q. And it's signed at the bottom by TA Brima; is that right?

17 A. It is not correct.

18 Q. Is that your signature at the bottom?

19 A. I have never signed a document from Mr Terrence Terry. It  
14:56:28 20 was my family members who took Mr Terrence Terry as a lawyer for  
21 me. This is a strange document I'm seeing.

22 Q. Is it your signature at the bottom?

23 A. This one, I didn't sign it.

24 Q. It's not signed by you then?

14:56:47 25 A. At all not. I didn't sign it. I have never signed a  
26 document like this to choose Mr Terrence Terry as a lawyer. It  
27 was my family who took Mr Terrence Terry as a lawyer for me.

28 PRESIDING JUDGE: No, Mr Brima, you're not being asked

29 whether you chose Mr Terrence Terry or not; you're being asked is



1 that your signature on the document in front of you?

2 THE WITNESS: This is not my signature.

3 MR AGHA:

4 Q. So, you never instructed Terrence Terry to act for you, did  
14:57:28 5 you?

6 A. Terrence Terry, as you are saying, I never asked him. He  
7 is a family lawyer. It was my family who chose Mr Terrence Terry  
8 who went to Bonthe and met me there, but I've never signed a  
9 paper for him.

14:57:55 10 Q. So, according to you, Mr Terrence Terry spoke to you  
11 without your authority; is that correct?

12 A. Well, as I have said to this Court, Terrence Terry is a  
13 family lawyer.

14 Q. The question was, and I'll repeat it: Terrence Terry was  
14:58:19 15 acting for you as your lawyer without your instructions; is that  
16 right?

17 A. When he met me in Bonthe, he explained to me and I  
18 accepted. I accepted for him to defend me.

19 Q. And I put it to you that that is your signature on this  
14:58:41 20 document, appointing Terrence Terry to defend you?

21 A. I am also telling you that the one that I signed, I  
22 accepted that I signed it. But this one, I didn't sign it. As I  
23 am explaining to the Court, when Mr Terrence met me in Bonthe and  
24 said that my family members sent him, I accepted.

14:59:12 25 Q. And you raised the issue of your maltreatment with  
26 Mr Terrence Terry at Bonthe; is that right?

27 A. Yes.

28 Q. And roughly when was that?

29 A. It happened roughly in May.



1 Q. So this document is dated 24th March, but you didn't  
2 actually see Mr Terry until May; is that correct?

3 A. Well, I couldn't recall the time I met with Mr Terry, but  
4 the first appearance I made in Bonthe, I didn't see Mr Terry. I  
15:00:03 5 didn't -- I don't know the exact time now, but I think it was in  
6 May Mr Terry met me in Bonthe.

7 Q. And it was on May you told him about your mistreatment; is  
8 that right?

9 A. Yes.

15:00:18 10 Q. Did you know that Mr Terrence Terry sadly passed away in  
11 around June 2004?

12 A. Yes.

13 Q. So that would be over a year after you allegedly made your  
14 complaint to him?

15:00:44 15 A. It was not more than one year when I made that complaint to  
16 him. I am talking about May 2003. It was the time Mr Terrence  
17 Terry met me in Bonthe.

18 A. Yes, but Mr Terrence Terry passed away on 20th June 2004.  
19 That's a year later.

15:01:07 20 A. Yes.

21 Q. So Mr Terrence Terry was aware of your complaint for over a  
22 year?

23 A. Repeat the question.

24 Q. Your lawyer, Mr Terrence Terry, was informed about your  
15:01:28 25 mistreatment by you in May 2003. He died in June 2004. So he  
26 was aware of your mistreatment for over one year. Right?

27 A. Well, let me tell the interpreter it was -- because that is  
28 what the interpreter is saying, that they told Mr Terry and that  
29 is not what I'm telling this lawyer. I said I told him. I'm





1 having problems with the interpreter.

2 PRESIDING JUDGE: Mr Interpreter, can you tell me any  
3 problems you may be having with this witness so far as  
4 interpretation goes?

15:02:15 5 THE INTERPRETER: Yes, My Lord. Let the lawyer take the  
6 questions carefully, little by little, so that I will be able to  
7 interpret it to the witness.

8 PRESIDING JUDGE: Are you saying that the lawyer is asking  
9 the questions too quickly?

15:02:35 10 THE INTERPRETER: Yes, sir. Yes, My Lord.

11 MR AGHA: Okay.

12 Q. So I'll recap, Mr Witness. According to you, you told your  
13 lawyer, Mr Terrence Terry, in May 2003 about your mistreatment;  
14 is that correct?

15:02:53 15 A. Yes.

16 Q. Mr Terrence Terry sadly passed away in June 2004. You were  
17 aware of that, weren't you?

18 A. Yes, I know about it.

19 Q. So Mr Terrence Terry was aware and knew of your complaint  
15:03:11 20 of mistreatment for over one year; correct?

21 A. Yes.

22 MR AGHA: Can I kindly ask the Court that this document be  
23 exhibited.

24 PRESIDING JUDGE: Yes. Anything the Defence wish to say  
15:03:30 25 about that?

26 MS THOMPSON: No, Your Honour.

27 PRESIDING JUDGE: The document headed "Prosecutor verses  
28 Alex Tamba Brima, Power of Attorney, 24th March 2003" -- well,  
29 rather, the photocopy of that document will be admitted into



1 evidence as Exhibit P83.

2 [Exhibit No. P83 was admitted]

3 PRESIDING JUDGE: Go ahead, Mr Agha.

4 MR AGHA: With the permission of the Court, I would like to  
15:04:21 5 also show the witness another document and this is a press  
6 release from the United Nations. It's the Security Council  
7 Committee on Sierra Leone dated 28th January 1998.

8 PRESIDING JUDGE: Yes, Mr Agha.

9 MR AGHA:  
15:05:11 10 Q. Now, witness, this is a press release SC 6472 dated 28th  
11 January 1998 and "Security Council Committee on Sierra Leone  
12 Releases List of Junta Members Affected By Sanctions." I'll just  
13 read very briefly from it.

14 "The following was issued today by the Security Council  
15:05:41 15 Committee established pursuant to resolution 1132 (1997)  
16 concerning Sierra Leone. The Security Council Committee  
17 established pursuant to resolution 1132 (1997) concerning  
18 Sierra Leone decided to release the following list of  
19 members of the military junta in Sierra Leone, adopted by  
15:06:11 20 the Committee on 8th January 1998, whose entry into or  
21 transit through the other States is to be prevented in  
22 accordance with paragraph 5 of Security Council resolution  
23 1132 (1997)."

24 It then goes on: "And list of the Members of the Military  
15:06:35 25 Junta in Sierra Leone." And then I think importantly, for later  
26 on in your examination, "The Supreme Council of Armed Forces  
27 Revolutionary Council, name and title" and it lists various  
28 numbers. At number 7 you'll see, "Brima Alex Tamba, Staff  
29 Sergeant, Principal Liaison Officer II, Works and Labour, Sierra



1 Tel, Customs and Excise, SALPOST." Do you see that at number 7?

2 A. Yes.

3 Q. That's you, isn't it?

4 A. As far as that I can say to this Court, that is not my  
15:07:26 5 name, Brima Alex Tamba or Tamba Alex Brima, and I was not a staff  
6 sergeant.

7 Q. You were principal liaison officer, weren't you, number 2?

8 A. I was not a staff sergeant.

9 Q. I'm not asking about staff sergeant, I'm asking about  
15:07:50 10 principal liaison officer number 2. You were that, weren't you?

11 A. My Lord, you have asked me before. I am making a comment.

12 JUDGE SEBUTINDE: Mr Brima, just answer the question. Were  
13 you or were you not PLO 2? That is the question.

14 THE WITNESS: That is the question I'm answering. I was  
15:08:17 15 not a staff sergeant. I was not Alex Tamba Brima.

16 JUDGE SEBUTINDE: The question relates to the title PLO 2.

17 MR AGHA:

18 Q. Simple answer. Were you or were you not principal liaison  
19 officer 2; yes or no?

15:08:36 20 A. Yes, I was principal liaison officer 2.

21 Q. Now, works and labour, Sierratel, customs and excise,  
22 SALPOST. Those were the ministries under you as PLO 2, weren't  
23 they?

24 A. They were not under me. They were the ministries they told  
15:09:02 25 me to supervise, monitor and to co-ordinate.

26 Q. Right. So they were ministries you were supervising,  
27 monitoring and co-ordinating?

28 MS THOMPSON: Your Honour, the press release doesn't say  
29 "ministries".



1 MR AGHA: Well, with respect, I think the witness said

2 ministries.

3 PRESIDING JUDGE: Yes, he's acknowledged ministries,

4 Ms Thompson.

15:09:23 5 MS THOMPSON: Your Honour, that's because my learned friend

6 asked a question about ministries and the witness replied in

7 answer to my learned friend's question about ministries.

8 THE INTERPRETER: My Lord, the lawyer is going too fast.

9 MS THOMPSON: My learned friend, after principal liaison

15:09:41 10 officer, went on to say works and labour, Sierratel, customs and

11 excise, SALPOST, those were the ministries you were in charge of,

12 and the witness then answered using the term ministries.

13 PRESIDING JUDGE: Well, that's his answer, Ms Thompson. He

14 hasn't been backward in denying other things that have been put

15:10:00 15 to him, but he acknowledged ministries. So you go ahead. I'll

16 overrule that objection. Go ahead, Mr Agha.

17 MR AGHA: The question was actually answered, Your Honour.

18 So I'll continue.

19 Q. And if we also look at these names, you were at number 7.

15:10:17 20 At number 16 you have, and I'll read the name:

21 "Kamara Brima Bazzy/Staff Sergeant Principal Liaison

22 Officer III, aka Ibrahim Bazzy Agriculture, Forestry and

23 Fisheries, Energy and Power, Lotto and Income Tax."

24 That's accused number two, isn't it?

15:10:58 25 A. Please ask the question again.

26 Q. I'll read to you number 16. You can also follow because

27 you have your own copy.

28 A. Yes.

29 Q. And it gives a name. That name is Kamara Brima Bazzy/staff





1 sergeant, principal liaison officer 3, aka Ibrahim Bazy,  
2 agriculture, forestry and fisheries, energy and power, lotto and  
3 income tax. You heard that name?

4 A. I've heard that name.

15:11:32 5 Q. That name is the person known in this Court as accused  
6 number two, isn't it?

7 A. Well, the person I knew to be accused number two, this is  
8 not the name. I know him to be Ibrahim Kamara.

9 Q. But you know the accused number two to be principal liaison  
15:11:57 10 officer 3, don't you?

11 A. Yes.

12 [AFRC28JUN06D - CR]

13 Q. Now, if we then go a little bit further on, and you will  
14 see again, looking at the names, number 19. Do you have 19?  
15:12:21 15 Nineteen reads, "Kanu SB/sergeant". Do you have that?

16 A. Yes.

17 Q. That's accused number 3, isn't it?

18 A. No. Accused number 3 that I know is not a sergeant. I  
19 know him to be Santigie Kanu.

15:12:51 20 Q. So, on this press release by the UN, you say number 7 is  
21 not you. So are you saying this press release is wrong?

22 A. This press release, the person that prepared it, I can show  
23 you something to say it is wrong.

24 Q. So, did the person who prepared it, is it wrong because he  
15:13:20 25 was mistaken, because he's lying? What did he have against you?

26 A. Well, the person who prepared it, this is not my name that  
27 was put in this paper. I saw another name. They said George  
28 Adams, sergeant, arrested. The George Adams that I know was not  
29 arrested. So the person who prepared this press release have



1 lied. I'm not Alex Tamba Brima. So he has also lied there. And  
2 I don't know the second accused to be Brima Bazy Kamara. I know  
3 him to be Ibrahim Kamara. And the third accused, I don't know  
4 him to be SB Kanu. I know him to be Santigie Kanu. I don't know  
15:14:20 5 him for the rank of sergeant.

6 Q. Mr Brima, I put it to you that you are lying when you say  
7 you have never been known or referred to as Alex; what do you  
8 have to say about that?

9 A. I'm telling you that I'm saying the truth. Yes. I'm  
15:14:45 10 saying what you're forcing me to do is to lie. I'm Tamba Brima.  
11 That is the name I had always had and I have accepted and that's  
12 what my people know me for.

13 MR AGHA: Your Honour, may I ask for this document to be  
14 exhibited?

15 PRESIDING JUDGE: Yes. I take it the Defence don't have  
16 any objections?

17 MS THOMPSON: My Lord, I wondered to what end? I don't  
18 have any objections.

19 PRESIDING JUDGE: This photocopy of press release SC 6472  
15:15:26 20 will be admitted into evidence as Exhibit P84.

21 [Exhibit No. P84 was admitted]

22 THE WITNESS: Also, what I also saw on this document, when  
23 they said Supreme Council --

24 MR AGHA:

15:15:54 25 Q. It would be better if you answered the question.

26 A. I don't know what --

27 PRESIDING JUDGE: Mr Brima, you're there to answer  
28 questions from the Prosecution at this moment. If anything needs  
29 explaining, your counsel will attend to it in re-examination.



1 THE WITNESS: Yes, My Lord. My Lord, I have not explained  
2 the comments I've seen in this document when the lawyer decided  
3 to cut me off from what I wanted to say. Because when he's  
4 talking, most times I keep mute.

15:16:27 5 PRESIDING JUDGE: As I say, this is cross-examination. If  
6 your counsel thinks you have been done an injustice in any way,  
7 she will give you the opportunity to explain that in  
8 re-examination. Go ahead, Mr Agha.

9 MR AGHA: Thank you, Your Honour.

15:16:48 10 Q. Now, Mr Brima, going back to your family, earlier I believe  
11 you told this Court your father had retired from the army. Is  
12 that correct?

13 A. Yes.

14 Q. For how long had he been retired when he died?

15:17:09 15 A. He had retired almost a year before he died. He retired in  
16 '96 and died in '97.

17 Q. What rank was your father when he retired?

18 A. He was a sergeant.

19 Q. So your father served in the Sierra Leone Army for over 30  
15:17:36 20 years, or around that period; is that right?

21 A. Repeat that question again, sir.

22 Q. Your father served in the Sierra Leone Army for around 30  
23 years; is that correct?

24 A. Over that. He served the army over 30 years.

15:18:03 25 Q. So he dedicated his entire career to the military; hadn't  
26 he?

27 A. Yes.

28 Q. What medals had your father been awarded?

29 A. Order of the Rokel. That was one of the medals that I knew



1 my father got, because I saw the certificate. Then he had OBE,  
2 Order of the British Empire. Then he also had gallantry medal.  
3 Q. So you would agree with me that your father had a  
4 distinguished career in the army?

15:19:02 5 A. Yes.

6 Q. On his retirement, despite his more than 30 years service  
7 and distinguished career, he wasn't given much support by the  
8 government by way of pension, was he?

9 A. I don't know of that. I was not a man who would ask him  
15:19:30 10 about his personal business.

11 Q. So, as far as you were concerned, he was being well looked  
12 after by the government for his service?

13 THE INTERPRETER: My Lord, may he repeat the question?

14 MR AGHA:

15:19:56 15 Q. As far as you were concerned, your father was being well  
16 looked after by the government on account of his 30 years of  
17 service.

18 A. Well, I can't comment on that. I've told you that my dad  
19 was a man of his own.

15:20:19 20 Q. What about you when you were serving in the other ranks,  
21 were you paid handsomely?

22 A. No, but they used to pay me. But I want to know what you  
23 mean by you are being well paid.

24 Q. Well, did you consider that, let's say, compared to  
15:20:47 25 officers, other ranks, got a good salary?

26 A. Which others?

27 Q. Lieutenants, captains, majors.

28 A. Well, one thing in the army, it's very difficult for an  
29 officer to tell other ranks the salary that he gets, so I did not





1 know the salary that officers used to get.

2 Q. But they were better off than you, weren't they?

3 A. I didn't get what the interpreter said.

4 PRESIDING JUDGE: I think the interpreter wants you to  
15:21:28 5 repeat that question.

6 MR AGHA:

7 Q. The officers were better paid than the other ranks, weren't  
8 they?

9 A. One thing that I know is that they pay in the army as to  
15:21:44 10 ranks. If I were not an officer, I wouldn't know the officer's  
11 salary. But what I knew was that the officer got more than I  
12 got. Even the sergeants used to get more than I did.

13 Q. What about rice allocations; did you get rice allocations  
14 when you were serving as other rank soldier?

15:22:08 15 A. Yes, I used to get rice.

16 Q. Over the years of your service was this allocation being  
17 decreased or increased?

18 A. Well, since I joined the army, my salary, sometimes it  
19 would increase and sometimes it would decrease, just like you  
15:22:38 20 said, reduce.

21 Q. But what about your rice allowance, did that sometimes  
22 reduce as well?

23 A. The rice allowance reduced at one time.

24 Q. When, around, was that? Was it in 1991, '95, '96?

15:23:05 25 A. It was in '96.

26 Q. Was the government in '94, '95, '96 using the Kamajors as a  
27 defence force?

28 A. Repeat that question.

29 Q. In the years 1994, 1995, was the SLP government using the



1 service of the Kamajors and Civil Defence Forces?

2 A. Which government? Because the interpreter is telling me  
3 that the SLP government and I do not know an SLP government.

4 Q. SLPP government.

15:23:53 5 A. No. The SLPP government was not in power in '94 and '95.

6 Q. What about '96?

7 A. Yes, the SLPP government was in power.

8 Q. And they were using the Civil Defence Forces as well as the  
9 army, weren't they?

15:24:17 10 A. Well, in the army, the first people whom I knew that were  
11 used were the vigilantes. Then in '96, I knew about Kamajors or  
12 civil defence, from what you said.

13 Q. So other armed forces were being looked to by the  
14 respective governments, weren't they, as well as the army?

15:24:44 15 A. I want you to tell me which other armed forces you are  
16 talking about. Maybe if you call their names, I'll know them.

17 Q. CDF. Have you heard of that name?

18 A. I heard that name in '96. 1996.

19 Q. And the government were using them; correct?

15:25:06 20 A. Yes.

21 Q. What about the Kamajors, have you heard of them?

22 A. It's a group that makes up the CDF. I heard of them.

23 Q. And the government was using them in 1996?

24 A. Yes.

15:25:27 25 Q. So the army was being marginalised, wasn't it?

26 A. Well, I don't know what you mean about marginalising the  
27 army. I don't know that language used.

28 Q. Well, let me put it this way: The army was not the only  
29 fighting force the government was using, It was also using CDF



1 forces; correct?

2 A. Well, I don't know if it's the government, but I knew that  
3 the civil defence were people like I have said. Like, I've  
4 spoken about the vigilantes. They were also like that. The army  
15:26:19 5 used them to show the army the routes leading to areas where the  
6 enemies were. And there were people who showed the army routes  
7 to their own surrounding villages, routes that were not known by  
8 soldiers.

9 Q. So by 1997, your pay was not good?

15:26:47 10 A. Repeat the question.

11 Q. By 1997, your salary as in other ranks was not high, your  
12 allocations of rice declined, and the government was using other  
13 forces as well, so you wanted to get rid of the government,  
14 didn't you?

15:27:07 15 A. My Lord, I want you to ask the question. Is it me that  
16 wants to query the government from what the interpreter is  
17 saying? I'm please appealing for you to repeat that question.

18 Q. You wanted to get rid of the government because of the poor  
19 treatment it was handing out to soldiers, retired and serving;  
15:27:37 20 isn't that right?

21 A. No. No. That, what you're saying, is not correct.

22 Q. Let's look then at the overthrow of the government. Now,  
23 you mentioned earlier that you played football as a youngster,  
24 didn't you?

15:28:02 25 A. Yes. As a child, I used to play football.

26 Q. You also played for one of the army football teams, didn't  
27 you?

28 A. No. No. I didn't say that. I have never said that in  
29 this Court.



1 Q. So you're not a good footballer then?

2 A. At all not. I play volleyball. If you ask even in the  
3 detention facility, they would tell you that I play volleyball.

4 Q. Well, actually, I'm asking you, not people in the detention  
15:28:48 5 facility. But Ruud Gullit was a well-known Dutch footballer; did  
6 you know that?

7 A. I know about that because I do watch football matches.

8 Q. I put it to you that you were so good at football that you  
9 were nicknamed after him.

15:29:11 10 A. I am telling you that it's a lie. I do not play football,  
11 and I'm telling you that as I'm sitting here, my -- three of my  
12 right toes have a problem, so I do not play football. I play  
13 volleyball.

14 Q. Your nickname is Gullit, isn't it, after the famous Dutch  
15:29:35 15 footballer?

16 A. Well, I'm telling you that it's a lie. My name is T Man.  
17 My little brother was called Gullit. So what you're telling me,  
18 that I am called Gullit, you are telling lies. And you are  
19 telling me black lies.

15:30:01 20 Q. It's very interesting you mentioned that Gullit was your  
21 brother Komba, I believe, because throughout the Prosecution  
22 evidence the name Gullit, in respect of you, has come up time and  
23 time again, hasn't it?

24 A. Ask the question again.

15:30:17 25 Q. I'm saying it's interesting that you raise your brother's  
26 name Komba as being called Gullit because, during the Prosecution  
27 evidence, the name Gullit, in respect to you, was repeatedly used  
28 by countless witnesses, wasn't it?

29 A. Well, the Prosecutor had built that name for me so -- and





1 that's the name that this Court, through the Prosecutor,  
2 everybody directed to me, especially the Prosecution witnesses,  
3 but I am not the individual who had that name.

4 Q. So, according to you, it was your brother Komba who was  
15:31:09 5 nicknamed Gullit; is that right?

6 A. Yes, he had that name.

7 Q. Now, during the cross-examination of all the Prosecution  
8 witnesses -- I think there were 59 -- he was never asked whether  
9 Gullit was, in fact, your brother Komba, was there?

15:31:35 10 A. Well, you are saying that they're witnesses that came on  
11 the other side. I cannot remember because, where I am now,  
12 definitely I can't remember whether they asked them or not.

13 Q. You are being accused of being Gullit is one of the main  
14 parts of the case against you. Witness, after witness, after  
15:31:59 15 witness calls you Gullit. According to you, Komba has always  
16 been Gullit, but you never raised that once, did you?

17 A. I have said that, that Komba was Gullit. I am T Man. I am  
18 still repeating it to the Court that I am T Man.

19 Q. The story of Komba being Gullit is totally made up. You've  
15:32:27 20 totally made it up since the close of the Prosecution case,  
21 haven't you?

22 A. I am telling you that since you are not somebody who reads  
23 somebody's mind, you're telling me lies. I didn't just sit down  
24 and make that one up.

15:32:48 25 Q. I'm telling you, you've totally made it up, haven't you?  
26 After the close of the Prosecution case, you've totally made up  
27 that your brother Komba was called Gullit; is that right? Yes or  
28 no?

29 A. No, you are telling me lies. I did not make up any case



1 against my brother that he is Gullit, just to take away the name  
2 from me. That is not my name.

3 MR AGHA: I would like to, with the permission of the  
4 Court, show or read a transcript to the witness.

15:33:43 5 THE WITNESS: I am waiting for it.

6 MR AGHA:

7 Q. Now, Your Honours, this is a transcript dated 5th October  
8 2005. The witness is Lieutenant-Colonel John Petrie. It's page  
9 67. I believe you have three pages, but the middle one is the  
10 only one I'll be referring to from line 1 to 22.

11 PRESIDING JUDGE: Thank you, Mr Agha. You go ahead.

12 MR AGHA:

13 Q. So this is what Lieutenant-Colonel Petrie had to say in his  
14 evidence under oath.

15:34:43 15 "Q. Now you've told us that you saw the files of the men  
16 you've named as Gullit and Five-Five. I'm going to ask you  
17 about the file of the man you've named as Gullit. Did you  
18 see another name in that file?

19 "A. Yes, I did. The name (sic) of the person who was  
15:35:00 20 referred to me as Gullit was Tamba Alex Brima.

21 "Q. And how do you know that was Gullit's file?

22 "A. Because everybody involved referred to him as Gullit.  
23 I had members of the JPU with me and (sic) when I was going  
24 through those files as I asked questions and they referred  
15:35:20 25 to that person as Gullit.

26 "Q. I'm going to ask you about the file of the man you've  
27 named as Five-Five. Was there another name that appeared  
28 in that file?

29 "A. Yes, there was. The name was Santigie Kanu and again



1           it had the same details as I've previously described and  
2           again the members of the JPU that were briefing me, they  
3           referred to Santigie Kanu as Five-Five throughout."  
4           Now at line 18 we come to a very important part.  
15:35:52 5           "Q. Did you find out why Gullit and Five-Five were known  
6           by these names?  
7           "A. Yes, I asked. I (sic) was told that in the case of  
8           Gullit it was because of a resemblance to a once famous  
9           footballer" --  
15:36:10 10          THE INTERPRETER: Your Honours, can learned counsel please  
11          take it slowly for the interpreter.  
12          MR AGHA:  
13          "A. Yes, I asked and I was told that in the case of Gullit  
14          it was because of a resemblance to a once famous footballer  
15:36:24 15          called Ruud Gullit."  
16          Now, what do you have to say about that?  
17          A. I don't look like that footballer. I know the footballer,  
18          and that footballer had dreadlocks, and I don't have dreadlocks,  
19          so I don't look like that footballer. I don't resemble him in  
15:36:45 20          any way.  
21          Q. So was John Petrie lying when he passed on that evidence to  
22          this Court in his evidence?  
23          A. John Petrie is lying. Before he passed on that information  
24          to this Court, John Petrie went and arrested me that I had a coup  
15:37:05 25          case when, after which I saw myself here. So John Petrie would  
26          never speak the truth in this Court against me or the third  
27          accused.  
28          MR AGHA: Your Honour, may I ask for that -- that's not to  
29          be exhibited. It's a transcript. I beg your pardon. Can I ask



1 the Court to kindly look at another document, if I may.

2 Q. I would like to show you another document, Mr Brima, for  
3 you to comment on.

4 A. I'm ready to look at it.

15:37:47 5 Q. It's actually an article. It is entitled, "A Day in Rebel  
6 Territory" by Mr Eric Beauchemin, and it is dated 21st January  
7 2000. Now, although there's three pages, I shall only be reading  
8 the first two paragraphs.

9 PRESIDING JUDGE: Yes. Go ahead, Mr Agha.

15:38:44 10 MR AGHA:

11 Q. So I will read for you.

12 "Hassan Isaac Munu is a (sic) founder of the Movement for  
13 Unity and Peace, a group of 40 civilians trying to  
14 consolidate peace in Sierra Leone.

15:39:02 15 "One afternoon, Hassan and I go to a hotel in the western  
16 part of Freetown, where many of the senior AFRC officials  
17 and their men are staying. I meet Five-Five, Brigadier 55.  
18 We talk. His English is so poor that I barely understand  
19 him. He agrees to take us to Occra Hills.

15:39:25 20 "55 arrives the following morning at 9 o'clock to pick me  
21 up. He's traded in his shorts for a suit and sunglasses  
22 that hide his eyes. Hassan is there, too, in the 4-wheel  
23 drive, squeezed in among 7 other people. We head back to  
24 the hotel, where I meet someone who is even higher on the  
15:39:50 25 totem pole of absurdity; Brigadier Gullit. 'My name was  
26 "Good" because I was a good footballer player. It was kind  
27 of like the name of the Dutch football player, Ruud Gullit,  
28 so I changed my name to Gullit'."

29 Now, that's all I'm going to read, but the inverted commas





1 is a quotation of you speaking. You are --

2 MS THOMPSON: Your Honour, I object to that. There is  
3 nowhere where it says -- it refers to someone calling himself  
4 Brigadier Gullit. It does not refer to this person sitting in  
15:40:27 5 the witness box now. There is nothing here to say that it was  
6 this person in the witness box who actually made this quotation.  
7 I object to the question in that form.

8 PRESIDING JUDGE: Yes, I'll uphold that objection, Mr Agha.  
9 It can be put to him another way, but I won't allow it in that  
15:40:43 10 form.

11 Q. Witness, having just heard what I read, I put it to you  
12 that your nickname is Gullit, after the Dutch footballer Ruud  
13 Gullit, because you are a good football player?

14 A. I'm still telling you that you're telling lies. I was not  
15:41:09 15 a footballer. And my name is not Gullit.

16 Q. Just on the front of that article there is, I think, three  
17 photographs. Do you recognise the man in the first photograph on  
18 the right?

19 A. I don't know the person, but I've seen the first picture.

15:41:39 20 Q. Who is the picture of the first person?

21 A. I don't know him.

22 Q. That's accused number 3.

23 A. Well, from what I can see, I am not convinced that this is  
24 accused number 3.

15:42:00 25 Q. What about the picture underneath? Who is that?

26 A. This is Major Johnny Paul Koroma.

27 MR AGHA: Your Honour, may we request that this article be  
28 exhibited?

29 PRESIDING JUDGE: Yes. Do the Defence want to say anything



1 about the tender?

2 MS THOMPSON: Yes, Your Honour. I object.

3 PRESIDING JUDGE: What's the basis, Ms Thompson?

4 MS THOMPSON: Your Honour, what we have had read out in  
15:42:35 5 Court to us is an excerpt from an article written by someone who  
6 -- I don't know, perhaps a journalist or something. It doesn't  
7 relate to this witness. The witness is not named in it. I see  
8 what my learned friend is trying to do, to put a name which has  
9 already been put already by other Prosecution witnesses and tag  
15:42:59 10 them to this witness. But there is nothing in this article, at  
11 least from the excerpts that he's read out, which has a nexus  
12 with this witness. He's asked the witness about a series of  
13 questions about the article and the witness has given his answer.  
14 I do not see what the purposes of tendering a document, the  
15:43:19 15 author of which we have a name, but we don't know anything about  
16 -- I don't know what it relates to, what the rest of the article  
17 relates to. We've had no opportunity - in fact, we will never  
18 have an opportunity, in my submission - of cross-examining the  
19 maker as to the questions which have been put to this witness and  
15:43:46 20 whether, indeed, this person -- because my learned friend is  
21 seeking to say that this person, Tamba Brima, was in fact Gullit  
22 and actually spoke to this author. We don't know that to be the  
23 case. We wouldn't have an opportunity of putting those questions  
24 to that author. Your Honour, that's the substance of my  
15:44:07 25 objection.

26 PRESIDING JUDGE: Yes. Do you want to reply to that,  
27 Mr Agha?

28 MR AGHA: Yes, Your Honour. I would like to say, firstly,  
29 the article is very relevant. It goes directly to one of the



1 main issues in the case, and that is the issue of identity, in so  
2 much as the witness claims he is not known as Gullit, that he  
3 doesn't play football.

4 The submission of the Prosecution is that this article  
15:44:37 5 shows close enough nexus with Five-Five, who is also in this  
6 Court, to show it is relevant. Under 89(C) it is a relevant  
7 document and should, therefore, be admitted under the Fofana  
8 Appeals Court decision.

9 PRESIDING JUDGE: Yes, the document is relevant. The  
15:44:58 10 objections raised by the Defence counsel go to weight, but not to  
11 admissibility. Therefore, I will overrule the objection and  
12 admit this document into evidence. The document is entitled "A  
13 Day in Rebel Territory" by Eric Beauchemin. It has been updated  
14 21 January 2000. That will be admitted into evidence as  
15:45:28 15 Exhibit P85.

16 [Exhibit No. P85 was admitted]

17 MR AGHA: With the permission of the Court, I would also  
18 like to read another excerpt of a transcript to the witness.

19 PRESIDING JUDGE: Yes, go ahead.

15:45:49 20 MR AGHA:

21 Q. This is from witness TF2-024. It is dated 7 March 2005. I  
22 will be reading from pages 45 to 46, line 18 on page 45, to line  
23 6 on page 46.

24 PRESIDING JUDGE: Yes, go ahead.

15:46:25 25 MR AGHA:

26 Q. This is what Prosecution witness TF-024 had to say  
27 regarding the name of Gullit.

28 "Q. After you arrived, you said you heard these boys  
29 calling him Honorable Gullit; is that correct?"



1 "A. Yes.

2 "Q. What else did you see?

3 "A. Explain it again -- understand.

4 "Q. When you arrived at State House?

15:46:57 5 "A. Yes.

6 "Q. You said that Gullit's boys were calling him Honorable

7 Gullit?

8 "A. Yeah.

9 "Q. Can you tell the Court if you actually saw Gullit?

15:47:13 10 "A. I saw Gullit through the window when I was inside the

11 kitchen.

12 "Q. Prior to that, did you see him when you arrived at

13 State House?

14 "A. I saw him.

15:47:24 15 "Q. What was he doing when you arrived?

16 "A. He was commanding his boys during that time.

17 "Q. How do you know he was commanding his boys?

18 "A. Because during that time, he was the only commander at

19 State House during that time. They were calling him

15:47:42 20 Honorable Gullit."

21 Now, that's where I end reading the reference. Now, that

22 witness is a crime-based witness. Why would he make any mistake

23 about you being Gullit?

24 A. Because he was on the side of the Prosecution. That is why

15:48:17 25 he would come and pick me out as the person whom they called

26 Gullit. And that is the witness, I could recall, when they was

27 asked him to describe me, he couldn't.

28 Q. According to you, every witness who comes for the

29 Prosecution is told to call you Gullit; is that right?





1 A. Ask that question again.

2 Q. According to you, every witness who comes for the  
3 Prosecution to give evidence against you is asked to call you  
4 Gullit; is that correct?

15:48:51 5 A. Yes. And if I had accepted that, I would have been like  
6 those witnesses.

7 Q. The witness we've just discussed, TF-024, crime-based  
8 witness, what would he have been like?

9 A. Repeat the question. Repeat the question.

15:49:21 10 Q. You said that if you had been agreeable - if I remember  
11 correctly - that you would have been treated just like these  
12 witnesses who had come to give evidence against you and call you  
13 Gullit. What could TF-024, a crime-based witness, expect to get?

14 MS THOMPSON: Your Honour, that's not for this witness to  
15:49:49 15 say. He cannot read into the mind of the witness 024, and while  
16 someone might -- may I just raise the point also, the bit of the  
17 transcript read by my learned friend does not refer to Tamba  
18 Brima as Gullit.

19 PRESIDING JUDGE: Yes. Do you want to reply to that?

15:50:11 20 MR AGHA: I didn't indicate that it did. These are issues  
21 for cross-examination. With regard to the fact of whether he can  
22 comment upon looking into the minds of witnesses, he brazenly  
23 says these Prosecution witnesses would have been treated in a  
24 certain manner. Generally that manner is: If they give evidence  
15:50:33 25 against Johnny Paul Koroma they would be favourably treated. I'm  
26 wondering and asking him what on earth kind of evidence could  
27 TF-024, a crime-based witness, have given to the Prosecution?

28 PRESIDING JUDGE: Yes. I rather think the objection was  
29 made more to the form of the question, Mr Agha. It could have



1 been asked in another non-objectionable way. I will uphold the  
2 objection as to the question in its present form.

3 MR AGHA: Okay.

4 Q. So, witness, according to you, if people are prepared to  
15:51:13 5 give evidence against Johnny Paul Koroma, they get special  
6 treatment; is that right?

7 A. Yes. As long as you are prepared to give evidence in  
8 favour of the Prosecution at the Special Court, you will be given  
9 a special treatment, and I can bring up an example. That when I  
15:51:37 10 was at the Pademba Road Prisons, that is when I knew about this  
11 through --

12 Q. [Microphone not activated]?

13 A. That's where I knew about the Special Court, to come and  
14 testify. That's why I'm putting it here. That was where  
15:51:52 15 Lieutenant-Colonel John Petrie told me, "I need you to come and  
16 testify." That's why I keep telling this Court to know where  
17 that man met me, where he approached me, to come and talk in this  
18 Court.

19 Q. But according to your evidence it was for witnesses to come  
15:52:08 20 and give evidence against Johnny Paul Koroma; correct?

21 A. Yes, that was the approach Lieutenant-Colonel Petrie met me  
22 with.

23 Q. So TF-024, what evidence could he possibly have given  
24 against Johnny Paul Koroma?

15:52:36 25 A. I did not talk about TF-024. I'm talking about myself.  
26 I'm telling you that TF-024, when I disagreed, that's why they  
27 brought me here. So, what they've done to me, it is the same  
28 thing they will do to them.

29 Q. No, your contention is Prosecution witnesses, not you, are



1 brought here to give evidence for the Prosecution, because they  
2 don't want to give evidence -- because they refuse to give  
3 evidence against JPK. It's not the other way around. Your  
4 evidence is clear on that.

15:53:19 5 MR FOFANAH: Excuse me. At this stage, I rise hesitantly  
6 to object on behalf of the Defence. I don't think that is what  
7 we have on record. My recollection is that this witness has  
8 categorically told the Court that, in his own case, his own  
9 particular case, that was the reason why they charged him,  
15:53:38 10 because they refused to testify against Johnny Paul Koroma. He  
11 has not generalised it for every other witness. I stand guided  
12 by the records.

13 PRESIDING JUDGE: Thank you.

14 MR FOFANAH: Just another point, Your Honours. My learned  
15:53:53 15 colleague has pointed this out before, but I think I can raise it  
16 now. He had actually indicated before that every witness who  
17 came before this Court referred to the witness as Gullit. I  
18 think that is misleading. There were witnesses who came before  
19 this Court and never mentioned the witness's name at all, by any  
15:54:14 20 pseudonym or alias.

21 PRESIDING JUDGE: Do you wish to reply, Mr Agha?

22 MR AGHA: I apologise if I said every and all. I think I  
23 might have said nearly all the witnesses, or many witnesses. I  
24 think it was caveated in that respect.

15:54:33 25 PRESIDING JUDGE: Well, there is still the objection, if  
26 you wish to reply to that.

27 MR AGHA: That particular objection, is my understanding  
28 that various witnesses he did -- particularly, for example,  
29 Junior Lion, 334 and other witnesses, 184, who he was in Pademba



1 Road with -- say it was because they went to Pademba Road, they  
2 asked these witnesses to give evidence against JPK, and it was  
3 Colonel Petrie who did that, and he brought them in in threes.

4 PRESIDING JUDGE: I can understand your question. I'm not  
15:55:11 5 sure the accused can. Perhaps if you could put it to him in  
6 sections. I don't think he's deliberately not answering it. I  
7 don't think he realises what you're putting to him.

8 THE WITNESS: Yes, My Lord.

9 JUDGE DOHERTY: Also, Mr Agha, you used the phrase  
15:55:40 10 "crime-based witness," which may not be a term that the witness  
11 is familiar with.

12 MR AGHA: Thank you for your guidance, Your Honour.

13 Q. Witness, the Prosecution witness TF-024, who we've just  
14 been discussing, and whose transcript I've just read, you said  
15:55:57 15 you knew about that witness; was that witness in the army?

16 A. My Lord, before I could answer this question, I'm  
17 hard-pressed. I want to use the convenience.

18 PRESIDING JUDGE: Mr Agha, perhaps you can save that as the  
19 first question for tomorrow.

15:56:23 20 MR AGHA: Thank you.

21 PRESIDING JUDGE: Mr Court Attendant, would you please  
22 retrieve those documents that are in possession of the accused.

23 THE WITNESS: My Lord, I am seriously hard-pressed.

24 PRESIDING JUDGE: We're moving now, Mr Brima. Just to  
15:56:44 25 remind you, don't talk about the evidence.

26 [Whereupon the hearing adjourned at 4.00 p.m.,  
27 to be reconvened on Thursday, the 29th day  
28 of June 2006, at 9.15 a.m.]

29





EXHIBITS:

Exhibit No. P81	75
Exhibit No. P82	83
Exhibit No. P83	92
Exhibit No. P84	96
Exhibit No. P85	109

WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ALEX TAMBA BRIMA	2
CROSS-EXAMINED BY MY AGHA	2