

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

TUESDAY, 4 JULY 2006
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Mr Simon Meisenberg Ms Evelyn Campos Sanchez
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	Ms Claire Carlton-Hanciles
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Ibrahim Foday Mansaray (legal assistant)
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Ajibola E Manly-Spain

1 [AFRC4JUL06A - CR]
2 Tuesday, 4 July 2006
3 [Open session]
4 [The accused present]
09:15:00 5 [The witness entered Court]
6 WITNESS: ALEX TAMBA BRIMA [Continued]
7 [Witness answered through interpreter]
8 [Upon resuming at 9.20 a.m.]
9 PRESIDING JUDGE: Yes, Mr Brima, I will remind you, you are
09:17:19 10 still on oath. Yes, Mr Agha.
11 CROSS-EXAMINED BY MR AGHA [Continued]
12 Q. Good morning, Mr Brima.
13 A. Good morning.
14 Q. Now, during the AFRC regime, are you aware, in the
09:17:38 15 provinces, that the RUF and SLAs were deployed together?
16 A. That is not to my knowledge.
17 Q. Sorry, I didn't get the translation. I apologise for that.
18 Now, during the AFRC regime in Bo and Kenema, the RUF and SLA
19 jointly fought against the Kamajors?
09:18:44 20 A. Well, as far as I'm concerned, that is not to my knowledge.
21 Q. So you didn't receive any information from any of your
22 comrade soldiers about this?
23 A. All what I knew was that soldiers were deployed upcountry.
24 Q. Were you aware that RUF personnel were also deployed
09:19:14 25 upcountry?
26 A. Well, I wouldn't say RUF was deployed, because the RUF was
27 in Kailahun. But the ones that were in Freetown here, I didn't
28 say they were deployed upcountry.
29 Q. What about when you travelled from Freetown to Kono; did

1 you see RUF personnel en route?

2 A. I saw RUF in Kono, the RUF people in Kono.

3 Q. Now, I want to refer back to one of the council meetings
4 which you attended. Now, did you attend a council meeting in
09:20:05 5 which the bringing in to Freetown of arms and ammunition from
6 Burkina Faso was discussed?

7 A. I have told you that I attended a meeting, but I cannot
8 tell you all the meetings that I attended.

9 Q. But do you recall attending a meeting where there was a
09:20:35 10 discussion about bringing in arms and ammunition from Burkina
11 Faso?

12 A. Well, I cannot recall that. I've told you that I attended
13 a lot of meetings. Not everything I can recall now.

14 Q. So you can't recall a meeting about discussion of bringing
09:20:54 15 in arms and ammunition from Burkina Faso; correct?

16 A. That is not alone. Not all the meetings that I attended
17 that I am able to recall now.

18 Q. Did you ever learn about Gibril Massaquoi and Ibrahim Bah
19 going to Burkina Faso to bring in arms and ammunition to
09:21:19 20 Freetown?

21 A. Well, I don't know anything about that, because I wasn't
22 the Army Chief of Staff or the Minister of Defence.

23 MR AGHA: I apologise, Your Honour, I don't seem to be
24 getting the answers.

09:21:42 25 PRESIDING JUDGE: Are you having trouble with the
26 microphone, then?

27 MR AGHA: I will switch headphones. Sorry, Your Honour.

28 Q. During the AFRC government were the SLAs fighting against
29 the Nigerians?

1 A. Yes.

2 Q. Were the SLAs also fighting against the Kamajors?

3 A. Well, that, I cannot say, because the place where I was in
4 Freetown, I didn't see Kamajors there.

09:22:31 5 Q. But you never heard, even on your trips to Kono, that the
6 SLAs were fighting against the Kamajors?

7 A. Well, that is what I'm telling you. While I was going to
8 Kono, I did not make an inquiry as to whether Kamajors were
9 fighting -- the SLAs and the Kamajors were fighting.

09:23:03 10 Q. So this was never raised when you reported to the 16th
11 battalion in Kono?

12 A. The 16th battalion, I did not report there for any
13 briefing. I only went and reported there because the commanding
14 officer for the 16th battalion was the commander for all the SLAs
09:23:22 15 in the 16th battalion.

16 Q. Now, as the SLAs were fighting the Nigerians, where, if you
17 know, were they getting their arms and ammunition from?

18 A. Well, that's -- I would say if the defence minister were
19 here he would have been able to give you an answer. Since the
09:23:49 20 time I joined the army, I knew that the army had arms and
21 ammunitions.

22 Q. But as a council member, you didn't know whether any arms
23 and ammunitions were coming in from outside the country?

24 A. Well, what I'm saying is the arms and ammunitions that you
09:24:12 25 are talking about, I have nothing to do about that. It was the
26 defence minister, or the deputy defence minister, or the chief
27 defence minister -- I'm saying the Chief of Defence Staff in the
28 army, or the Army Chief of Staff, that business was their own
29 business.

1 Q. I put it to you that you know full well that Gibril
2 Massaquoi and Ibrahim Bah were sent to Burkina Faso to negotiate
3 arms to be brought to Sierra Leone.

4 A. Since you've said they were sent, but I, sitting before
09:24:53 5 you, I don't know that people were sent to bring ammunitions.
6 All I knew, since I joined the Sierra Leone Army, they always
7 give me arms and ammunitions.

8 Q. Now, turning to the military, according to you, during the
9 tenure of the AFRC government, Brigadier SFY Koroma was a Chief
09:25:22 10 of Defence Staff; is that right?

11 A. I did not get you clearly.

12 Q. Who was the Chief of Defence Staff during the AFRC
13 government?

14 A. It was Brigadier SFY Koroma.

09:25:40 15 Q. I put it to you that it was Brigadier Mani who was Chief of
16 Defence Staff during the AFRC regime.

17 A. Well, I am also telling you that you are telling lies. It
18 was Brigadier SFY Koroma. He was the Chief of Defence Staff of
19 the Republic of Sierra Leone Armed Forces.

09:26:07 20 Q. What position was Brigadier Mani holding within the Sierra
21 Leone Armed Forces?

22 A. I've told you that I knew some, but some are beyond my
23 limit. Brigadier Mani, I knew, was the staff of defence in the
24 army.

09:26:32 25 Q. Now, when you were on the council --

26 MS THOMPSON: Your Honour, can we have -- I can't make
27 sense of the last answer. I don't know if that's what the
28 witness -- whether the interpreter got it wrong but can the
29 witness repeat his last answer so the interpreter can reinterpret

1 it?

2 PRESIDING JUDGE: What was your last answer, Mr Brima?
3 Could you repeat it, if possible?

4 THE WITNESS: I told the Court that Brigadier Mani was a
09:27:02 5 staff officer in the defence.

6 PRESIDING JUDGE: You mean the department of Defence?

7 THE WITNESS: No, My Lord, I meant in the army we have DHQ,
8 that is the Defence headquarters and we have AHQ. Like, for
9 instance, as you are sitting over there, the judges, you are the
09:27:33 10 DHQ, and the other people down there are the AHQ, and Brigadier
11 Mani was a staff officer in the Defence headquarters.

12 PRESIDING JUDGE: Yes. Thank you.

13 MR AGHA:

14 Q. Whilst you were sitting on the council, did any military
09:28:00 15 officers used to report to you concerning military affairs?

16 A. No.

17 Q. According to you, Colonel Williams was immediately
18 subordinate to SFY Koroma; is that correct?

19 A. In the army, he was. In the naval, he wasn't. In the air
09:28:32 20 wing, he wasn't. I don't know whether you are asking me about
21 the army.

22 Q. I will restrict myself to the army, Mr Brima. Now, as a
23 soldier, are you aware that the brigade commanders used to report
24 up through the chain of command?

09:28:53 25 A. I did not get you clearly.

26 Q. Are you aware that the brigade commanders used to report to
27 their next senior officer up the chain of command?

28 A. Well, I wasn't -- since I wasn't a brigade commander in the
29 army I don't know about that.

1 Q. So you don't know who brigade commanders reported to? Do
2 they report to the next senior officer, or the lower ranked
3 officer?

4 A. They wouldn't report to lower rank. They would report to
09:29:40 5 their superior ranks. But what I'm saying, I did not observe
6 where a brigade officer was reporting.

7 Q. Now, did the council receive any reports from the brigade
8 commanders?

9 A. It is purely a soldier business.

09:30:12 10 Q. So the answer is "no"?

11 A. No, I'm trying to tell you that the brigade commander, if
12 somebody is to report to him, it is an army affair. He cannot
13 report to a council where there are civilians, and he wouldn't
14 report to junior rank.

09:30:34 15 Q. So would the army, as a separate body, report up through
16 its chain of command to Johnny Paul Koroma who is commander in
17 chief?

18 A. The commander in chief, the one that you are calling Johnny
19 Paul Koroma, he was the defence minister; wholly and solely, he
09:31:04 20 was in control of the army because, even now, President Kabbah,
21 who is the defence minister and the commander of the armed
22 forces, had the control over the army.

23 Q. So Johnny Paul Koroma was the senior most man in the Sierra
24 Leone Army during the AFRC regime?

09:31:24 25 A. Senior in what; rank, this or that?

26 Q. Was he the commander of the Sierra Leone Army, Johnny Paul
27 Koroma?

28 A. I did not get you clearly.

29 Q. Who else apart from Johnny Paul Koroma could issue orders

1 concerning military affairs to Johnny Paul Koroma?

2 A. Well, I've told you that after Johnny Paul Koroma, the
3 defence minister, we had under-secretary of state defence. He,
4 himself, the army worked under him.

09:32:21 5 Q. And the secretary of defence, he was a part of the AFRC
6 government?

7 A. He was a Supreme Council member.

8 PRESIDING JUDGE: Just to make this clear, you are talking
9 about the secretary of defence, Mr Agha. I understood Mr Brima
09:32:36 10 to refer to the Under-secretary of defence. Are they the same
11 people, or are you talking about two difference people?

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

13 Q. Was it the Under-secretary of defence or the secretary of
14 defence who Johnny Paul Koroma used to receive instructions from
09:32:59 15 or report to?

16 MR FOFANAH: Objection, Your Honours. That is not the
17 evidence. The witness has not said that Johnny Paul Koroma
18 reported to someone. People were reporting to him.

19 PRESIDING JUDGE: Yes, what do you say to that, Mr Agha?

09:33:18 20 MR AGHA: I apologise if I got the question wrong.
21 Sometimes I can't remember precisely what I asked on each
22 occasion.

23 Q. Next: who as above Johnny Paul Koroma? Could you kindly
24 remind us of that? I believe you mentioned the secretary of
09:33:41 25 defence or the Under-secretary of defence?

26 A. I didn't talk about the secretary of defence. I said the
27 under-secretary Of state defence. I told you that the defence
28 minister, or the secretary Of state defence, was Johnny Paul.

29 Q. Thank you. Now, since you were a member of the AFRC

1 government, would you agree that you were receiving reports from
2 the Sierra Leone Army?

3 A. No.

4 Q. So the AFRC government wasn't receiving reports from the
09:34:32 5 Sierra Leone Army?

6 PRESIDING JUDGE: That's an unfair question. He said he
7 wasn't. He's not speaking for the whole of the army. You'll
8 have to -- I won't allow that question.

9 MR AGHA:

09:34:45 10 Q. Are you aware that the AFRC government was receiving
11 reports from the SLA?

12 A. Well, all I can say is I wasn't a member in the Supreme
13 Council. If the Army Chief of Staff was there, and the Defence
14 Chief of Staff was a member, Chief of Naval Staff was a member,
09:35:06 15 the commander for the air wing was a member, well, they were not
16 members of the council and they were members of the Supreme
17 Council. Whatever they discussed there, I wouldn't say. And
18 they wouldn't -- they wouldn't -- they would only report to that
19 council, or they would not come to report to me.

09:35:34 20 PRESIDING JUDGE: Mr Brima.

21 THE WITNESS: Yes, My Lord.

22 PRESIDING JUDGE: Nobody wants to see you stay in that
23 witness box any longer than is necessary.

24 THE WITNESS: Yes, My Lord.

09:35:47 25 PRESIDING JUDGE: Now, you have been asked several
26 questions this morning to which the answer could have been "yes"
27 or "no", or "I don't know". But if you go volunteering
28 information like this that has not been asked of you, it is going
29 to prolong these proceedings even longer than they have been

1 prolonged already; do you understand what I mean?

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: Yes, Mr Agha.

4 MR AGHA:

09:36:15 5 Q. Whilst you were part of the AFRC government, you were
6 supposed to be carrying out governmental-type work like
7 monitoring ministries, weren't you?

8 A. Yes. The ministry that was given to me.

9 Q. During the period in which the AFRC government remained in
09:36:38 10 power, your role was a political one as opposed to a military
11 one, wasn't it?

12 A. It was a military government in power.

13 Q. But your role, during the time of a military government, as
14 a council member, was a political role; correct?

09:37:07 15 A. Well, I wouldn't be able to say, or tell you, that it was a
16 political role, but I was a soldier.

17 Q. At that time of the AFRC government were you commanding
18 soldiers in the field?

19 A. No.

09:37:28 20 Q. You were being paid for work as a PLO, weren't you?

21 A. Well, they did not pay me earlier. It was later they paid
22 me. I used to receive my military salary every month.

23 Q. But you were also paid as a PLO, weren't you?

24 A. Yes.

09:37:53 25 Q. Now the eastern, southern and northern provinces of Sierra
26 Leone had a brigade commander who was responsible for the
27 military command in that respective province.

28 A. Yes.

29 MS THOMPSON: Your Honour, that's a -- I'm not sure that

1 was a question.

2 PRESIDING JUDGE: Yes, you should put those statements of
3 yours in the form of questions, Mr Agha.

4 MR AGHA: I am sorry, Your Honour.

09:38:34 5 Q. There was also resident Minister for east, Mr Eddie Kanneh,
6 who you told us about yesterday.

7 PRESIDING JUDGE: Is there a question to follow that?

8 MR AGHA:

9 Q. Is that correct?

09:38:47 10 A. Well, from what the interpreter asked me, we didn't have a
11 resident Minister east. I said resident Minister eastern
12 province or eastern region.

13 Q. And did the resident Minister of eastern province or
14 eastern region work with the brigade commander of eastern

09:39:17 15 province or eastern region?

16 A. Well, that one, I don't know.

17 Q. When you went to Kono, you didn't see the brigade commander
18 of the east working with the resident Minister of the east?

19 A. The brigade commander that you are referring to, referring
09:39:46 20 to brigade commander of the eastern region of Sierra Leone, he
21 was not in Kono.

22 Q. Where was he based?

23 A. He was in Kenema District.

24 Q. Are you aware whether he used to liaise with the brigade
09:40:07 25 commander of the east?

26 A. Well, I don't know about that.

27 Q. Now, the AFRC was a separate body from the SLA whilst the
28 AFRC government was in power; is that correct?

29 A. Ask me again; I did not get you clearly.

1 Q. Whilst the AFRC government was in power, the Sierra Leone
2 Army was a separate body to the AFRC government; is that correct?

3 A. Well, all I can say is that the defence minister, who was
4 the commander in chief of the armed forces, he was working
09:41:05 5 directly with the army.

6 MR AGHA: I would now like to move on to a different area.

7 Q. This concerns, again, the AFRC government. Would you agree
8 with me that a government can only achieve their aims whilst they
9 remain in power?

09:41:35 10 A. I don't know what you meant by that.

11 Q. If a government is not in government, it can't achieve any
12 of its objectives through the government, can it?

13 A. I want to know the government you're referring to, but
14 because what the interpreter is telling me, I'm unable to
09:42:12 15 understand, and I don't know how to answer the question.

16 PRESIDING JUDGE: Look, Mr Agha, I do not blame the witness
17 for not being able to answer that question; is this a test in
18 logic?

19 MR AGHA: No, not at all.

09:42:27 20 PRESIDING JUDGE: You're asking him that a government that
21 is not in power can't do anything and I would think that that
22 follows as the night the day. But what is the value of getting
23 this witness's opinion on that statement?

24 MR AGHA: I'm trying to seek whether the witness is aware
09:42:44 25 of there being a political process in Sierra Leone.

26 PRESIDING JUDGE: Look, I think you should come to the
27 point. As I said, the witness is confused, and I don't blame
28 him. Have you got a direct question that you can put to him?

29 MR AGHA: I will ask him some direct questions,

1 Your Honour.

2 Q. Are you aware, when the AFRC government came into power
3 that it abolished political parties?

4 A. I don't know about that.

09:43:18 5 Q. Were you aware that there was any opposition to the AFRC
6 government?

7 A. I don't know about that.

8 Q. So did the Kamajors support the AFRC government?

9 A. Well, the Kamajors, they were fighting alongside the Sierra
09:43:44 10 Leone Army.

11 Q. During the AFRC government period, the SLA and the Kamajors
12 were fighting together; is that what you're saying?

13 A. What I'm saying is that the Kamajors were with the Sierra
14 Leone Army fighting alongside, from '90 on to '97, they were
09:44:15 15 fighting alongside the Sierra Leone Army.

16 Q. So after 1997, the Kamajors were fighting the Sierra Leone
17 Army, weren't they?

18 A. Well, that I cannot say, because I don't know about that.

19 Q. So you're unaware of any fighting going on between the SLA
09:44:42 20 and the Kamajors during the AFRC regime?

21 A. The only fight that I knew was between the Nigerian
22 soldiers and the Sierra Leone Army.

23 Q. So you never heard of any fighting going on between the
24 Sierra Leone Army and the Civil Defence Forces?

09:45:06 25 A. Well, I'm telling you while I was in the AFRC, it was not
26 everything that I knew. All I know was the Sierra Leone Army was
27 fighting against the Nigerian Army.

28 Q. What about just after the intervention; were the SLA army
29 fighting against the Kamajors?

1 A. Well, where I was, I didn't see the SLAs fighting the
2 Kamajors, it was the Nigerians. The SLAs were fighting the
3 Nigerian soldiers.

4 Q. I thought you told this Court earlier that, on your third
09:45:54 5 trip to Kono at the intervention, the Kamajors were coming to
6 attack Kono, and attacking SLAs. Didn't you say that?

7 A. Well, I cannot recall that one.

8 Q. Well, I will be able to jog your memory later. I put to
9 you that you know full well during the AFRC government and
09:46:20 10 shortly after the intervention, the Kamajors were fighting
11 against the SLA.

12 A. I sitting before you now, I'm telling you that I have never
13 been in an area wherein the Kamajors were fighting against the
14 SLA.

09:46:43 15 Q. Or where they attacked members of the SLA? Had you ever
16 been in such an area like that?

17 A. All that I know is while I was travelling from here to
18 Kono, we heard the enemy force making ambushes.

19 Q. Who is that enemy force?

09:47:10 20 A. The Nigerians.

21 Q. So, according to you, throughout the AFRC regime, the only
22 armed group which was fighting the SLA were the Nigerians?

23 A. I would say so, because I saw them. When they captured the
24 surrendered Nigerian soldiers, I saw them.

09:47:37 25 Q. But you never heard that there were any other force, apart
26 from the Nigerians, which were fighting the SLAs, did you?

27 A. I know that there were other forces. For instance, the
28 Sandline mercenary group.

29 Q. Now, some of the paramount chiefs also didn't support the

1 AFRC government, didn't they?

2 A. Well, I cannot tell you about that, because my grandfather
3 was a paramount chief.

4 Q. But you weren't aware of Paramount Chief Demby in Bo
09:48:24 5 District?

6 A. I beg your pardon?

7 Q. You've never heard the name, apart from in this Court of
8 Paramount Chief Demby before, in Bo?

9 A. It is here that I heard that name, Chief Demby.

09:48:38 10 Q. I put it to you that the paramount chiefs opposed the AFRC
11 government, didn't they?

12 A. Well, I am also telling you that it is a lie. My
13 grandfather, who was a chief, never told me that he opposed the
14 AFRC government.

09:49:04 15 Q. I put it to you that the Kamajors opposed the AFRC
16 government.

17 A. Well, that which you said you are putting to me that the
18 Kamajors --

19 THE INTERPRETER: The interpreter is sorry. Can the
09:49:24 20 witness come again?

21 PRESIDING JUDGE: Mr Brima, the interpreter did not get
22 your answer. Can you please repeat it?

23 THE WITNESS: I said, the Kamajors they had business with
24 the army.

09:49:44 25 MR AGHA:

26 Q. I put it to you that it was a policy of the AFRC government
27 to eliminate all opposition to it.

28 A. Well, it is not to my own knowledge. I don't know about
29 it.

1 Q. I put it to you that the AFRC government ordered, as a
2 matter of policy, the attacks on villages like Tikonko, which
3 supported the former SLPP government.

4 A. I'm not getting the interpreter.

09:50:36 5 Q. I put it to you that the AFRC government, through its
6 military, ordered the attacks on villages like Tikonko because
7 they supported the SLPP government.

8 A. That is not to my knowledge. I don't know about that.

9 MR AGHA: I'd like to show the witness a document, if I
09:51:04 10 may, with the permission of the Court. Whilst the document is
11 being distributed, to save time, it is a newspaper cutting. It
12 is from the Sunday Times. It's dated 13 December 1997.

13 JUDGE SEBUTINDE: Did you say Sunday Times or Standard
14 Times.

09:52:10 15 MR AGHA: Standard Times, Your Honour. That's at least
16 what I meant to say.

17 Q. Mr Brima, do you have a copy of that newspaper?

18 A. I have a copy OF a newspaper in front of me.

19 Q. The heading is, "We are merely using politicians says Hon
09:52:49 20 Five-Five." Do you see that?

21 A. I do not see it.

22 Q. What does the front heading say?

23 A. Standard Times Weekend.

24 Q. And under that?

09:53:07 25 A. It has independent, Friday, 13 December 1997.

26 Q. Then do you see a heading, "We are merely using politicians
27 says Hon Five-Five"?

28 A. Yes, I see what you have read.

29 Q. Now, I will just read a portion of this to you and ask your

1 comment.

2 "Sergeant Kanu, commonly known as Honourable Five-Five, a
3 member of the AFRC Supreme Council told worshippers during
4 a reception after service at the Church of Salvation,
09:53:59 5 Edward Lane in Freetown on Sunday December 7th, that the
6 AFRC junta is merely using politicians like Joe Amara
7 Bangali in the revo for their knowledge and experience, but
8 their real plan in the bush have been to assassinate all
9 politicians in the country."

09:54:39 10 What do you have to say about that, Mr Brima?

11 MS THOMPSON: Objection, Your Honour.

12 PRESIDING JUDGE: Yes, Ms Thompson.

13 MS THOMPSON: Your Honour, I have read through the entire
14 article and there is nothing in this article which points to this
09:54:49 15 witness being present, whether he was physically present or
16 whether he said anything or commented about anything which
17 supposedly happened at this Church. I'm not sure what my learned
18 friend seeks to gain by asking him to comment on something which,
19 in my respectful submission has nothing to do with him.

09:55:07 20 PRESIDING JUDGE: Yes, you're going to have to be much more
21 specific than that, Mr Agha. Don't call for a general comment.
22 That's no value to anybody.

23 MR AGHA: I will ask a particular question.

24 Q. Do you agree with the statement that Honourable Five-Five
09:55:29 25 was a member of the AFRC Supreme Council?

26 A. The man that you are referring to, I know him by Santigie
27 Kanu. And I know that he was not a member of the Supreme Council
28 of the AFRC.

29 Q. It further says:

1 "That the AFRC junta is merely using politicians like Joe
2 Amara Bangali in the revo for their knowledge and
3 experience, but their real plan in the bush had been to
4 assassinate all politicians in the country."

09:56:09 5 Was it, so far as you are aware, the plan of the AFRC junta
6 to assassinate all politicians in the country?

7 A. I don't know the plan of the AFRC. And this is a
8 newspaper -- these are people who do not write the truth.

9 Q. But as far as you're concerned, you are unaware of any plan
09:56:37 10 in the bush to assassinate all politicians in the country.

11 PRESIDING JUDGE: I won't allow that. He's answered that
12 twice now.

13 MR AGHA: Thank you, Your Honour. May I ask for this
14 document to be exhibited?

09:56:50 15 PRESIDING JUDGE: Does the Defence have anything to say?

16 MS THOMPSON: No, Your Honour.

17 PRESIDING JUDGE: The photocopy of the front page of the
18 Standard Times Weekend dated 13 December 1997 will be admitted as
19 Exhibit P97.

09:57:20 20 [Exhibit No. P97 was admitted]

21 MR AGHA:

22 Q. Mr Brima, I'd like now to move on to a slightly different
23 area which concerns rank.

24 A. Yes.

09:57:46 25 Q. Roughly how many years were you in the army prior to your
26 retirement?

27 A. Roughly ten years.

28 Q. Are you familiar in the army with the concept of
29 appointment superseding rank?

1 A. I do not get you clear.

2 Q. In the military, are you aware of the concept of
3 appointment to a particular position superseding rank?

4 A. I did not know about that.

09:58:29 5 Q. So you've never heard of the concept of a lower-ranking
6 soldier, by virtue of his appointment, to a certain position can
7 give orders to soldiers who is senior in rank to him?

8 A. I did not know about that.

9 Q. You never came across such a situation in your ten years of
09:58:53 10 service?

11 A. I did not know about that.

12 Q. So immediately after the AFRC coup, Johnny Paul Koroma was
13 a major, wasn't he?

14 A. Yes.

09:59:07 15 Q. Immediately after the AFRC coup, SO Williams was a colonel,
16 wasn't he?

17 A. Yes.

18 Q. You would agree with me, that after the AFRC coup, by
19 virtue of his appointment, Johnny Paul Koroma, as a major, could
09:59:31 20 give orders to colonel SO Williams?

21 A. Major Johnny Paul was the defence minister. And the
22 defence minister controlled the army.

23 Q. So, despite being a major, the fact that Johnny Paul Koroma
24 held the position of defence minister meant he could give orders
10:00:09 25 to a colonel, didn't it?

26 A. Well, in the army, since he was the defence minister, I
27 knew that he was his superior.

28 Q. So as a defence minister, JPK could give orders to Colonel
29 SO Williams, couldn't he?

1 A. Well, he was having an under secretary of defence, who was
2 also a colonel.

3 Q. The question I am asking is very clear, could JPK, as
4 defence minister, give orders to Colonel Williams?

10:00:43 5 A. Well, I never saw him giving orders, but I knew there was a
6 deputy defence minister who was a colonel when he came down to
7 the army.

8 Q. I did not ask you whether you saw him giving orders. Could
9 as defence secretary, Johnny Paul Koroma give Colonel Williams
10:01:09 10 orders?

11 A. As defence secretary, I did not see him where he gave
12 orders. I never saw him giving orders to SO Williams.

13 Q. I didn't ask you if you saw him. Did he have the ability
14 to give orders.

10:01:24 15 MR FOFANAH: Excuse me, Mr Agha. May it please
16 Your Honours. Firstly, I'm trying to listen to both
17 interpretations. The Krio interpretation that actually came in
18 did not suggest anything like a condition of phrase called. Is
19 just putting the question whether JPK was giving direct orders to
10:01:46 20 the colonel. In any case, the witness, if I am to object to that
21 question has answered that JPK was Colonel SO Williams' superior.

22 PRESIDING JUDGE: Yes, that's true. I'm not quite sure
23 what question the witness is replying to myself. Are you asking
24 him did he ever see JPK giving evidence [sic] to SO Williams, or
10:02:12 25 does he know whether that could happen?

26 MR AGHA: I'm asking him, not whether he saw it, but
27 whether JPK had the ability, in his position, to give orders to
28 Colonel Williams.

29 JUDGE SEBUTINDE: Didn't the witness say yes, by virtue of

1 JPK being minister for defence? That is the answer I have.

2 MR AGHA: In that case, I will move on, Your Honour.

3 Q. I put it to you that that is an example of position
4 superseding rank.

10:02:59 5 A. Well, since this is what you said, but I did not say so.

6 MR AGHA: Could we, please, with the permission of the
7 Court, show the witness Exhibit 7?

8 PRESIDING JUDGE: That was produced yesterday; is that
9 right?

10:03:18 10 MR AGHA: Yes, Your Honour, we looked at that yesterday.

11 Q. Now, Mr Brima, if you remember from yesterday, we looked at
12 this document which appointed the members of the council. If you
13 can kindly turn to the second page 0009699 [sic], you will see
14 the appointed members of the council.

10:04:17 15 A. Yes.

16 Q. Now, number two is Corporal Foday Sankoh.

17 A. I see it.

18 Q. He was leader of the RUF, wasn't he?

19 A. Yes.

10:04:44 20 Q. Then if we go to number 8, we have the name Colonel Sam
21 Bockarie, who was an RUF personnel, wasn't he?

22 A. Well, I knew this man as Sam Bockarie. I do not know him
23 as a colonel. I knew that Sam Bockarie was an RUF man. I had
24 told this Court that I did not know the ranks of the RUF.

10:05:11 25 Q. Nevertheless, at eight, it has Colonel Sam Bockarie?

26 A. I have told you that, the RUF, I knew nothing about their
27 ranks.

28 Q. I'm not asking you whether you know about their ranks. I'm
29 asking you to look at that piece of paper in front of you and, at

1 number eight, tell me whether it says Colonel Sam Bockarie.

2 PRESIDING JUDGE: Are you asking him one of two things,
3 Mr Agha? Are you asking him, firstly, can he read that this
4 document states Colonel Sam Bockarie, or are you asking him to
10:05:48 5 admit that Sam Bockarie was a colonel, because it says so there.

6 MR AGHA: No, I'm only asking him to read that it says
7 Colonel Sam Bockarie.

8 PRESIDING JUDGE: This is in evidence. What probative
9 value has it got whether he can read it or not? We can read it.

10:06:04 10 MR AGHA:

11 Q. According to you, you knew nothing about the ranks of the
12 RUF?

13 A. At all. I knew nothing about the RUF ranks.

14 Q. But you knew that Foday Sankoh was a corporal?

10:06:25 15 A. That man was an ex-soldier.

16 Q. The other RUF, according to this document, whether it's
17 true or not, have ranks such as colonel and major. Did you see
18 that?

19 A. I see it.

10:06:49 20 Q. Would you agree with me that the ranks of colonel and major
21 are higher than the rank of corporal?

22 A. Yes.

23 Q. I put it to you that, in his appointment as leader of the
24 RUF, Corporal Foday Sankoh was more senior to Issa Sesay, Sam
10:07:13 25 Bockarie and other RUF leaders?

26 MS THOMPSON: Your Honour, I object to that question. This
27 witness, not for the first time, for days, as far as I can
28 remember, in giving evidence, has said he does not know anything
29 about the RUF's ranks. Gibril Massaquoi came to this Court and

1 gave evidence as to how the RUF made their ranking, because it
2 was a movement under a military organisation, whatever. He gave
3 evidence in that. That was the person who gave the inside
4 knowledge as to how the ranking system of the RUF was. My
10:07:43 5 learned friend could have asked -- members of his team could have
6 asked him that question. It is unfair to ask this witness to
7 comment on the RUF ranking system when their own evidence
8 suggests that the RUF was not a normal army or the sort of army
9 that this witness belonged to.

10:08:05 10 PRESIDING JUDGE: Do you want to reply to that?

11 MR MANLY-SPAIN: May it please Your Honour.

12 PRESIDING JUDGE: Yes.

13 MR MANLY-SPAIN: Apart from that, I believe counsel put to
14 the witness that his appointment to the council was a political
10:08:17 15 appointment, not a military appointment, a few minutes ago this
16 morning. So it would be unfair for him to use this suggestion
17 that just by the fact that Corporal Foday Sankoh was merely
18 corporal, he was higher in rank than the colonels and majors.
19 This, according to counsel, was a political body.

10:08:44 20 JUDGE SEBUTINDE: Mr Manly-Spain, isn't this precisely the
21 point of the Prosecutor, that these political appointments
22 supersede or put people in positions that supersede their actual
23 military ranks. It is the point of the Prosecutor.

24 MR MANLY-SPAIN: What the prosecutor is now asking, because
10:09:02 25 he is a corporal, he could not be senior to a colonel. That is
26 how I understand it.

27 PRESIDING JUDGE: Do you want to reply to those objections,
28 Mr Agha?

29 MR AGHA: Your Honour, the accused has said he does not

1 know anything about the RUF ranks. The document which I placed
2 before Your Honours a moment ago, as Your Honours quite rightly
3 pointed out, is self-speaking. All I'm asking is whether Foday
4 Sankoh, as corporal and leader of the RUF, was the person in
10:09:49 5 command of the other RUF personnel.

6 PRESIDING JUDGE: Is there any point asking him that? He
7 said he doesn't know anything about the RUF ranks. This document
8 is in evidence. What's the good of giving us his interpretation
9 of this document, because that's all it would be. It would not
10:10:09 10 be information drawn from his personal knowledge. He said twice
11 he knows nothing about the RUF ranks.

12 MR AGHA: I will just put one final question to him.
13 Q. Mr Brima, I put it to you, by virtue of Corporal Foday
14 Sankoh's appointment as leadership - leader of the RUF/that RUF
10:10:49 15 personnel were under him?

16 MS THOMPSON: Your Honour, I object again. This witness
17 has said time again he does not know anything about the RUF
18 ranks. There is no evidence that he was a member of the RUF --

19 JUDGE SEBUTINDE: Ms Thompson, you don't need to object
10:10:59 20 again. That is against what the ruling of the Bench was
21 previously, Mr Agha. You cannot ask that question a third time.

22 MR AGHA:
23 Q. Would you agree with me that Corporal Foday Sankoh was a
24 leader of the RUF?

10:11:19 25 JUDGE SEBUTINDE: Mr Brima, you don't -- okay, I beg your
26 pardon. You can ask that question.

27 PRESIDING JUDGE: Mr Brima, you have been asked. Do you
28 want that question repeated or not?

29 THE WITNESS: Yes, My Lord.

1 MR AGHA:

2 Q. Foday Sankoh was leader of the RUF, wasn't he?

3 A. Yes.

4 Q. He was also deputy chairman of the AFRC government, wasn't
10:11:47 5 he?

6 A. According to the appointment that was given to him. He was
7 the deputy chairman.

8 Q. I put it to you that your appointment as PLO 2 in the AFRC
9 government enabled you to give commands to SLAs senior in rank to
10:12:31 10 you, except Johnny Paul Koroma, SAJ Musa and Abu Sankoh, Zagalo,
11 during the AFRC period?

12 A. Ask me again that question.

13 Q. I put it to you that, on account of your appointment as
14 PLO 2 in the AFRC government, this enabled you to give commands
10:12:57 15 to SLA senior in rank to you, except Johnny Paul Koroma, SAJ Musa
16 and Abu Sankoh, Zagalo, during the AFRC government?

17 A. I, too, am telling you that it is a lie. During the AFRC
18 government, we were not in a position to command anybody. I
19 usually receive my soldier salary every month, that's 1,000
10:13:26 20 leones.

21 Q. Mr Brima, on account of your position as PLO 2, that was
22 the reason why a lowly corporal like yourself was able to take a
23 sergeant medical orderly, senior in rank to you to Kono, isn't
24 it?

10:13:46 25 A. I do not get you clear.

26 Q. As a result of your position as PLO 2 in the AFRC
27 government, that was the reason why a lowly corporal like
28 yourself was able to take a sergeant medical orderly to Kono with
29 you, wasn't it?

1 A. No, it was not so. I told you that the SMO who was --

2 PRESIDING JUDGE: Mr Brima, all you have to do is deny that
3 and you've done that. We've heard time and time again the reason
4 why you took that sergeant there, from your own explanation.

10:14:21 5 That's on record already.

6 THE WITNESS: Yes, My Lord.

7 MR AGHA:

8 Q. Now, Mr Brima, after the intervention, the AFRC government
9 evolved into a purely military organisation, didn't it?

10:14:38 10 A. No.

11 Q. Well, let's see how appointments and ranks worked after the
12 intervention. Mr Brima, prior to the intervention, Johnny Paul
13 Koroma was chairman of the AFRC, wasn't he?

14 A. Yes.

10:15:11 15 Q. After the intervention, Johnny Paul Koroma remained
16 commander in chief of the newly evolved AFRC military
17 organisation, didn't he?

18 A. The AFRC did not exist after February 1998.

19 Q. That is according to you, but Johnny Paul Koroma, after the
10:15:32 20 intervention, remained the commander in chief of the SLA forces;
21 correct?

22 A. No.

23 Q. Who then became commander in chief straight after the
24 intervention of the SLA forces?

10:15:51 25 A. The SLA did not have the commanding chief. It only had
26 senior officers.

27 Q. So who was in charge?

28 A. In charge of who?

29 Q. The SLA after the intervention?

1 A. Well, the various senior officers who were in charge of the
2 SLA as commanders.

3 Q. I put it to you that the most senior officer was Johnny
4 Paul Koroma by virtue of his appointment as chairman of the AFRC.

10:16:38 5 A. No, I'm telling you it was a lie.

6 Q. Prior to the intervention, SAJ Musa was Johnny Paul
7 Koroma's deputy in the AFRC government in the absence of Foday
8 Sankoh, wasn't he?

9 A. I do not get you clear.

10:16:55 10 Q. Corporal Foday Sankoh was not able to take up his position
11 in the AFRC government as deputy chairman, was he?

12 A. Yes.

13 MR MANLY-SPAIN: Excuse me, Your Honours. The third
14 defendant would like to use the bathroom.

10:17:24 15 PRESIDING JUDGE: Yes, the third accused can leave.

16 MR AGHA:

17 Q. I'm sorry, Mr Brima, I didn't understand your answer to
18 that last question.

19 A. I am asking you to ask me again.

10:17:39 20 Q. During the AFRC government, Corporal Foday Sankoh, the
21 leader of the RUF, did not take up his position within the
22 Supreme Council, did he?

23 A. Yes.

24 Q. He did? He sat on the Supreme Council, did he?

10:18:03 25 A. Well, Corporal Foday Sankoh was not here.

26 Q. So, in his absence, SAJ Musa act as his deputy, didn't he?

27 PRESIDING JUDGE: Do you mean JPK's deputy or Foday
28 Sankoh's deputy?

29 MR AGHA: JPK's deputy.

1 THE WITNESS: SAJ Musa, I knew him as the chief secretary
2 of state. I did not know him as JPK's deputy, as he was the
3 chief secretary of state. That was the position I know about
4 SAJ Musa.

10:18:38 5 MR AGHA:

6 Q. Now, after the intervention, SAJ Musa remained, or became
7 JPK's deputy commander, didn't he?

8 A. No.

9 Q. Who did?

10:18:59 10 A. JPK did not have command, or he had a command after the
11 intervention. Senior officers were there who were with the
12 troops.

13 Q. I put it to you that the positions of power in the former
14 AFRC government extended after the intervention.

10:19:29 15 A. It did not extend after intervention in February 1998.

16 Q. I'm putting to you that, prior to the intervention, by
17 virtue of your appointment as PLO 2, you were the next most
18 senior member of the AFRC government after Johnny Paul Koroma,
19 SAJ Musa and PLO 1, weren't you?

10:19:58 20 MR FOFANAH: Objection. That question has been asked and
21 answered before.

22 PRESIDING JUDGE: I'll let you put it, Mr Agha.

23 MR AGHA:

24 Q. Mr Brima, I'll ask you again. Prior to the intervention,
10:20:15 25 you, by virtue of your appointment as PLO 2 was the next most
26 senior member of the AFRC government after Johnny Paul Koroma,
27 SAJ Musa and PLO 1, weren't you?

28 JUDGE DOHERTY: Mr Agha, you said prior to the
29 intervention, but previously I've noted you said after.

1 MR AGHA: I believe I meant prior, or I thought I said

2 prior.

3 PRESIDING JUDGE: Maybe ask it again, Mr Agha.

4 MR AGHA: Just to be sure.

10:20:53 5 Q. Mr Brima, prior to the intervention, you, by virtue of your
6 appointment as PLO 2 was the next most senior member of the AFRC
7 government after Johnny Paul Koroma, SAJ Musa and PLO 1, weren't
8 you?

9 A. No. I was not the next senior man in the army or the AFRC.

10:21:23 10 Q. After the intervention, in the absence of PLO 1, Zagalo,
11 you, by virtue of your appointment as PLO 2 were the next senior
12 most commander after JPK, SAJ Musa in the newly evolved AFRC
13 military organisation, weren't you?

14 A. No. The AFRC, as I told you, does not exist after that
10:21:55 15 time, and I was not a deputy or a senior man to those people who
16 you mentioned, or close or next senior man to them. I was a
17 soldier.

18 Q. Prior to the intervention, PLO 3, the second accused, by
19 virtue of his position as PLO 3, was the next most senior member
10:22:22 20 in the AFRC government after Johnny Paul Koroma, SAJ Musa, Zagalo
21 and yourself, wasn't he?

22 A. That is a lie.

23 MR FOFANAH: [Microphone not activated] the proper
24 designation be used as to time frame, because we have evidence
10:22:41 25 before us that at some point that designation changed from PLO to
26 co-ordinator, and it was all before the intervention.

27 PRESIDING JUDGE: First, I will ask the witness to answer
28 that question, Mr Agha. You put it to him that PLO 3, the second
29 accused, was the next most senior to the witness himself?

1 MR AGHA: I did, Your Honour.

2 PRESIDING JUDGE: What's your answer to that, Mr Brima?

3 THE WITNESS: My answer, I said it was a lie. The second
4 accused never -- he was never the senior man to me or --

10:23:45 5 PRESIDING JUDGE: Mr interpreter, was there something I
6 missed then. You said he was never a senior man to me or. Was
7 there something after that?

8 THE INTERPRETER: Your Honour, I'm following what the
9 witness is saying. Because he stopped talking, that's why I too
10:24:04 10 decided to wait for him.

11 PRESIDING JUDGE: Thank you.

12 THE INTERPRETER: Your welcome, Your Honour.

13 JUDGE SEBUTINDE: Mr Brima, your answer was incomplete, it
14 would appear.

10:24:15 15 THE WITNESS: Well, I cannot recall again where I stopped,
16 but I want the question to be put to me again.

17 PRESIDING JUDGE: Well, your answer was the second accused
18 was never a senior man to me or, then you stopped. Was there
19 something more you wanted to say?

10:24:36 20 THE WITNESS: No, well, from what I said, sir, I said the
21 second accused, I never -- I said, he was never a deputy or a
22 second in command to me after the AFRC was overthrown.

23 MR AGHA:

24 Q. Mr Brima, prior to the interventions, honourables, like
10:25:05 25 accused number three, were the next most senior members of the
26 AFRC government after Johnny Paul Koroma, SAJ Musa and Zagalo,
27 the second accused and yourself, weren't they?

28 A. It was -- that was a lie. It was not like that it
29 happened.

1 Q. After the intervention, by virtue of accused number three's
2 position as an honourable and a council member, he was one of the
3 next most senior commanders after accused number two, wasn't he?

4 MR MANLY-SPAIN: May it please Your Honours, I don't
10:26:01 5 believe it has been established to have the cross-examination
6 that the third accused was a commander. This is the first time
7 it has been put that he was a commander -- to this witness.

8 PRESIDING JUDGE: That might be right, but that doesn't
9 make the question inadmissible. You can ask that question,
10:26:19 10 Mr Agha.

11 MR AGHA: Thank you, Your Honour.

12 Q. After the intervention, by virtue of the third accused's
13 position as an honourable and a council member, he was one of the
14 next most senior commanders after accused number two, wasn't he?

10:26:43 15 A. Well, we hadn't a council that existed after the overthrow
16 of the AFRC, and I never knew that the third accused was the
17 closest person to the second accused.

18 Q. I put it to you that the AFRC government system of
19 hierarchy remained intact after the intervention when the newly
10:27:14 20 evolved AFRC military organisation came into existence.

21 A. I'm also putting it to you that it is a lie. AFRC,
22 from February 1998, when the overthrow -- when the AFRC was
23 overthrown, the AFRC did not exist any more.

24 Q. It existed as a military organisation, and that is the
10:27:41 25 reason why the surviving original coup plotters always retained
26 command positions after the intervention, isn't it?

27 A. That was not the way it happened. The AFRC never existed
28 after that date, February 1998.

29 MR AGHA: I'd like to touch upon a different area, if I

1 may.

2 Q. Mr Brima, I'd like to look upon the relationship between
3 the SLAs and the RUF during the AFRC government. So, during your
4 evidence, would it be fair to say the relationship between the
10:28:31 5 SLAs and RUF, during the AFRC government, was a bad one?

6 A. I did not get you clearly.

7 Q. Would you describe the relationship between the RUF and
8 SLAs during the AFRC government as a good relationship or a bad
9 relationship?

10:28:59 10 A. Well, all I know is that the RUF were getting problems with
11 the SLA soldiers.

12 Q. Now, you mentioned that a part of the problem was that the
13 RUF wanted superiority over the SLA; is that correct?

14 A. Well, I did not say they wanted to be seniors over them. I
10:29:37 15 said --

16 THE INTERPRETER: The interpreter is sorry, he has lost
17 something. He regrets and he apologises for that. Could the
18 witness come again, please.

19 PRESIDING JUDGE: Could you please repeat your answer for
10:29:49 20 the interpreter, Mr Brima?

21 THE WITNESS: I said the SLAs -- we, the SLA soldiers did
22 not recognise the RUF ranks.

23 MR AGHA:

24 Q. But the RUF wanted superiority over the SLA, didn't they?

10:30:13 25 A. When? When? When was that?

26 Q. During the AFRC government.

27 A. Well, there was a problem that some of the RUF had with the
28 AFRC.

29 Q. You, in your evidence, said that the RUF wanted superiority

1 over the SLA. Is that correct; yes or no?

2 A. Well, that one, it was after February 1998. That was the
3 time that happened, when the RUF wanted to have superiority over
4 the SLAs.

10:31:04 5 Q. So the RUF didn't want to have superiority over the SLAs
6 during the AFRC government; correct?

7 A. I did not get you clear.

8 Q. During the AFRC government, the RUF did not want to have
9 superiority over the SLAs; correct?

10:31:22 10 A. Well, I wouldn't say so, because the two personnel that
11 were arrested that were jailed at Pademba Road, they were RUF
12 Steve Bio and Gibril Massaquoi and it was alleged they were about
13 to topple Johnny Paul Koroma's government.

14 Q. Part of the problem, would you agree with me, was that in
10:31:56 15 the relationship between the SLA and RUF was that the RUF were
16 civilians and had no discipline.

17 A. They were not disciplined like any soldier.

18 Q. For example, Issa Sesay refused to be arrested, that would
19 be an example of that?

10:32:28 20 A. That is one. The other one is he went and arrested the
21 chief of Defence -- I'm saying the chief of army staff. I, as a
22 soldier, I wouldn't do that, to go and arrest an officer.

23 Q. On the other hand, the SLAs involved in or accused in
24 looting the Iranian embassy surrendered to their arrest, didn't
10:32:55 25 they?

26 A. Well, the SLA, I wouldn't say the ones that were arrested
27 were the ones that went and looted, but they surrendered
28 themselves.

29 Q. So they surrendered themselves anyway?

1 A. They obeyed.

2 Q. Now, according to you, apart from the problem arising over
3 Issa Sesay's arrest, another one of the problems between the RUF
4 and SLA during the AFRC government arose when Sam Bockarie had an
10:33:38 5 accident with a Lieutenant-Colonel Yemmeh Marah; is that correct?

6 A. I did not get the name you've mentioned clearly.

7 Q. Sam Bockarie had an accident with Lieutenant-Colonel Yemmeh
8 Marah, Y-E-M-A [sic] M-A-R-A-H. Do you recall that?

9 A. Yes.

10:34:11 10 Q. And Lieutenant-Colonel Yemmeh Marah had threatened to kill
11 Sam Bockarie after the accident, hadn't he?

12 A. I did not say so.

13 MS THOMPSON: [Microphone not activated].

14 MR AGHA:

10:34:23 15 Q. You didn't say that he made a threat against Sam
16 Bockarie --

17 MS THOMPSON: Your Honour, that was not the evidence.

18 MR AGHA: I'm asking him.

19 MS THOMPSON: Well, I think you're quoting from the
10:34:33 20 evidence-in-chief that he gave. Your Honours, if my learned
21 friend is going to do that, then he has to quote accurately. I
22 don't have the transcript in front of me, but I know that was not
23 the evidence.

24 PRESIDING JUDGE: Rephrase that. The way you're asking it
10:34:48 25 is as though it's a matter of established fact rather than
26 putting it to him as a test of his knowledge.

27 MR AGHA:

28 Q. Are you aware that Lieutenant-Colonel Yemmeh Marah
29 threatened to kill Sam Bockarie?

1 A. Lieutenant-Colonel Yemmeh Marah was not an RUF.

2 Q. He was SLA. Are you aware that he threatened to kill Sam
3 Bockarie?

4 A. The answer that I've given you, that is the way the
10:35:30 5 interpreter asked me.

6 JUDGE SEBUTINDE: Mr Brima, just answer the question that
7 counsel is asking you now. He asked you if you aware whether
8 Lieutenant-Colonel Marah threatened to kill Sam Bockarie. That's
9 the answer we want to hear.

10:35:49 10 THE WITNESS: No.

11 MR AGHA:

12 Q. I put it to you that Sam Bockarie left Freetown because he
13 was more interested in diamond mining in Kono and Kenema.

14 MS THOMPSON: Your Honour --

10:36:10 15 PRESIDING JUDGE: No, I won't allow that question, Mr Agha.

16 MR AGHA: Okay.

17 Q. Now, during the AFRC regime, Issa Sesay made a personal
18 visit to your house, didn't he?

19 A. Yes.

10:36:28 20 Q. During the AFRC regime, you spoke with Sam Bockarie when he
21 was injured in the hospital after his crash, didn't you?

22 A. Yes.

23 Q. During the AFRC, you exchanged greetings with Sam Bockarie
24 when you saw him on the beach, didn't you?

10:36:51 25 A. Yes.

26 Q. Your personal relationship with Sam Bockarie, whilst you
27 were in Freetown, was cordial, wasn't it?

28 A. Well, to me, I hadn't a problem with him.

29 Q. According to you, the arrest of Gibril Massaquoi and Steve

1 Bio in 1997 also caused problems between the SLAs and RUF during
2 the AFRC government, didn't it?

3 A. Yes.

4 Q. According to you, Gibril Massaquoi and Steve Bio were
10:37:36 5 arrested by Issa Sesay, another RUF, in Kenema and returned to
6 Freetown, weren't they?

7 A. Yes.

8 Q. So this was a case of one RUF arresting another RUF, wasn't
9 it?

10:37:47 10 A. Yes.

11 Q. Gibril Massaquoi and Steve Bio remained in jail in Pademba
12 Road from around October 1997, didn't they?

13 A. I did not get you clear, sir.

14 Q. Gibril Massaquoi and Steve Bio remained in jail in Pademba
10:38:12 15 Road from around October 1997, didn't they?

16 A. Yes.

17 Q. Now, despite the alleged bad relationship which existed
18 between the RUF and the SLAs, both groups, throughout the AFRC
19 government, continued to attend counsel meetings together, didn't
10:38:39 20 they?

21 A. Well, from the council meetings that I attended, yes.

22 Q. Despite the alleged bad relationship which existed between
23 the RUF and the SLAs, the AFRC government remained in power for
24 roughly nine months, didn't it?

10:39:04 25 A. Yes.

26 Q. The AFRC government didn't come to an end because the RUF
27 refused to take part in it any more, did it?

28 A. Ask me again that question.

29 PRESIDING JUDGE: Isn't that something for your final

1 submissions, Mr Agha.

2 MR AGHA: Okay.

3 Q. I put it to you that the AFRC government only ended when it
4 was forcefully removed by an armed intervention by the Nigerian
10:39:43 5 forces, wasn't it?

6 MS THOMPSON: Your Honour, what's the [indiscernible] in
7 that question, that's in evidence. Everybody knows that it came
8 to the end after the intervention. I'm not sure where we're
9 going with this.

10 PRESIDING JUDGE: I'm not either, Mr Agha. Is there some
11 point you're going to make from this, which is well established
12 evidence already?

13 MR AGHA: I can move on if it is already in evidence, Your
14 Honour, no problem, thank you.

10:40:03 15 Q. Now, after the intervention, are you aware that both the
16 SLAs and RUF regrouped in Makeni?

17 A. No. No, I was not in Makeni.

18 Q. But you didn't hear it from Komba, or any of your
19 relatives?

10:40:28 20 A. No.

21 Q. Are you aware that shortly after the intervention, the SLAs
22 and RUF then jointly captured Kono?

23 A. It is in this Court that I came to know.

24 Q. So you never had information about that before coming to
10:41:03 25 this Court from your relatives in Kono?

26 A. Well, they never told me that it was the RUF and the SLA
27 that captured Kono and I've never asked them about it.

28 Q. Did they say who did capture Kono?

29 A. I, the one that I met in Kono, the overall commander, was

1 Superman, of the RUF.

2 Q. When did you meet Superman?

3 A. I did not meet him in person. When I left Kailahun and
4 arrived in Kono, July 17th, that was the time that I came to know
10:41:51 5 that Superman was the overall commander. And the July 17th that
6 I'm talking about was the July 17th of 1998.

7 Q. Now, I may be wrong, but I thought you said that you met
8 Superman when you came to Kono?

9 A. No, I did not meet him. I only heard about him.

10:42:17 10 PRESIDING JUDGE: Thank you, Mr Brima. We'll take the
11 normal morning adjournment now until 11 a.m..

12 [Break taken at 10.45 a.m.]

13 [Upon resuming at 11.04 a.m.]

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

11:01:11 15 MR AGHA:

16 Q. Mr Brima, coming back to the relationship between the RUF
17 and AFRC during the AFRC government period, I put it to you that
18 the relationship between the SLAs and RUF was cordial between the
19 AFRC government period?

11:01:40 20 A. No. The relationship between the RUF and the SLA during
21 the AFRC wasn't good.

22 Q. Now, earlier, you had said you were not aware of
23 Lieutenant-Colonel Yemmeh Marah threatening to kill Sam Bockarie.

24 MR AGHA: I would like to show this Court, with permission,
11:02:06 25 transcript of 7 June 2006, page 21 and 22.

26 PRESIDING JUDGE: Yes, go on, Mr Agha.

27 MR AGHA:

28 Q. This is from your own evidence, Mr Brima.

29 "Q. Do you know why Sam Bockarie left Freetown --

1 PRESIDING JUDGE: What line is that?

2 MR AGHA: I beg your pardon, it's line 28 on page 21
3 through to line 15 on page 22.

4 "Q. Do you know why Sam Bockarie left Freetown?

11:03:31 5 "A. Well, from what he said, after this accident he was
6 taken to the military hospital. That was where he met me.
7 After I heard that he had had an accident, I was able to
8 leave my ward and went to his own ward to pay him a visit.
9 And when he was undergoing treatment, Sam Bockarie had said
11:03:53 10 his officer had wanted to kill him.

11 "Q. Which officer was he referring to?

12 "A. He was referring to the officer that they both had the
13 car accident, that is Lieutenant-Colonel Yemmeh Marah.

14 "Q. Did he tell you anything else?

11:04:10 15 "A. Well, he did not explain to me personally, but he was
16 explaining to the doctor that was treating him.

17 "Q. So how do you know he left Freetown for Kenema?

18 "A. Well, when he was speaking with the doctor and said
19 that the officer had wanted to kill him, he said that he
11:04:25 20 was not going to stay in Freetown any longer."

21 Q. So Mr Brima, you knew full well that Lieutenant-Colonel
22 Yemmeh Marah had been involved in an accident with Sam Bockarie,
23 didn't you?

24 A. Yes.

11:04:58 25 Q. So you lied when you said you were unaware of --

26 MS THOMPSON: Your Honour, I object to that. That was not
27 what transpired this morning. The question was whether
28 Lieutenant-Colonel Yemmeh Marah had threatened Sam Bockarie and I
29 said that was not the evidence. My learned friend has rightfully

1 got the transcript of 7 March [sic] and that is not the evidence.
2 What the evidence is and what he's read out is that Sam Bockarie
3 said that this man wanted to kill him. How is that
4 [indiscernible] the witness didn't say. He didn't say it was by
11:05:24 5 threat. He didn't say it was by causing the accident or anything
6 like that. There was nothing inconsistent with what the witness
7 said this morning. The question to him was whether Yemmeh Marah
8 had threatened Sam Bockarie and he said no, that was not what he
9 said. This bears him out. Now to put to him that he was lying
11:05:41 10 this morning, I think, is unfair, Your Honour.

11 PRESIDING JUDGE: What do you say to that, Mr Agha.

12 MR AGHA: I think the transcript speaks for himself. Sam
13 Bockarie had said his officers had wanted to kill him. I would
14 regard that as a threat. Further on it says at line 13, "Well,
11:06:01 15 when he was speaking with the doctor and said that the officer
16 had wanted to kill him, he said that he was not going to stay in
17 Freetown any longer." To my mind, telling someone that they'd be
18 wanting to kill, is a threat.

19 PRESIDING JUDGE: Why don't you put the matter beyond any
11:06:17 20 doubt by asking the appropriate questions.

21 MR AGHA:

22 Q. So are you now aware that Sam Bockarie had said that Yemmeh
23 Marah wanted to kill him?

24 MS THOMPSON: Your Honour, I still object. To say that
11:06:36 25 "are you now aware" implies that this witness had said something
26 inconsistent this morning. My learned friend has just read from
27 a transcript of this witness's own evidence. We have to find the
28 inconsistencies for him to be able to put that sort of question,
29 "are you now aware?" The question you asked this morning was

1 that Yemmeh Marah had threatened Sam Bockarie which is what I
2 objected to and which is not what it says in this transcript.

3 JUDGE SEBUTINDE: In fact, the words were Yemmeh Marah had
4 threatened to kill Sam Bockarie. That was the question you asked
11:07:12 5 before the break, Mr Agha. I think, in all fairness to the
6 witness, I have not seen any inconsistency yet in this line of
7 questioning. So, please, don't suggest any inconsistency yet
8 between his evidence then and now.

9 MR AGHA: Yes, Your Honour.

11:07:33 10 Q. Having just read from your own transcript, would you agree
11 that you said that Sam Bockarie had said his officer had wanted
12 to kill him?

13 A. Well, I did not say the officer had wanted to kill him.

14 Q. But this is your evidence I'm reading.

11:07:58 15 A. That is what I'm telling you. He did not say the officer
16 had wanted to kill him. He said he and the officer had an
17 accident.

18 Q. Just so we're clear on this, I'm reading you transcript of
19 what you said in your evidence-in-chief for your Defence council,
11:08:23 20 and it reads, and this is what you said:

21 "When I heard that he had had an accident, I was able to
22 leave my ward and went to his own ward to pay him a visit.
23 And when he was undergoing treatment, Sam Bockarie had said
24 his officer had wanted to kill him."

11:08:42 25 That's what you said.

26 THE WITNESS: That is why I'm telling you that he did not
27 say it was an officer that had wanted to kill him. While he was
28 explaining to the doctor, he said he and the officer that had the
29 accident, the officer had wanted to kill him.

1 Q. Now, would you regard that statement that the officer had
2 wanted to kill him, as a threat?

3 A. I don't regard that statement as a threat. Because they
4 had an accident and the officer he was talking about also had
11:09:29 5 some injuries.

6 Q. So according to you, that's not a threat when someone says
7 they had wanted to kill you?

8 MS THOMPSON: Your Honour, with the greatest respect to my
9 learned friend, this is a bit -- it's like my learned friend is
11:09:50 10 trying to read into the evidence what isn't there. If you look
11 at the definition of threat and what is here, they are two
12 different -- we don't know what happened and this witness wasn't
13 at the accident. He reported what he heard Sam Bockarie saying
14 to the doctor. Now, whether that's -- whether Sam Bockarie meant
11:10:10 15 that by the accident happening the officer wanted to kill him or
16 the officer had made certain verbal threats, by actions,
17 whatever, we don't know. For him to ask this witness about
18 threats about something which he wasn't present at, he just heard
19 what was reported to somebody else, I think it's unfair.

11:10:34 20 PRESIDING JUDGE: Yes, Mr Agha, there are questions you can
21 ask that would bring out some explanation of what he means by
22 those words, surely.

23 MR AGHA:

24 Q. So, Mr Brima, when you said in your evidence - and it's
11:11:09 25 your evidence - Sam Bockarie had said his officer had wanted to
26 kill him, what did that mean to you?

27 A. Well, he and the officer had an accident, and it was an
28 accident they had. While he was talking to the doctor, he talked
29 about himself, but, to me, what I meant, they had an accident.

1 Q. Why did he use the word "kill," in your view?

2 A. What he, Sam Bockarie explained to the doctor, that was the
3 time he used that word, that the officer had wanted to kill him.

4 Q. So if someone wanted to kill Sam Bockarie, would you regard
11:12:00 5 that as a threat?

6 MS THOMPSON: Your Honour, I object again. Are we in the
7 same context, because it seems to me it has to be as a result of
8 the accident. I don't know why my learned friend keeps going on
9 about this question of threat and where it's taking us, in any
11:12:19 10 event, because we seem to be going in a cul-de-sac, round and
11 round again.

12 PRESIDING JUDGE: Yes, I agree with that, Mr Agha. I don't
13 know what the officer meant by wanting to kill him. I don't know
14 what the use of this witness's interpretation of what Sam
11:12:42 15 Bockarie said, but there are questions you can ask to explore the
16 intent or meaning that might have accompanied those words, if
17 any.

18 MR AGHA: Okay. I'll move on from that, Your Honour, if I
19 may.

11:13:01 20 Q. Now, according to you, Kailahun was an RUF stronghold,
21 wasn't it?

22 A. Yes.

23 Q. According to you, Johnny Paul Koroma was staying in Sam
24 Bockarie's house when he reached Kailahun?

11:13:28 25 A. No.

26 Q. Where was he staying?

27 A. It was at Buedu that Sam Bockarie's house was. That was
28 where Johnny Paul was.

29 Q. So Johnny Paul was staying at Sam Bockarie's house in

1 Buedu?

2 A. Yes.

3 Q. You were brought before Johnny Paul Koroma at Sam
4 Bockarie's house in a captured state, weren't you?

11:13:57 5 A. I want to know the time that you've talked that I was
6 captured.

7 Q. When you first met Johnny Paul Koroma at Sam Bockarie's
8 house in Buedu, you were brought to him under arrest, weren't
9 you?

11:14:21 10 A. I was not taken to Johnny Paul under arrest. It was to Sam
11 Bockarie.

12 Q. But Johnny Paul was also staying in Sam Bockarie's house,
13 at that time?

14 A. Yes.

11:14:39 15 Q. Now, it was there that Johnny Paul Koroma called you a
16 coward for deserting your post without fighting --

17 THE INTERPRETER: Your Honours, could counsel go over that
18 last bit of the question, please.

19 MR AGHA:

11:14:58 20 Q. Now, it was at that meeting with Johnny Paul Koroma, at Sam
21 Bockarie's house, where, according to you, Johnny Paul Koroma
22 called you a coward for deserting your post without fighting at
23 Kono, didn't he?

24 A. Well, it wasn't a meeting. I never said that they had a
11:15:22 25 meeting in Kailahun or in Buedu.

26 Q. Were you taken to Sam Bockarie's house where Johnny Paul
27 Koroma was present and Johnny Paul Koroma accused you, or called
28 you, of being a coward?

29 A. They took me to Sam Bockarie's house where Johnny Paul was.

1 Q. Yes, we've established that and it was at that house where
2 Johnny Paul called you a coward for deserting your post without
3 fighting at Kono, isn't it?

4 A. No, not because I left my position. He didn't explain to
11:16:07 5 me the reason why he called me a coward. It was not because I
6 left my position in Kono. Kono was not my position. In Kono, I
7 went there on sick leave.

8 Q. So, at this time Johnny Paul Koroma called you a coward, he
9 wasn't under arrest?

11:16:25 10 A. I did not tell you that I was under arrest.

11 Q. No, Johnny Paul Koroma himself, when he called you a
12 coward, was not under arrest?

13 A. By then he wasn't under arrest.

14 Q. So even after the intervention, when Johnny Paul Koroma was
11:16:50 15 in Kailahun with Sam Bockarie, there was no big problems between
16 the RUF and SLA, was there?

17 A. A big problem was there.

18 Q. So why is Johnny Paul Koroma staying at Sam Bockarie's
19 house in Kailahun, not under arrest, after the intervention?

11:17:14 20 MS THOMPSON: Objection, Your Honour. How is this witness
21 supposed to know why Sam Bockarie did not put Johnny Paul Koroma
22 under arrest when he was staying at his house.

23 PRESIDING JUDGE: Well, you can ask the question that way,
24 Mr Agha. Don't you see, the way you're asking the question, now,
11:17:31 25 you're assuming that this witness would know that.

26 MR AGHA: I thought this witness has already said when he
27 was taken to Johnny Paul Koroma's at Kailahun, Johnny Paul Koroma
28 was not under arrest.

29 PRESIDING JUDGE: Well, rephrase the question.

1 MR AGHA:

2 Q. So when Johnny Paul Koroma accused you of being a coward,
3 he wasn't under arrest, was he?

4 A. Yes, he wasn't under arrest.

11:18:09 5 Q. So, so far as you could see, Sam Bockarie and Johnny Paul
6 Koroma were together at that time?

7 A. It was at Sam Bockarie's house in which Johnny Paul stays.

8 Q. I put it to you, that even after the intervention, prior to
9 Johnny Paul Koroma's arrest, the relationship between Johnny Paul
11:18:43 10 Koroma and Sam Bockarie was cordial.

11 A. Well, it wasn't fine. If it were a fine relationship, he
12 wouldn't have arrested him. If the relationship was good, Sam
13 Bockarie wouldn't have arrested Major Johnny Paul Koroma.

14 Q. I'm talking about the period prior to his arrest.

11:19:13 15 A. Before his arrest.

16 Q. So the relationship was bad before the arrest?

17 A. Yes.

18 Q. And it had been bad throughout the AFRC regime?

19 A. Well it was from there, the examples that I have given you,
11:19:38 20 about the problem that occurred, that was the time the
21 relationship started becoming bad, between the RUF and SLAs.

22 Q. I put it to you that Johnny Paul Koroma and Sam Bockarie
23 had a good relationship up until Johnny Paul Koroma was arrested
24 at Sam Bockarie's house in Kailahun.

11:20:01 25 A. Well, I wouldn't be able to determine that. But all I know
26 is that Johnny Paul Koroma, if he were in good relationship with
27 Sam Bockarie, Sam Bockarie wouldn't have arrested him.

28 Q. I'd now like to move to a different area, which is diamond
29 mining. Now, would you agree with me that Sierra Leone is rich

1 in mineral wealth such as diamonds?

2 A. I wouldn't agree with you. All I know is that Sierra Leone
3 has diamonds.

4 Q. Would you agree with me that one of the main sources of the
11:20:49 5 AFRC's income came through diamond mining?

6 A. I don't know about that.

7 MR AGHA: Could I kindly show the witness Exhibit 34 again,
8 please? You have to excuse me, Your Honour, we are printing a
9 copy.

11:22:27 10 Q. Witness, do you have a copy of this document before you?

11 A. Yes, I have a copy of a document in front of me.

12 Q. These are minutes of an emergency council meeting dated 6
13 [sic] August 1997, which you saw yesterday.

14 A. Yes.

11:22:52 15 Q. At number 4, Staff Sergeant Tamba Alex Brima, PLO 2 is
16 listed; yes?

17 A. I've seen it there.

18 Q. Now, were you at this meeting?

19 A. Yes.

11:23:13 20 Q. Now, can I kindly ask you to look at page -- the second
21 page which is 0009773, which is page 2.

22 A. Yes.

23 Q. And refer you to paragraph 7.

24 A. Yes.

11:23:41 25 Q. It reads:

26 "The Chairman intimated Members that the only source,
27 Government can now raise funds from include the following:

28 (a) Sale of Petroleum Products.

29 (b) Imports and Customs Duties.

1 (c) Proceeds from sale of Diamonds."

2 A. I've seen it.

3 Q. Would you now agree with me that one of the main sources of
4 income was through diamonds during the AFRC government?

11:24:18 5 A. Well, I did not -- since I did not see the AFRC government
6 sell diamonds.

7 Q. But you were at that meeting when that was made?

8 A. Yes. Yes, they did not do that. They proposed this one.
9 But I did not see where the AFRC government sold diamonds. I,
11:24:51 10 sitting before this Court, I did not see where diamond
11 transaction happened between any person.

12 Q. The question was simply whether the income from the sale of
13 diamonds was a source of revenue, that's all.

14 PRESIDING JUDGE: I won't allow that, Mr Agha. That's not
11:25:18 15 his statement. He was told - if you look at paragraph 7 - he was
16 told that by the chairman. I understand him to say, personally,
17 he doesn't know.

18 MR AGHA: Fine, Your Honour.

19 Q. Now, coming back to mining in Kono and Kenema.

11:25:32 20 A. Yes.

21 Q. Whilst the AFRC was in power, the mining of diamonds was
22 taking place in Kono, wasn't it?

23 A. Yes, people were mining for diamonds before and after the
24 AFRC came to power.

11:25:54 25 Q. Some of this diamond mining in Kono was overseen by the
26 AFRC government, wasn't it?

27 A. Well, I did not know about that, because my own people were
28 mining, and I did not see the AFRC went and supervised them. My
29 own grandfather was mining, and I did not see the AFRC went and

1 supervised them.

2 Q. Now, SAJ Musa was the secretary for minerals and resources,
3 wasn't he?

4 A. SAJ Musa was the secretary of State Mineral Resources.

11:26:42 5 Q. And this included diamonds, did it?

6 A. Well, since it said secretary of State Mineral Resources,
7 diamonds are inclusive.

8 Q. SAJ Musa sent you to Kono to monitor the mining situation
9 for him there, didn't he?

11:27:09 10 A. It did not happen that way, apart from SAJ Musa, you had
11 under-secretary of state, and you had two under-secretary of
12 states mines: Captain Paul Thomas and Captain Abdul Masa Kama
13 Koroma.

14 Q. You went to Kono to receive reports on the mining
11:27:36 15 activities from TF-153 and other mining --

16 THE INTERPRETER: Your Honours, please, let counsel go over
17 that more carefully.

18 MR AGHA: I apologise.

19 Q. You went to Kono to receive report on the mining activities
11:27:52 20 from TF-153 and other mining officers, didn't you?

21 A. Never did I go to Kono to monitor the diamond business
22 during 1997 or 1998.

23 Q. So you didn't report any diamond mining activities to
24 SAJ Musa?

11:28:20 25 A. I'm tell you that I never went to Kono or SAJ Musa never
26 sent me to Kono regarding the monitoring of diamond mining.

27 Q. Are you aware that civilians were forced to mine for
28 diamonds in Kono?

29 A. Any civilian who told me about that was a liar. My own

1 people are there. I have my own relatives there in Kono. They
2 are mining. Everybody has his licence.

3 Q. The AFRC had mining monitoring officers to make sure that
4 civilians handed over the diamonds which they mined to the AFRC,
11:28:59 5 didn't they?

6 A. No.

7 Q. With the permission of the Court, I would like to read more
8 transcript to the witness. This is from witness TF-153, it is
9 page 20, 21 and a part of 22.

11:29:50 10 PRESIDING JUDGE: For the record, what is the date?

11 MR AGHA: It is dated 22 September, 2005.

12 Q. Mr Brima, I will read for you. This is what witness TF-153
13 said:

14 "Q. Mr Witness, did you tell Mr Brima anything else about
11:30:18 15 what was going on in Koidu during the time you were there?

16 "A. Yes.

17 "Q. What else did you tell him, Mr Brima, about what was
18 happening in Koidu Town?

19 "A. One of the things that I told him was about our
11:30:40 20 welfare, because since the time that we went there we were
21 not paid. So I told him that we needed money. And during
22 that time we had worked for more than a month and we did
23 not see anything and all the other mine monitors had been
24 grumbling.

11:30:57 25 "Q. And let me just clarify one thing. Were you mines
26 monitoring? What was being mined in the area at that time?
27 [sic]

28 "A. They were mining for diamonds.

29 "Q. And your duties as a mines monitor was to do what with

1 regards to -- was it with regards to the diamonds
2 themselves? What were your duties as a mines monitor?
3 "A. Well, my job as a mines monitoring officer during that
4 time was to see that those that had proper licences should
11:31:28 5 work within the terms of their references. That if they
6 had a big diamond they should not be taken to other people
7 or should not be smuggled out. So I was watching to tell
8 the government that such and such person" -- [sic]
9 PRESIDING JUDGE: You better go back there. "So I was a
11:31:47 10 watchdog".
11 MR AGHA: I beg your pardon.
12 Q. "So I was a watchdog to tell the government that such and
13 such a person had a big diamond which the government would
14 have to interfere and they would -- they should work in
11:32:01 15 percentages and they had to arrange it between themselves
16 and to see that they did the work according to the
17 conditions that were given to them and that was the purpose
18 of we watching them.
19 "Q. Again, Mr Witness, I'm going to ask you that if you
11:32:22 20 anticipate your answer is going to be long to pause maybe a
21 little bit and give the interpreter and the Court time to
22 catch up; okay?
23 "A. All right. Okay.
24 "Q. As part of your duties did you report to Mr Brima
11:32:37 25 about anything that was happening in Koidu based on your
26 duties as a mines monitor?
27 "A. Yes, because he would come and go during that time.
28 So when he came, the advantage that I had to see him, I
29 would go and explain to him everything. And even the

1 diamonds that they had been mining for, they had not been
2 going through the way that they were supposed to go. So we
3 did not know the person who had been collecting the
4 diamonds, because during that time what was in the terms of
11:33:10 5 reference was not in operation. When people mine for
6 diamond and they had the diamond they would --

7 "Q. Please, slow down. Thank you.

8 "A. They would distribute it into two piles. They said
9 one for the government and one for the owner, that is a man
11:33:31 10 who had his licence. That did not go down well with us.

11 So later on I went and explained to him, with other mines
12 monitor officers, and he said he would take appropriate
13 action and he said he was going to take the information to
14 SAJ in Freetown. So during that time I myself found out
11:33:52 15 that the diamond fields, they had become very, very
16 dangerous."

17 Now, that's all I'm going to read to you, Mr Brima.

18 A. Yes.

19 Q. So, according to witness TF-153, you were a mines --
11:34:15 20 monitoring the mines, weren't you, keeping an eye on them?

21 A. Never. I did not monitor or keep an eye on diamond mining.

22 Q. And you didn't give any reports to SAJ Musa about diamond
23 mining either?

24 A. Apart from the report, I never went supervise or went for
11:34:44 25 mining affairs in Kono, never. So if I did not go to monitor,
26 why should I report? Only, what I only know that I went to my
27 homeland.

28 Q. So why has witness TF-153 said this about you?

29 A. I have told you that that witness was crazy. That is one.

1 Number two, he was a witness that had had a dispute with my
2 family and his own family so I don't think if that witness would
3 like me.

4 MR AGHA: Can I, with the permission of the Court, show the
11:35:34 5 witness another transcript. This is from witness TF-334. It is
6 dated 17th May 2005. I will read from line 14 on page 52, page
7 53 and up to line 5 on page 54. Witness, this is what TF-334 had
8 to say.

9 "Q. Witness, during the AFRC period, was there mining
11:36:37 10 going on?

11 "A. Yes, mining was going on in the various provinces,
12 especially Kono and Tongo.

13 "Q. Who was in charge of mining?

14 "JUDGE SEBUTINDE: Spellings?

11:37:01 15 "MS PACK: I do apologise, Your Honour. The two proper
16 nouns that were mentioned by the witness were Kono, K-O-N-O
17 and Tongo, T-O-N-G-O.

18 "Q. Witness, who was in charge of the mining?

19 "PRESIDING JUDGE: [Overlapping speakers] who was the
11:37:23 20 foreman, overseer or what do you mean in charge:

21 "MS PACK:

22 "Q. Was in overall charge of the mining?

23 "A. It was that -- SAJ Musa was heading the mining unit,
24 but he assigned Gullit in Kono, who was one of the senior
11:37:35 25 members of the council. He was overseeing the mining
26 there.

27 "Q. And Gullit you have referred to before G-U-L-L-I-T,
28 his full name is what?

29 "A. Tamba Alex Brima.

1 "Q. Where was he based?

2 "A. He was in Koidu at that time.

3 "Q. Koidu is spelt K-O-I-D-U, Your Honour. Under which
4 ministry did Kono fall?

11:38:02 5 "A. Well, the mining, it was under the mine ministries.
6 But Kono was under the eastern province and under the
7 supervision of Secretary of State East.

8 "Q. Just remind the Chamber, please, who that was?

9 "A. The resident minister was Captain Eddie Kanneh.

11:38:26 10 "Q. Your Honour, I have spelt that before. The surname
11 K-A-N-N-E-H. Now, you have said that Gullit was assigned
12 to Kono and he was based in Koidu Town. Who was carrying
13 out the mining in Kono?

14 "A. Well, the mining was supervised by soldiers, but
11:38:45 15 civilians were the miners while the soldiers were
16 overseeing the mining itself.

17 "Q. Now, by soldiers which groups are you referring to?
18 Which groups did the soldiers come from?

19 "A. Well, we had the SLA group and the RUF group. They
11:39:02 20 were in Kono. These two groups were there doing the
21 mining. And they were supervised by the various commanders
22 that were their leaders.

23 "Q. Do you know the locations at which mining was going on
24 in Kono?

11:39:17 25 "A. Yes, indeed. Five-Five spoke to us one of the mining
26 areas, Tombodu with other -- including other specific areas
27 in Koidu on the outskirts of Koidu.

28 "Q. If I can take those names, Your Honours, it is
29 Five-Five as in the number spot and then Tombodu

1 T-O-M-B-O-D-U. Witness, you have also said that there was
2 mining going on in Tongo."

3 Now, that completes a portion of the evidence of witness
4 TF-334. So, witness, do you still say that you had nothing to do
11:40:04 5 with mining in Kono?

6 A. During the AFRC period, I had nothing to do with mining
7 activity in Kono. From what you're saying at Five-Five spot, it
8 is not a place that they mine for diamonds. It is a club. It is
9 a club that is in Kono that is called Five-Five spot. Anybody
11:40:26 10 that tells that the man there, they are not -- people are not
11 mining there.

12 Q. What about Tombodu; is that also a mining area?

13 A. Tombodu, the town itself, they did not mine there.

14 Q. So no mining goes on in Tombodu, around that area?

11:40:48 15 A. In the township, no mining is taking place there. It is in
16 the surrounding that is mining -- that people --

17 THE INTERPRETER: Could the witness take his answer again.

18 PRESIDING JUDGE: The interpreter didn't get that,
19 Mr Brima. Could you please repeat it.

11:41:15 20 THE WITNESS: I said in Tombodu, the township is Tombodu
21 Town, they did not mine there, but the outskirts of the town, they
22 mine there.

23 MR AGHA:

24 Q. You were not aware on your three trips to Kono of mining
11:41:31 25 being supervised by soldiers?

26 A. Soldiers were not involved in mining if they are there,
27 except at all that I come across with some of the RUF who said
28 that they were mining, but no soldiers -- the soldiers that were
29 in Kono were under deployment.

1 Q. I put it to you that it's a lie that you only went to Kono
2 three times for family or health reasons during the AFRC regime.

3 A. Well, I am telling you that it is true. Kono is my home
4 town.

11:42:16 5 Q. I put it to you that you regularly went to Kono during the
6 AFRC regime in order to receive reports on the mining situation
7 there.

8 A. It did not happen like that. I was not going to Kono
9 frequently. I went there three times during the AFRC period, and
11:42:35 10 I never went to Kono to mine for diamonds during the AFRC period
11 or to monitor any person about mining affairs.

12 Q. So you didn't exploit your own position as PLO 2 to do some
13 personal mining when you visited Kono three times during the AFRC
14 regime?

11:42:56 15 A. Before that time, my family and up to now they're mining.
16 From the area that I come from, Sandor, my family, it is few of
17 them that are mining. I am not mining --

18 THE INTERPRETER: Your Honour, could the witness take the
19 last part. He's too fast for the interpreter.

11:43:22 20 MS THOMPSON: Your Honour, can the witness repeat the whole
21 of the answer, because what I heard him say and what came down I
22 think was slightly different.

23 PRESIDING JUDGE: Yes, Mr Brima, the interpreter didn't get
24 your answer. Could you repeat the whole answer, please?

11:43:35 25 THE WITNESS: I said, I never mined for diamonds in Kono in
26 1997 up to 1998.

27 MR AGHA:

28 Q. So during your three visits to Kono during the AFRC regime,
29 you didn't have any idea that civilians were being forced to

1 mine?

2 A. I did not have any report about that, or any idea about
3 that because my own family, extended family are mining. Nobody
4 would come and tell me that they are harassing them to mine for
11:44:24 5 diamonds.

6 Q. You were in Kono at the time of the intervention, weren't
7 you?

8 A. Yes.

9 Q. I put it to you that you were in Kono at the time of the
11:44:42 10 intervention, so you could keep a closer watch on the mining
11 activities.

12 A. I'm telling you again that you are lying. I never went to
13 Kono to do diamond mining affairs or to observe.

14 Q. Whilst the AFRC government was in power, you also went to
11:45:18 15 Tongo Fields in Kenema to monitor mining, didn't you?

16 A. Never. During that time I never entered Tongo or Kenema.
17 During the AFRC regime, I never went to Tongo Kenema.

18 Q. Tongo in Kenema fell within the jurisdiction of Resident
19 Minister East Eddie Kanneh, didn't it?

11:45:32 20 A. I do not get you clear.

21 Q. Tongo in Kenema fell within the area of responsibility of
22 Resident Minister East Eddie Kanneh; is that correct?

23 A. Yes.

24 Q. Did you know there was an AFRC secretary in Tongo
11:45:59 25 controlling the diamond mining?

26 A. Well, I do not know about that, the AFRC secretary was in
27 Kenema or Tongo, I did not know.

28 Q. You didn't receive any such information at council meetings
29 where it actually had been mentioned that diamonds was a source

1 of income for the government?

2 A. I did not get you clear.

3 Q. You never discussed in the council meetings which you
4 attended, within the council, anything to do with mining in
11:46:41 5 either Kono or Kenema; is that right?

6 A. I never remembered that I discussed about that, never, in a
7 council meeting.

8 Q. But did any of the other council members, while you were
9 there, discuss issues such as mining in Kono and Kenema?

11:46:59 10 A. Well, I am unable to remember for now.

11 MR AGHA: I now move to another area, Your Honour. It is
12 around the period of the intervention and Operation Pay Yourself.

13 Q. Now, you were not personally present in Freetown during
14 February 1998, were you?

11:47:36 15 A. I was not present during the withdrawal, but I was in
16 Freetown earlier before the intervention started. That was
17 in February.

18 Q. Your wife, after the retreat from Freetown was left in the
19 care of your brother in Masiaka, wasn't she?

11:48:06 20 THE INTERPRETER: Your Honours, could counsel please go
21 over the last bit of that question?

22 MR AGHA:

23 Q. After the intervention, your wife was left in the care of
24 your brother in Masiaka, wasn't she?

11:48:23 25 A. That was what my wife told me.

26 Q. Was this your brother Komba whose care she was left in?

27 A. It was not that I left my wife there. It was the second
28 accused who came with my wife in Freetown who left my wife with
29 Komba. I have not told this Court that it was I who left my wife

1 to my brother.

2 Q. Now, when your brother Komba left -- did your brother Komba
3 leave Masiaka after the intervention?

4 A. To go where?

11:49:11 5 Q. Well, did he stay in Masiaka? Did he stay with SAJ Musa's
6 group to Koinadugu, or did he go to Kono?

7 A. He went to Kono. It was there I met my brother.

8 Q. So he went straight to your village in Kono; is that right?

9 A. Yes.

11:49:38 10 Q. Do you know roughly when he arrived in your village?

11 A. I don't know if -- when he arrived in my village.

12 Q. You never asked him then?

13 A. Not at all. I did not ask.

14 Q. Your brother Komba was like a guardian angel to you, wasn't
11:50:05 15 he?

16 A. Well, I wouldn't say he was like an angel to me, because I
17 cannot see an angel. The only thing is that he is my brother.

18 Q. Well, what I'm suggesting is that whenever there is a gap
19 in your story, Komba comes to your rescue, doesn't he?

11:50:25 20 A. Which story.

21 Q. Your evidence you are giving before this Court.

22 MS THOMPSON: Your Honour, if my learned friend has an
23 specific question to make -- allegations put in the form of
24 questions, my suggestion is that he does so, rather than making
11:50:42 25 comments, phrasing questions like guardian angels and gaps in
26 stories and coming to save him when there is a gap in his story.

27 PRESIDING JUDGE: Yes, I agree, Ms Thompson. If you are
28 referring to a specific instance of using Komba as an excuse, you
29 must refer to it.

1 MR AGHA:

2 Q. According to you, Komba is Gullit, isn't he?

3 A. Yes, that is his alias.

4 Q. Komba told you about the military retreat from Freetown
11:51:17 5 during the intervention, doesn't he?

6 A. I did not get you clear.

7 Q. Komba told you about the military retreat from Freetown,
8 didn't he?

9 A. Yes, he and my wife.

11:51:35 10 Q. Komba is in your village at Yayah in July when you arrive,
11 isn't he?

12 A. Yes.

13 Q. Whilst you are in Yayah, Komba tells you that SAJ is in
14 Koinadugu, doesn't he?

11:51:54 15 A. It wasn't Komba alone. My other brothers themselves told
16 me.

17 Q. But Komba also told you?

18 A. I said yes, but he wasn't the only one.

19 Q. Komba tells you that the civilians in Yayah have given your
11:52:11 20 position away to SAJ in Koinadugu, doesn't he?

21 A. He did not tell me that.

22 Q. He did not tell you that the civilians from Yayah had given
23 away your position in Yayah to SAJ Musa in Koinadugu?

24 A. He did not tell me that.

11:52:38 25 Q. Komba meets you with your family in Makeni in January 1999,
26 doesn't he?

27 A. It wasn't Komba that met me there. It was I who met Komba
28 there.

29 Q. And when Komba unluckily dies, he is shot by Gibril

1 Massaquoi, isn't he?

2 A. Yes. According to what he explained to me.

3 Q. And Gibril Massaquoi was one of the witnesses who gave
4 evidence against you here, wasn't he?

11:53:12 5 A. Yes.

6 Q. I put it to you that, apart from Komba's death and then not
7 by Gibril Massaquoi, all other occasions when you have relied in
8 your evidence on Komba, are lies.

9 A. I wouldn't say lies against him. I'm saying the truth
11:53:40 10 about him. In addition to what Komba told me, some SLA personnel
11 that were under the arrest of the RUF in Makeni, they, too,
12 confirmed that to me, saying that when Gibril went there, he told
13 them.

14 Q. Now, when the Nigerians drove the AFRC out of Freetown
11:53:58 15 in February 1998, whilst in Kono, you heard about Operation Pay
16 Yourself, did you?

17 A. That operation, I was not aware of it.

18 Q. When did you first come to learn about it?

19 A. Well, I cannot recall the time I heard of it. But it is in
11:54:30 20 this Court that I heard about it, Operation Pay Yourself.

21 Q. And that was the first time you heard about Operation Pay
22 Yourself in this Court?

23 A. Yes.

24 Q. I put to you that is an absolute lie. You had heard about
11:54:57 25 Operation Pay Yourself well before you came to this Court.

26 A. Since you are putting it to me, I am also telling you that
27 what I'm telling this Court is no lies. It is in this Court that
28 I first heard the expression Operation Pay Yourself.

29 Q. After the intervention, you carried out wide-scale looting

1 in Kono, didn't you?

2 A. That was not the way it happened. If I had lotted in Kono,
3 before I came into this trouble, they wouldn't have allowed me
4 into Kono, because there are people who had gone to Kono, but
11:55:41 5 they were driven out of Kono.

6 Q. You then tried to escape with all your looted property,
7 including diamonds, out of Sierra Leone, didn't you?

8 A. I did not loot and Kono, I'm still reiterating it is my
9 home town. I wouldn't name names, but there were people who went
11:56:09 10 into Kono and they were driven out. When I went to Kono, I was
11 well received.

12 Q. When you tried to escape from Kono after the intervention,
13 you had a diamond on you, didn't you?

14 A. No, I have told you that I did not mine for diamonds, and I
11:56:28 15 hadn't a diamond during that period.

16 Q. When you fled from Kono after the intervention, what did
17 you take with you?

18 A. I did not take anything along. The only thing, I had
19 money.

11:56:50 20 Q. Roughly, how much money did you have?

21 A. I cannot tell you the amount.

22 Q. Well, was it more than 1 million leones, or less?

23 A. I cannot tell you the right amount.

24 Q. Now, initially you said that you fled Kono after the
11:57:16 25 intervention because you were too unwell to fight; is that right?

26 A. Yes.

27 Q. Then later you say you escaped from Kono because the
28 Kamajors had started killing soldiers and setting them on fire
29 and that you were unable to bear the situation; do you remember

1 that?

2 A. That was what my people told me.

3 Q. So you ran away because the Kamajors were coming and
4 setting people on fire, didn't you?

11:57:50 5 A. They said the Lebanese went and collected Kamajors and
6 brought them into Kono and I ran away for my life.

7 Q. Yes, so I put it to you, you did not run away because you
8 were too unwell to fight.

9 A. I'm putting it to you that I ran because I was unable to
11:58:18 10 fight and I wasn't well to fight.

11 MR FOFANAH: Your Honour, may the second accused be excused
12 to use the convenience?

13 PRESIDING JUDGE: Yes, the second accused can leave the
14 Court.

11:58:40 15 MR AGHA:

16 Q. Mr Brima, you left Kono in 1998 after the Kamajors
17 attacked, didn't you?

18 A. I heard about that, but I did not see the Kamajors
19 themselves, personally.

11:58:53 20 Q. So you fled from Kono before any group attacked Kono; is
21 that right?

22 A. Which group?

23 Q. Any group; RUF, Kamajor, CDF. You fled Kono before there
24 was an attack; yes or no?

11:59:12 25 A. What I'm telling you, I want to know the group which you
26 are saying they attacked Kono and the attack, I ran away before
27 they attacked Kono.

28 Q. Right. So you ran away from Kono before anybody attacked
29 Kono; correct?

1 A. I heard rumour that the Kamajors were brought by Lebanese.
2 I heard a rumour that I got information from my relatives that
3 soldiers were being burnt alive, so I shouldn't be sitting in
4 Kono, and I was unable to fight because I was ill.

11:59:51 5 Q. Now, according to you, you were in Kailahun from around
6 mid-February through to July 1998, weren't you?

7 A. I cannot recall the correct time. I don't know whether it
8 was mid or late, but in February, I was in Kailahun.

9 Q. And you remained there until July?

12:00:18 10 A. Yes.

11 Q. So you were not personally able to witness anything that
12 happened in Kono from mid-February until July?

13 A. From where?

14 Q. From Kailahun. If you were in Kailahun, you can't
12:00:37 15 personally see anything that's going on in Kono, can you?

16 A. Yes.

17 Q. Yes you can?

18 A. I was unable to see anything that was happening there.

19 Q. Likewise, during that period you were in Kailahun, you were
12:00:53 20 not personally able to see anything that was happening in
21 Koinadugu, were you?

22 A. Yes, I did not know what was happening in Koinadugu.

23 Q. Did you hear that Johnny Paul Koroma ordered Koidu Town to
24 be burnt down by joint SLA and RUF forces?

12:01:17 25 A. I did not hear that information. The only thing my family
26 members told me that it was the RUF, Superman, that gave an order
27 in order for Kono to be burnt down.

28 Q. Did you hear from your relatives that after Kono was burnt
29 down, there were orders given to clear the area, make Kono a

1 no-go area?

2 A. No, they did not tell me that.

3 Q. I put it to you that you know full well that Kono was
4 attacked by both RUF and SLA soldiers after the intervention?

12:02:12 5 A. I'm putting it to you that, as you are asking me that now,
6 I told you that -- tell me the time that you're referring as to
7 when Kono was attacked?

8 Q. February 1998.

9 A. February 1998, I was not in Kono. I wasn't present during
12:02:43 10 that attack in Kono. I was in Kailahun. When I came to Kono in
11 July, it was Superman that I met there as the overall commander.

12 Q. You said you didn't meet Superman there before.

13 A. Which area? Which area?

14 Q. Earlier in your evidence this morning.

12:03:07 15 A. Which area that you said I met Superman? That is the area
16 I want to know.

17 Q. In Kono.

18 A. I met him there in July of 1998, but I did not see him in
19 person. When I said meet, it is not like I seeing you there. We
12:03:35 20 shook hands together.

21 Q. I put it to you that it's a lie, and you did meet Superman
22 in Kono, and you met him in the month of May 1998.

23 A. I'm also telling you that it is a lie. Let somebody don't
24 come here and explain a built-up story. I, who suffered, is
12:03:58 25 telling you that it was in July 1998 that I came to Kono.

26 Q. Is it correct after the interventions that the SLAs refused
27 to take command from the RUF, as they regarded the RUF as
28 guerilla forces?

29 A. From what I know, a soldier would never take command from a

1 rebel. He wouldn't take a command. I sitting here myself

2 wouldn't take a command from an RUF. I wouldn't do that.

3 Q. The RUF gave orders to RUF personnel only?

4 A. Well, RUF, the orders that they gave, it was to their own
12:04:53 5 personnel, but they -- if they give orders to soldiers, I do not
6 believe the soldiers would take those orders.

7 Q. Are you saying after the intervention, the SLA had its own
8 separate chain of command and the RUF had its own separate chain
9 of command?

12:05:14 10 A. No. What I'm telling you is that the SLA is very rare,
11 very difficult. They would not do that, to take orders from the
12 RUF, because it is a trained man versus an untrained man, and the
13 SLA always believe that the RUF are not trained persons.

14 Q. Despite the SLA not taking orders from the RUF, and the RUF
12:05:45 15 having their own command, the SLA and RUF still worked together
16 in Kono in the months of February through to July 1998, didn't
17 they?

18 A. Well, I would be able to tell you about July, but I
19 wouldn't be able to tell you about February. From July, when I
12:06:11 20 went to Kono, I did not see a lot of SLA there.

21 Q. So when you went there in July, it was mainly RUF?

22 A. Yes.

23 Q. Well, I put it to you that you learnt that the SLA and RUF
24 worked together in Kono from mid-February 1998 through to July
12:06:40 25 1998?

26 A. I am telling you that I did not know.

27 Q. But you knew there was confusion between the working
28 relationship between the RUF and the SLAs in Koidu in Kono
29 in May, didn't you?

1 A. Well, I cannot recall the month. All that I know is that
2 the SLA wouldn't take command or accept command from the RUF.

3 Q. And you learnt this in May, didn't you?

4 A. No.

12:07:23 5 Q. I put it to you that you were sent to Kono from Kailahun in
6 1998 in order to cement the working relationship between the SLAs
7 and the RUF?

8 A. The month you have mentioned, I was under arrest, and I'm
9 telling you the month you made mention of, I was in Kailahun
12:07:44 10 under arrest. I did not come to Kono for any working
11 relationship.

12 MR AGHA: I'd like to read a piece of Mr Brima's own
13 transcript, with the permission of the Court. This is page 53,
14 21st June.

12:08:51 15 PRESIDING JUDGE: Yes, go ahead.

16 MR AGHA: I will read from line 8 through to line 26.

17 "A. Well, I went back to Kono in July 1998.

18 "Q. Were you ever an SLA commander in Kono in May of 1998?

19 "A. No.

12:09:17 20 "Q. Do you know of any confusion between the RUF and the
21 SLA in Koidu around May to mid-May of 1998?

22 "A. Yes.

23 "Q. Please tell us.

24 "A. Well, from what I heard from my platoon and squad
12:09:38 25 mates, they said" --

26 THE INTERPRETER: Your Honour, can counsel take that line
27 carefully again.

28 MR AGHA:

29 "they said the RUF had wanted the SLA to take command from

1 them. And the SLA soldiers who were in Kono, they also did
2 not agree. They said they will not come and be commanded
3 by an untrained person and they will not come and be
4 commanded by a guerilla fighter.

12:10:05 5 "Q. How did you know about this confusion you have just
6 spoken about?
7 "A. It is my comrades who explained to me.
8 "Q. Which comrades explain this to you?
9 "A. I cannot get you the right names now, but I mean my
12:10:21 10 comrade soldiers."

11 Q. Now, that is all I'm going to read to you, Mr Brima. Would
12 you agree with me that you knew there was confusion between the
13 RUF and SLA in Koidu around May to mid-May of 1998?
14 A. The month you've mentioned, I've told you that I wasn't in
12:10:54 15 Kono. May 1998, I wasn't in Kono.

16 MS THOMPSON: Your Honour, I rise. The answer is exactly
17 as one would have expected, because the question was assuming
18 that the witness was in Kono in May 1998. I note that my learned
19 friend did not read the last two lines of the transcript on that
12:11:15 20 page. But, leaving that aside, if you were to rephrase the
21 question, then the witness wouldn't think that you were saying
22 that he was in Kono in May 1998, because that's the impression I
23 got, and I'm sure that's what the witness got as well by the way
24 he answered the question.

12:11:33 25 PRESIDING JUDGE: Well, the witness might be confused,
26 Mr Agha. Perhaps you can ask some other questions.

27 MR AGHA:
28 Q. Did you learn in May 1998 that the RUF and SLAs were
29 together in Kono?

1 MS THOMPSON: Objection, Your Honour. It's the same
2 question, just turned another way around. The witness has said
3 that in May 1998 he was under arrest in Kailahun. To ask him:
4 did you learn in May 1998 is assuming that he had access to
12:12:10 5 people who would tell him about information or provide him
6 information about what was happening in Kono in May 1998. The
7 transcript speaks volumes for itself, and the witness has said it
8 was in May 1998.

9 I wouldn't object if my learned friend would ask the
12:12:24 10 question in the way it wouldn't give the impression that the
11 witness had said something inconsistent. I say, again, that the
12 last two sentences were omitted when my learned friend read it.
13 Perhaps if you would read it, it wouldn't give the impression he
14 was somewhere else in May 1998, somewhere other than what the
12:12:42 15 witness has told this Court already.

16 MR AGHA: I'm not suggesting that he said he was there
17 in May 1998. My understanding was, when I earlier asked him and
18 before I asked him to look at this transcript, whether he knew,
19 or whether he'd learnt about whether the SLAs and RUF were acting
12:13:05 20 together in May 1998 in Kono. He said he didn't learn. So, the
21 object of showing him the transcript is to show that he did learn
22 that.

23 JUDGE SEBUTINDE: Yes, but Mr Agha, if you look at line 11
24 of the transcript you've just been reading, it is the confusion
12:13:26 25 between the RUF and the SLA that supposedly happened around
26 mid-May of 1998. Now, as to the knowledge of this witness about
27 this confusion, there's nothing in that transcript that gives us
28 a clue as to when he came by this knowledge. I think it would be
29 wrong to assume that he came by that knowledge while the conflict

1 was happening in mid-May. So, please ask questions that remove
2 that ambiguity.

3 MR AGHA:

4 Q. When do you say that you learnt about the conflict between
12:14:02 5 the RUF and SLA in Kono in May 1998?

6 A. When I arrived at Eddie Town, it was where I knew that
7 there was, through soldiers, a problem between the SLA and the
8 RUF.

9 Q. So, at that time, you knew in May there had been a problem
12:14:30 10 between the SLAs and RUF?

11 A. Well, it was not in May. I said the time that I knew about
12 this was the time that I was taken to Eddie Town. That was
13 in October or November of 1998.

14 Q. I put it to you again that you were in Kono in May 1998,
12:15:03 15 and that's how you knew about the confusion.

16 A. No, I am telling you that, in May 1998, I was not in Kono.
17 I was in Kailahun under arrest.

18 Q. Now, when you fled Kailahun -- sorry, when you left Kono,
19 you alleged that you were arrested by Saddam and Senegalese of
12:15:40 20 the RUF; is that right?

21 A. Yes.

22 Q. I put it to you that you were never arrested by Saddam and
23 Senegalese.

24 A. No, I am telling you that I was arrested. I was not alone.
12:15:56 25 I was arrested with some senior officers.

26 Q. You were never taken to Moa Barracks after the
27 intervention, were you?

28 A. Who?

29 Q. You.

1 A. Well, I want you to ask the question again.

2 Q. You never went to Moa Barracks after the intervention, did
3 you?

4 A. After the intervention, when the RUF, whom the lawyer
12:16:30 5 called their names, arrested me and the officers and took us to
6 Moa Barracks.

7 Q. I put it to you that's a lie.

8 A. I'm telling you that it is not lies. I'm saying the truth.

9 Q. The truth is that, after the intervention, you fled to the
12:16:52 10 border with the looted good and diamonds, which you had stolen in
11 Kono pursuant to Operation Pay Yourself?

12 A. The road from Kono to Kailahun is not motorable. Which
13 property am I to carry? And I was not mining for diamonds.

14 Q. So you still maintain you didn't have a diamond with you
12:17:11 15 when you fled from Kono to escape Sierra Leone?

16 A. I was not having diamonds with me.

17 Q. I put it to you that Johnny Paul Koroma ordered Sam
18 Bockarie to arrest you for your cowardice?

19 A. Well, I did not know if Johnny Paul Koroma or Sam Bockarie
12:17:41 20 were the ones that ordered for me to be arrested.

21 Q. You had a diamond with you which you were going to sell and
22 escape the country, didn't you?

23 A. Never. I never had a diamond to sell it in another country
24 in 1997 and 1998.

12:18:06 25 Q. Issa Sesay disarmed you and your followers and took you
26 back to Kailahun, pursuant to Sam Bockarie's orders, didn't he?

27 A. It was not I and my followers. I and the officers. I
28 was -- it was not the officers that were following me. I was the
29 one that was following them.

1 Q. Issa Sesay arrested you and took you back to Kailahun,

2 didn't he?

3 A. It was not to Kailahun that he took me. It was to Buedu.

4 Q. Just for my own information, which district is Buedu in?

12:18:48 5 A. In Kailahun District where it is.

6 Q. I put it to you that you were robbed by Issa Sesay of your
7 diamond when you reached Buedu.

8 A. Maybe if Issa comes, he will show you the diamonds. But I
9 and Issa Sesay did not have any diamond of here that he took from

12:19:12 10 me. Never.

11 Q. When Issa Sesay took you to Buedu, you were placed,
12 initially, under house arrest with Mike Lamin, weren't you?

13 A. For -- yes, but it was not Issa that placed me under house
14 arrest, it was Mike Lamin.

12:19:34 15 Q. After JPK arrived in Kailahun, you were already there,
16 weren't you?

17 A. Yes.

18 Q. According to your evidence, you were told whilst you were
19 in Moa Barracks that JPK had arrived in Kailahun, hadn't you?

12:20:03 20 A. It was not like that they told. It was the commanding
21 officer that were there, Major Fonti Kanu. Nobody told me that
22 JPK had come. It was the officer that they told.

23 Q. The officer told you, did he?

24 A. The officer did not tell me. The officer said generally.
12:20:20 25 He said it generally.

26 Q. Then you and the officer, and others, proceeded to
27 Kailahun?

28 A. We did not continue. The commanding officer that was there
29 was the one that took us, who was Major Fonti Kanu.

1 Q. Why had he taken you to Kailahun?

2 A. Because, maybe he believed, or perhaps he did not believe.

3 Otherwise, he has released us first to go. When they could come,

4 they said that Major Johnny Paul Koroma had gone to Kailahun and

12:20:59 5 that's why he, too, joined the vehicle.

6 Q. So when you arrived, Johnny Paul Koroma wasn't in Kailahun,
7 was he?

8 A. No. He has not arrived there yet.

9 Q. So you would agree with me that not all the information
12:21:16 10 which you hear or receive from others is correct?

11 A. Well, I'm telling you that the information which the
12 officer received which made us -- make him to agree that he will
13 go was not true.

14 Q. It was not true?

12:21:41 15 A. Ask your question again.

16 Q. So the officer had received incorrect information?

17 A. Pertaining the arrival of Major Johnny Paul Koroma in
18 Kailahun was not a true information.

19 Q. So you'd agree with me that not all information you receive
12:22:05 20 is true?

21 MS THOMPSON: Your Honour, we've been over and over this
22 again. He said the information wasn't true. My learned friend
23 has asked the question: So you'd agree with me that not all
24 information you receive from other people is true. And he has
12:22:17 25 agreed, but we are going over and over it again. There has to
26 come a point where my learned friend has to draw a line on this
27 line of questioning. He's asked the question and he's answered
28 it.

29 PRESIDING JUDGE: Why are you going over it, Mr Agha?

1 MR AGHA: Because he seems to box around the question, so
2 it is difficult to get the direct answer from the accused.
3 Sometimes I have to, just be sure.

4 PRESIDING JUDGE: I think you have an answer there. I'd
12:22:42 5 move on.

6 MR AGHA: Thank you, Your Honour.

7 Q. Now, after you arrived in Kailahun, JPK was arrested and
8 humiliated, wasn't he?

9 A. Well, I want to know the time, or I want to know when you
12:23:11 10 are referring that when I reached Kailahun.

11 Q. Well, you said earlier in your evidence you were taken to
12 see Johnny Paul Koroma at Sam Bockarie's house in Buedu, and at
13 that time, Johnny Paul Koroma was not under arrest; is that
14 right?

12:23:32 15 A. They did not take me to see Major Johnny Paul Koroma. I
16 said they took me to Sam Bockarie. It was not to see him.

17 Q. But Johnny Paul Koroma happened to be there?

18 A. During that time, Johnny Paul Koroma was there. It was not
19 to Karaga that we went. It was to Buedu Town.

12:24:02 20 Q. While you were there at Sam Bockarie's house, Johnny Paul
21 Koroma was humiliated, wasn't he?

22 A. I do not get your question clearly.

23 Q. While you were at Sam Bockarie's house, did there come a
24 time when Johnny Paul Koroma was arrested?

12:24:32 25 A. Well, I did not tell you that I've ever lived in Sam
26 Bockarie's house, and that is the way the interpreter is asking
27 me, that while I was in Sam Bockarie's house. I've never
28 explained to this Court that I have lived in Sam Bockarie's house
29 in Buedu.

1 Q. Did you see Johnny Paul Koroma, at any time, being arrested
2 at Sam Bockarie's house in Buedu?

3 A. Ask that question again. And I'm telling Court, I'm having
4 problems with the interpreter, because the interpreter is telling
12:25:10 5 me that I was in Sam Bockarie's house, that was the place I was
6 living.

7 PRESIDING JUDGE: Mr Interpreter, is that what you put to
8 the witness, that he was living in Sam Bockarie's house?

9 THE INTERPRETER: Your Honour, the question is very
12:25:38 10 difficult to be answered by the other interpreters, because they
11 are in the other booth, and they are using the Krio channel. The
12 interpreter here speaking right now is in the English booth
13 channel. Except if he goes to the other booth and asks for the
14 interpreter to come and answer Your Honour's question.

12:25:56 15 PRESIDING JUDGE: Put the question again, Mr Agha.

16 MR AGHA:

17 Q. At any time while you were at Sam Bockarie's house, did you
18 witness Johnny Paul Koroma be arrested?

19 A. I never lived at any time in Sam Bockarie's house.

12:26:20 20 PRESIDING JUDGE: Look, if the Krio interpreter is putting
21 to this witness that he was living in Sam Bockarie's house, if
22 they are saying that, then they are wrong. The question is not
23 implying that he lived in the house. Mr Interpreter, can you
24 find out what's going on with the Krio interpreter.

12:26:43 25 THE INTERPRETER: The interpretation they gave him in Krio
26 was when he was at Sam Bockarie's house, did he witness, at any
27 time, when Major Johnny Paul Koroma was arrested and humiliated.

28 PRESIDING JUDGE: So you were not saying to the witness
29 that the question implies that the witness was living at Sam

1 Bockarie's house.

2 THE INTERPRETER: Not at all. That does not imply that he
3 was living there before.

4 PRESIDING JUDGE: Thank you. You've heard that, have you,
12:27:16 5 Mr Brima? The interpreter was not saying to you that you were
6 living at Sam Bockarie's house. Mr Agha is now going to ask you
7 the question again.

8 MR AGHA:

9 Q. When you were taken to Sam Bockarie's house, did you see
12:27:37 10 Johnny Paul Koroma being arrested?

11 A. I saw when the firing started, and I saw when he was placed
12 under gunpoint.

13 Q. Now, after Johnny Paul Koroma was placed under gunpoint,
14 where did you go back to stay?

12:28:08 15 A. After that arrest had happened to Johnny Paul, they locked
16 me in a dungeon.

17 Q. So you weren't taken back to Mike Lamin's house?

18 A. Mike Lamin's house, I was under my Mike Lamin. After I
19 spent some time in the dungeon, they took me back to Mike Lamin's
12:28:41 20 house.

21 Q. According to you, Sam Bockarie, aka Mosquito, was the RUF
22 commander in Kailahun, the so-called boss man; is that right?

23 A. I said he was their boss man in Kailahun.

24 Q. Did you see the RUF personnel salute him and treat him with
12:29:09 25 any kind of respect?

26 A. Well, they treated him with some kind of respect.

27 Q. Would you say that the RUF personnel feared Sam Bockarie?

28 A. Well, I cannot tell you now that they were afraid of him or
29 not but, from what I saw in Buedu, they treated him with some

1 respect.

2 Q. Now, when JPK had the guns pointed at him at Sam Bockarie's
3 house, whose order was that on?

4 A. From what I heard and saw, the person who gave order to
12:30:20 5 fire was Mike Lamin.

6 Q. And Sam Bockarie was present?

7 A. Sam Bockarie was there.

8 Q. I put it to you that no RUF personnel would have fired and
9 acted how he did to Johnny Paul Koroma without an order from Sam
12:30:25 10 Bockarie.

11 MS THOMPSON: Your Honour, how is the witness supposed to
12 know that? He has told this Court what he saw. Whether the
13 orders had come earlier or come from someone else, this witness
14 is not in a position to give that evidence.

12:30:41 15 PRESIDING JUDGE: That's purely argumentative, Mr Agha.
16 That's something you can submit when we're looking at the rest of
17 the evidence at the end of the trial. I've mentioned this to you
18 before, it's not much good putting your final submissions to this
19 witness. That's just arguing with him.

12:31:02 20 MR AGHA: Thank you, Your Honour, for your guidance.

21 Q. According to you, Issa Sesay told you, when he arrested
22 you, that he had orders from Sam Bockarie to kill you.

23 A. Well, he did not tell me that he had order from Sam
24 Bockarie. He said it was from Mike Lamin and Sam Bockarie, that
12:31:29 25 wherever he met me, he should kill me.

26 Q. Now, according to you, Issa Sesay spared you because you
27 were good to him when he first arrived in Freetown.

28 A. Well, that was what Issa said to me.

29 Q. So how were you good to Issa Sesay when he arrived in

1 Freetown?

2 A. Well, the only goodness that I knew that I was good to Issa
3 Sesay, I never had a problem with him and he used to pay me a
4 visit to my house.

12:32:06 5 Q. So would you say you had good relations with Issa Sesay
6 whilst the RUF and AFRC regime was in existence?

7 A. Well, I am not saying that, because I did not visit him.
8 But, therefore, that he made to pay a visit to my house, maybe he
9 liked me.

12:32:33 10 Q. I put it to you that Issa Sesay did not spare you because
11 of a friendship.

12 A. I did not get you clearly.

13 Q. I put it to you that Issa Sesay did not spare you because
14 you were good to him when he arrived in Freetown?

12:32:56 15 A. Well, he saved me as a result of that. That was he told
16 me.

17 Q. So, according to you, Issa Sesay ignored the orders of Sam
18 Bockarie and Mike Lamin to kill you?

19 A. Well, I cannot say he denied or did not deny. What Issa
12:33:21 20 told me is what I am explaining to this Court. He said it was
21 those orders that he got from Mike Lamin and Sam Bockarie.

22 Q. I put it to you that Issa Sesay was sent to arrest you on
23 the orders of Sam Bockarie, pursuant to JPK's orders?

24 A. Well, I'm telling you that, from what Issa told me, he did
12:33:43 25 not say Sam Bockarie or JPK or Johnny Paul Koroma. He said he
26 got his order from Mike Lamin and Sam Bockarie.

27 Q. You were arrested because you deserted your post at Kono,
28 weren't you?

29 A. I did not have a position in Kono. I was not the 16th

1 battalion commander.

2 Q. So you were a soldier, or were you no longer a soldier in
3 Kono?

4 A. From the time I went to Kono, I was a soldier. I was on
12:34:23 5 leave. I said I was not the one that commanded the 16th
6 battalion. They had their commanding officer.

7 Q. But a soldier is meant to fight, isn't he, in conflict?

8 A. Yes. A soldier can fight.

9 Q. You were arrested because you ran away from your obligation
12:34:44 10 to fight, weren't you?

11 A. Well, I am not telling you that from the work that they
12 gave me to fight. I have told this Court that, in Kono, I
13 decided not to fight.

14 Q. You hoped to escape with your diamonds and looted property
12:35:01 15 outside of Sierra Leone, didn't you?

16 A. I have told you that the route from Kono to Kailahun or Moa
17 Barracks was not motorable. If I looted, which property can I
18 carry? And I did not loot in Kono.

19 Q. So, according to you, you can't carry a diamond?

12:35:28 20 A. I did not have diamonds. I did not have diamonds.

21 Q. The Prosecution's case against you is that you fled Kono
22 with diamonds in order to escape; what do you have to say about
23 that?

24 A. It is a lie.

12:35:44 25 Q. Now, you were placed, eventually, with Mike Lamin in
26 Kailahun; is that right?

27 A. I did not get you clear.

28 Q. After JPK was arrested, you were taken to a dungeon and
29 then you were taken to Mike Lamin's house; is that right?

1 A. Yes.

2 Q. By March, you were no longer under house arrest, were you?

3 A. I was under house arrest.

4 Q. You'd worked with Mike Lamin before in the AFRC council,
12:36:32 5 hadn't you?

6 A. Mike Lamin was not in the AFRC council. He was in the
7 Supreme Council. Mike Lamin was in the Supreme Council.

8 Q. But you met him when the AFRC regime was in power, didn't
9 you?

12:36:50 10 A. Yes.

11 Q. You used to drive around Kailahun freely, didn't you?

12 A. Who? Mike Lamin?

13 Q. You.

14 A. I have told you that I was not driving in Kailahun. And,
12:37:14 15 to tell you the truth, I did not even have a vehicle in Kailahun.
16 I was under arrest in Kailahun.

17 Q. I put it to you that Sam Bockarie and you shared a common
18 interest in exploiting the diamonds of Kono and Kenema for
19 personal profit.

12:37:39 20 A. I never had that type of interest with Sam Bockarie that
21 you are alleging. And that man was a rebel, and I am a soldier.
22 We never sat and say let us have diamonds. If we had had that
23 type of plan, that man would not have arrested me or would not
24 have ordered my arrest.

12:38:05 25 Q. You were in Kailahun, according to you, for a long period
26 of time. Were you aware that Sam Bockarie had a radio set in
27 which he could communicate to Superman in Kono?

28 A. I know that Sam Bockarie was the RUF boss in Kailahun.

29 Q. And were you aware whether he had a radio set in which he

1 could communicate?

2 A. Well, I did not see it. I did not see a radio set through
3 which he communicated.

4 Q. And you didn't see any such communications over your
12:38:45 5 prolonged stay in Kailahun?

6 A. Well, I want to know the area that you are talking about in
7 Kailahun, because Sam Bockarie was in Buedu.

8 Q. So far as you are aware, you never saw Sam Bockarie
9 communicate over the radio with anyone?

12:39:11 10 A. Well, in Buedu, I did not even see a radio set with Sam
11 Bockarie. If he had it, I did not know, because I did not see
12 him with a radio set.

13 Q. Are you aware that Sam Bockarie used to arrange for arms
14 and ammunition to be taken from Kailahun to Kono?

12:39:35 15 A. I have told you that I am not a rebel. I know nothing
16 about that. Those are rebels. They never brought those type of
17 trucks to me.

18 Q. But are you aware that arms were being supplied from
19 Kailahun to Kono?

12:39:57 20 A. I did not know about that.

21 Q. Now, according to you, during the AFRC government, you
22 had no --

23 MR AGHA: Would this be a useful time to stop, Your Honour?

24 PRESIDING JUDGE: Yes, I think it would, Mr Agha.

12:40:26 25 Mr Brima, we're going to adjourn for lunch. Please don't discuss
26 the evidence with anybody.

27 THE WITNESS: Yes, My Lord.

28 [Luncheon recess taken at 12.44 p.m.]

29 [Upon resuming at 2.20 p.m.]

1 PRESIDING JUDGE: Yes, Mr Agha. There is counsel on her

2 feet. Yes.

3 CARLTON-HANCILES: Good afternoon, Your Honours. Your

4 Honours, counsel for the third accused called me about 30 minutes

14:17:42 5 and said that an emergency developed for him and he will be

6 running a bit late, that he should deputise him until he comes

7 back. I am doing so under the Directive of the Assignment of

8 Counsel and I am going to specifically under Article 26(E) of the

9 Directive.

14:18:09 10 PRESIDING JUDGE: Well, I see counsel coming, anyway. It

11 is good to see he had somebody to rely on.

12 CARLTON-HANCILES: Thank you, Your Honour.

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

14 MR AGHA:

14:18:23 15 Q. Mr Brima, this morning we were talking, amongst other

16 things about diamonds, and that you had none on you when you fled

17 from Kono after the intervention until the time of your arrest.

18 Do you remember?

19 A. I don't get you clear.

14:18:54 20 Q. This morning, we were discussing about diamonds and about

21 the fact that you had no diamonds with you when you fled from

22 Kono after the intervention until when you were arrested?

23 A. Yes, I didn't have anything to do with diamonds and I

24 didn't have any diamond in my possession.

14:19:19 25 MR AGHA: With the permission of the Court, could I kindly

26 read a transcript, from witness TF-045. It's 21st July 2005. I

27 shall be reading from page 57 from line 20 to page 58, up to line

28 2.

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

1 MR AGHA:
2 "Q. Okay, Mr Witness, now, earlier you told us in
3 examination-in-chief that you were sent by Mosquito to go
4 to the Buedu crossing to stop Gullit because he was about
14:20:14 5 to cross with the diamonds?
6 "A. That is not what I said. It is Issa who instructed,
7 not me.
8 "Q. Okay. Issa instructed you to go to Buedu crossing
9 point. Were you amongst the people who dispossessed
14:20:36 10 Gullit -- or who disarmed Gullit?
11 "A. Yes, I was among them.
12 "Q. Were you among those who took the diamond from him?
13 "A. Yes."
14 Now, that's the evidence of witness TF-045. Do you recall
14:21:02 15 who that witness was?
16 A. If you write the witness's name, I can recall - maybe.
17 MR AGHA: With the permission of the Court, I will write
18 the witness's name and pass it.
19 PRESIDING JUDGE: You can write it. Mr Brima, do you
14:21:29 20 recall saying words to that effect to any witness? I beg your
21 pardon. Do you recall any witness saying words to that effect in
22 this Court?
23 THE WITNESS: Well, I cannot recall, because if I see the
24 witness's name, perhaps I will be able to know the witness that
14:21:54 25 they are referring to.
26 PRESIDING JUDGE: All right. That will be handed to you.
27 Please don't read it out loud.
28 THE WITNESS: Yes, My Lord.
29 MR AGHA:

1 Q. Mr Brima, what do you have to say about what this witness
2 has said about you and about the fact that you were the person,
3 one of those people he took the diamond from?

4 A. This witness, they are the ones that arrested me, but I was
14:22:43 5 not in possession of diamonds, and when he said the witness said,
6 Issa insulted him. Issa was there. Issa was the one who
7 effected I and the other SLAs arrest and I did not have diamonds
8 with me.

9 Q. Now, why would this witness come to not tell the truth
14:23:06 10 about you having a diamond with you?

11 A. Well, this witness, this is a witness who has been paid.
12 He is a witness who has been promised that they would change
13 all -- they would re-settle them in a different country. So if
14 the witness wants to achieve those things, he would just have to
14:23:38 15 come and lie here.

16 Q. So according to you, this is a paid witness who lied?

17 A. Yes.

18 Q. Now, turning back to Morris Kallon's role in your escape
19 from Kailahun, because, according to you, you managed to escape
14:23:56 20 from Kailahun in around July 1998; is that right?

21 A. Well, I don't understand what you meant by that word
22 "emanate" because that's the way the interpreter put it to me. I
23 would like you to break it down so I would be able to understand
24 its meaning in Krio.

14:24:18 25 Q. According to you, you escaped from Kailahun in the month of
26 July 1998; is that correct?

27 A. Yes, but I did not escape alone. I came with Morris Kallon
28 who assisted me to escape.

29 Q. Witness, I just asked the question whether you escaped,

1 it's fine. You don't need to go into any more detail than that.
2 If there is any further information which you would like to give,
3 your learned Defence counsel can bring that out during
4 re-examination. The matters will move much more smoothly and
14:24:55 5 faster if you just answer the question. Thank you. Now,
6 according to you, during the AFRC government, you had no personal
7 relationship with Morris Kallon; is that correct?

8 A. No, that's not correct. I told that Morris Kallon's
9 brother, who was the SLA officer, he was my squad mate, and he
14:25:21 10 was one of my close friends.

11 Q. During the AFRC regime, did you have a personal
12 relationship with Morris Kallon; yes or no?

13 A. During the AFRC, the only relationship that I had with
14 Morris Kallon was that my brother was staying with me. And
14:25:45 15 Morris Kallon was able to know that his brother with me and his
16 brother was able to make me know that Morris Kallon was his
17 brother.

18 JUDGE SEBUTINDE: Sorry, the interpreter says, "My brother
19 was staying with me." Mr interpreter, is that a correct
14:26:02 20 interpretation of what the witness has said?

21 THE INTERPRETER: Your Honours, would the witness be asked
22 again to go over that bit?

23 JUDGE SEBUTINDE: Mr Brima, please repeat your answer.

24 THE WITNESS: I said, Morris Kallon's brother, who was an
14:26:32 25 SLA officer, he was my friend.

26 MR AGHA:

27 Q. Now, the fact that Morris Kallon's brother, who was an SLA
28 officer was your friend, this is the reason that Morris Kallon
29 favoured you in Kailahun; is that right?

1 A. He did not favour me in Kailahun, but because of his
2 brother, the relationship that I had with his brother, and when I
3 asked his request, he was able to assist me when I escaped.

4 Q. Now, according to you, what is the name of the brother of
14:27:20 5 Morris Kallon you're referring to, who you had a close
6 relationship with?

7 A. He was called Lieutenant Jeff Kallon, or retired Jeff
8 Kallon.

9 Q. According to you, he was a squad mate of yours; correct?

14:27:41 10 A. Yes.

11 Q. You trained together; correct?

12 A. We did not train together, but when we were at Kabasa
13 Lodge, we were in the same squad.

14 Q. And Jeff Kallon is an officer; correct?

14:28:04 15 A. Yes. He became an officer later. During the time that we
16 were at Kabasa Lodge, he was already in the other rank, like me.

17 Q. I put it to you that you had no personal relationship with
18 Jeff Kallon.

19 A. I myself, I'm telling you that you do not know Jeff Kallon.
14:28:28 20 The people who were in Sierra Leone who knew Jeff Kallon, if the
21 opportunity arises, they will tell you that Jeff Kallon had a
22 personal relationship with me.

23 Q. I put it to you that Jeff Kallon never met you in Kailahun
24 between February and July 1998?

14:28:50 25 A. I myself, I'm telling you that I and Jeff Kallon left Kono
26 with the SLA officers to go to Kailahun.

27 Q. Morris Kallon was not based in Kailahun when you say you
28 were there between February and July 1998, was he?

29 A. Morris Kallon was really not at Kailahun during that time.

1 But later, he went to Kailahun.

2 Q. When did he go there later?

3 A. I cannot recall the time. I cannot recall the month, but
4 it was in 1998.

14:29:33 5 Q. I put it to you that it's a lie that Morris Kallon helped
6 you to escape from Kailahun to Kono in 1998?

7 A. I'm also telling you that it's a lie, that you want me to
8 accept Morris Kallon, he was the one who assisted me so as to
9 leave Kailahun and come to Kono.

14:30:01 10 Q. Morris Kallon and Issa Sesay are both facing similar
11 charges as you before the Special Court, aren't they?

12 A. No, they're not facing the same charge as I.

13 Q. Similar charges.

14 A. No, I don't know how similar they are.

14:30:22 15 Q. Morris Kallon and Issa Sesay are both currently in the same
16 detention unit as you, aren't they?

17 A. Yes.

18 Q. According to you, you meet every day with Morris Kallon at
19 the detention centre, don't you?

14:30:38 20 A. You are quite correct, but we did not discuss things about
21 my case, but we do meet every day. Even just now, when I was
22 going to test my pressure in the doctor's office, Morris Kallon
23 also went there, but I did not discuss my case or the evidence
24 that I give in this Court.

14:30:57 25 Q. I put it to you that, together with Morris Kallon, you have
26 made up this part about Morris Kallon assisting you to escape
27 from Kono to Kailahun in July 1998.

28 A. It's a real story that I'm telling you. It is not a made
29 up story. If it were a made up story, perhaps I would have

1 included Issa, or whosoever who is in detention who is in RUF I
2 should have included in there, but this a real story that I'm
3 giving to you, Morris Kallon was the individual who assisted me
4 or helped me to leave Kailahun to come to go to Kono.

14:31:38 5 Q. So Morris Kallon helped you, because you knew his brother?

6 A. Not because I knew his brother. Morris Kallon assisted me
7 because I was a friend with his brother and that of his brother,
8 I took him as one of my best friends, because we used to do
9 things in common. We shared. We did not share the same block,
14:32:06 10 but we shared the same line at 7th Battalion. He was at C2 room
11 39 and he was C2 room 40 at 7th Battalion, Goderich.

12 Q. And this best friendship continued up to 1997, 1998, did
13 it?

14 A. It continued -- it started when we were with Captain
14:32:34 15 [indiscernible] Strasser in 1992 up to the time that the AFRC was
16 ousted from power. That's the time our friendship continued.

17 Q. The truth is that you left Kailahun voluntarily at
18 Mosquito's request in May, didn't you?

19 A. No. I did not do anything voluntarily. I was arrested in
14:32:58 20 Kailahun, and it was God that made -- it was God that directed
21 Morrison Kallon to escape -- make me escape.

22 Q. It's a lie that you left Kailahun in July, isn't it?

23 A. It is true that I'm telling you that I left Kailahun in
24 1998.

14:33:24 25 Q. The truth is that on Mosquito's request, you went to Kono
26 where you resupplied Superman and the second accused with rice
27 and alcohol, isn't it?

28 THE INTERPRETER: My Lord, may the counsel repeat his
29 question again.

1 PRESIDING JUDGE: Did you hear that from the interpreter?

2 THE WITNESS: I did not get the interpreter. He started
3 off, but I did not get it complete.

4 MR AGHA:

14:33:52 5 Q. I will start again, Mr Brima. The truth is that on
6 Mosquito's request, you went to Kono where you resupplied
7 Superman and the second accused with rice and alcohol, isn't it?

8 A. No, it is not like that. I escaped through the help of
9 Morris Kallon.

14:34:17 10 Q. I again put it to you that Sam Bockarie sent you to Kono to
11 act as a liaison between the SLA and the RUF forces under the
12 command of accused number 2 in May 1998.

13 MS THOMPSON: Asked and answered, Your Honours.

14 PRESIDING JUDGE: I will allow it, Mr Agha.

14:34:46 15 MR AGHA:

16 Q. I put it to you again that Sam Bockarie sent you to Kono to
17 act as a liaison between the SLA and RUF forces under the command
18 of accused number 2 and Superman, didn't he?

19 A. It was not like that. And what you are telling me now is a
14:35:14 20 lie. Mosquito never gave me any order to go be a liaison in
21 Kono.

22 Q. According to you, you were not under guard whilst you were
23 escaping with Morris Kallon to Kono, were you?

24 A. What do you mean by that?

14:35:38 25 Q. Were you under guard? Did you have people around you with
26 weapons guarding you as an escapee?

27 A. My movements were restricted. It's only to Kailahun, if I
28 wanted to leave here, like, how you have the Special Court here,
29 to go to detention, you see I should have a pass. It is not only

1 to me it happened to. It happened to most of the SLAs that were
2 in Kailahun.

3 Q. But when you were travelling from Kailahun to Kono with
4 Morris Kallon, were you marching along ordinarily or were there
14:36:13 5 people guarding you?

6 A. There were no people that were guarding me.

7 Q. Were your hands tied up in any way?

8 A. My hands were not tied.

9 Q. According to you, you were travelling with an escapee with
14:36:43 10 Morris Kallon, who you yourself are not 100 per cent confident
11 about; is that right?

12 A. I did not have 100 per cent confidence in him. But when I
13 explained to him my problems, he told me that he was going to
14 escape with me and he said I accepted to go.

14:37:02 15 Q. So why didn't you escape en route from Kailahun to Kono?

16 A. What do you mean by road? Let me get that one first.

17 Q. You were travelling, as an escapee, from Kono to Kailahun;
18 correct?

19 A. Yes.

14:37:32 20 MS THOMPSON: Your Honour, I think the evidence is from
21 Kailahun to Kono.

22 MR AGHA: I apologise. I correct myself.

23 Q. When you were travelling from Kailahun to Kono, as an
24 escapee with Morris Kallon, why didn't you try and escape.

14:37:46 25 MS THOMPSON: Your Honour, escape from what? My
26 recollection of the evidence is that he's -- he was then an
27 escapee. Where is he escaping to now? From what? His evidence
28 was that he was escaping with Morris Kallon. He didn't say
29 Morris Kallon had arrested him.

1 PRESIDING JUDGE: Yes, what do you say to that, Mr Agha?

2 MR AGHA: My understanding is that the accused is escaping
3 and, in his evidence, his position was as an escapee, and that,
4 even at that time, he did not have confidence in the RUF because
14:38:22 5 they changed from time to time in the way they treated people.
6 So he, himself is saying he is an escapee.

7 PRESIDING JUDGE: Wasn't he already in the process of
8 escape if he was an escapee. You've asked him why didn't he
9 escape.

14:38:41 10 MR AGHA: From the people he was with. That's what I'm
11 asking.

12 PRESIDING JUDGE: Weren't they assisting in the escape.

13 MR AGHA: Well, that's not the case for the Prosecution,
14 Your Honour.

14:38:51 15 PRESIDING JUDGE: I think you better put it to him clearly,
16 Mr Agha.

17 MR AGHA:

18 Q. Mr Brima, whilst you were travelling from Kono to
19 Kailahun -- Kailahun to Kono, I beg your pardon -- you didn't try
14:39:11 20 to escape because you were welcome with the people you were
21 travelling with?

22 A. Well, Morris Kallon was the one that assisted me so as to
23 escape to Kono. And from Kailahun to Kono, I had no other route
24 through which I would be able to escape.

14:39:37 25 Q. So are you saying, if you had the chance, you would have
26 run away from the journey from Kailahun to Kono?

27 A. Well, I did not say that. The area in which I had the
28 opportunity was in Kono and since I had the opportunity in Kono,
29 I saw that it was open from what Morris Kallon told me. That is

1 why I hid from Morris Kallon. I went to my own town.

2 Q. Once you reached Kono, this is where Morris Kallon told you
3 that Superman had been told to arrest you; is that right?

4 A. Yes, it was in Kono that Morris Kallon gave me the
14:40:22 5 information that, or he told me that Superman said that I had
6 escaped from Kailahun, Sam Bockarie had given him the order to
7 arrest me.

8 Q. And you escaped just by walking away; is that right?

9 A. Well, I wouldn't say that I just walked away. When Morris
14:40:45 10 Kallon told me this, on the day that he told me, I made up my
11 mind so as to hide from Morris Kallon.

12 Q. And how did you escape? You just walked away, didn't you?

13 A. I did not just walk away. I met my friend in Kono, who was
14 a Gambian who was called Singate. I talked to him. He assisted
14:41:16 15 me with a vehicle which made me to escape.

16 Q. Now, my question to you was: When you were in Kono, and
17 you had been brought there by Morris Kallon, you just walked
18 away.

19 A. When he brought me there, I don't just walk away. I went
14:41:45 20 on leave to my family house in Kono.

21 Q. But no one stopped you?

22 A. Because I was under the command of Morris Kallon, who
23 assisted me to escape. And he also is respecting the RUF.

24 Q. I put it to you that you went from Kailahun to Kono
14:42:10 25 entirely voluntarily.

26 A. I'm telling you that it was not voluntary. And God
27 answered me and I was happy that I was with Morris Kallon. In
28 other words, I should have been arrested by the RUF. That's the
29 RUF personnel in Kono.

1 Q. But because you knew Morris Kallon's brother, Morris Kallon
2 ignored Superman and helped you to escape?

3 A. Well, I will not tell you that he ignored Superman. He
4 gave me the information he himself. He said, "Fellow, they have
14:42:54 5 sent a message against you so that Superman can arrest you."

6 Q. Didn't Morris Kallon help you escape in the evening?

7 A. I did not tell you that it was in the evening that Morris
8 Kallon has assisted me so as to escape. It was in Kono. When I
9 was leaving Kono, Morris Kallon himself did not know. From the
14:43:14 10 time that he told me the message, I'd already made up my mind.

11 Q. Now, what clothes were you wearing as you travelled with
12 Morris Kallon from Kailahun to Kono?

13 A. I was in civilian clothing.

14 Q. I put it to you that your whole story about escaping from
14:43:54 15 Kailahun to Kono is an absolute lie.

16 A. I am also telling you that it's not a lie. All that I've
17 told you is a complete truth and you want me to tell lies to this
18 Court. So what I experienced, what happened to me was what I
19 explained.

14:44:29 20 Q. So when you reached Kono, the same day you escaped; is that
21 right?

22 A. Well, it was not on the same day that I escaped, but when I
23 heard information from Morris Kallon, that day, the next day, I
24 made up my escape.

14:44:44 25 Q. So you didn't escape immediately upon your arrival in Kono.
26 How many days did you stay there before you made your escape?

27 A. I spent a day in Kono, which was 17th July 1998. And I
28 escaped on 18th July 1998.

29 Q. And prior to your escape, were you detained?

1 A. They did not detain me. Nobody detained me. I told you
2 that I used the influence of Morris Kallon to escape.

3 Q. And when you escaped, you didn't immediately head to Yayah,
4 did you?

14:45:39 5 A. Well, I passed through towns and villages before I arrived
6 at Yayah.

7 Q. But you didn't immediately head to Yayah, did you? You
8 went to Koidu Town, didn't you?

9 A. Listen, let me tell you. When we came to Kono with Morris
14:46:03 10 Kallon from Kailahun, it was at Koidu Town. That was where we
11 were based with Morris Kallon.

12 Q. So why didn't you go straight from Koidu Town to Yayah,
13 immediately, once you heard that Superman wanted you arrested?

14 A. It was not when I arrived that I heard that, sir, it was
14:46:26 15 Morris Kallon that gave me the message that all the information
16 that Superman said, Mosquito had given him an order to arrest me
17 and I made my escape on 18th July 1998.

18 Q. Why didn't you go directly to Yayah?

19 A. Well, say going directly to Yayah, I did not go directly to
14:46:50 20 Yayah. I'm telling you that Yayah -- all the towns I passed
21 through to go to Yayah, all, were towns and villages leading from
22 Koidu Town to Yayah.

23 Q. Now, you go to Koidu Town to see your friend Singate, don't
24 you?

14:47:08 25 A. It was not to go and see my friend Singate. When I arrived
26 at Koidu Town, I came to know that Singate was at Koidu Town.

27 Q. How did you come to find that information?

28 A. I met some of my relatives at Koidu Town.

29 Q. So within the day in which you arrived in Koidu Town, and

1 then heard that Superman wanted to arrest you, you met your
2 relatives?

3 A. No, I met my family. Some were under arrest. By the RUF.

4 Q. And they were kept in Koidu Town under arrest by the RUF,
14:47:56 5 and you were freely mixing with them?

6 A. Their movements were restricted at Koidu Town. The ones
7 that I met, when -- who were arrested by the RUF, they were the
8 ones that explained to me that the other family were there and
9 they told me that my friend was around, who was Singate.

14:48:20 10 Q. And lucky for you, Singate also wanted to leave Koidu
11 immediately?

12 A. Well, that is what he told me when we were escaping.

13 Q. So lucky for you you had a vehicle ready, wasn't it?

14 A. I did not have a motor car ready. I did not know that
14:48:43 15 Singate had a vehicle, but due to Singate, whom I met on the
16 ground, that is how I came to know that he had a vehicle, when I
17 discussed with him.

18 Q. And after you discussed with him, did you go back to where
19 you were staying, or did you stay with Singate?

14:49:05 20 A. No, I did not stay with Singate. From where I explained to
21 Singate, which was 18th July 1998, that is where we decided to
22 escape.

23 Q. So you came to Kono and, within a day, you'd made a plan to
24 escape?

14:49:28 25 A. Yes.

26 Q. Now, according to you, the RUF had total control over the
27 towns through which you passed from Koidu to Yayah, didn't they?

28 A. Yes.

29 Q. You had to pass through RUF checkpoints, didn't you?

1 A. Yes.

2 Q. Roughly how many RUF checkpoints did you pass through?

3 A. Those that I could recall were Yomandu Town at the Sandor
4 Chiefdom.

14:50:14 5 Q. You did not personally have an RUF pass, did you?

6 A. I am telling you that I did not have an RUF pass.

7 Q. So how did you get through the checkpoint?

8 A. Well, Singate, he was or he was with the RUF, so I used
9 Singate's influence -- see, when we reached the checkpoint, the
14:50:48 10 Yomandu checkpoint, and he that was driving, he was the one that
11 told the people that who were going to such and such a town.

12 Q. So Singate is an RUF man now, is he?

13 A. He was not -- he was not an RUF man. He was a Gambian.

14 Q. But he was a member of the RUF. Why else would they allow
14:51:10 15 him through the checkpoint?

16 A. He was not a member of the RUF, but RUF had arrested him
17 for so long and he was used to them.

18 Q. So they had arrested him, the RUF, but they still allowed
19 him through the checkpoint?

14:51:30 20 A. Because he was appointed to the RUF. As I keep telling
21 this Court, I knew him in Kono as a diamond dealer, a yila man.
22 That's the common way we used to call them and from the time I
23 left Kono, when RUF arrested him, as what he told me, according
24 to what he told me, RUF already had a trust in him, that he was
14:51:55 25 somebody that would stay in Kono that would not escape.

26 Q. I put it to you that it's a complete lie that within a day
27 of you arriving in Kono you planned an escape with your friend
28 Santigie [sic] to Yayah?

29 MS THOMPSON: Your Honour, the evidence is not about a

1 Santigie.

2 PRESIDING JUDGE: Singate.

3 MR AGHA: Singate. I apologise.

4 PRESIDING JUDGE: You better put that again.

14:52:19 5 MR AGHA:

6 Q. I put it to you that it's a complete lie that within one
7 day of arriving at Kono you planned an escape with your friend
8 Singate.

9 A. I myself, I'm telling you that it's a true story that I'm
14:52:35 10 telling you. I'm a soldier. Even though I was escaping from
11 Kailahun to Kono. I did not still have confidence to stay among
12 the RUF because I knew what they did to me in Kailahun. When my
13 fellow SLA soldiers would do such a thing to the platoon, not do
14 something that is worse, compared to what they did to me.

14:52:57 15 Q. But you travelled with the RUF all the way from Kailahun to
16 Kono, didn't you?

17 A. I travelled with Morris Kallon, one of the RUF strongmen.

18 Q. So if you had fear of the RUF, it comes back to the
19 question: Why didn't you try and escape while you were
14:53:24 20 travelling from Kailahun to Kono?

21 A. Well, I'm telling you that fear is not something that one
22 would have to express, but within myself, see, I was afraid.
23 That was why I made a very good calculation so as to escape and
24 go back to Kono from what Morris told me.

14:53:49 25 Q. I put it to you that if you were truly afraid, you would
26 have tried to escape on the way from Kailahun to Kono.

27 A. I had tried to escape in Kailahun. I was not able to. I
28 knew the way that I was treated by the RUF. And, from Kailahun
29 to Kono, that you see, the shortest route to escape was to go

1 towards Guinea and I'd heard that they used to capture soldiers
2 and surrender them and that they were killing soldiers, so I was
3 looking at the safety of my life.

4 Q. You travelled voluntarily from Kailahun to Kono with the
14:54:31 5 RUF in July 1998, didn't you?

6 A. It was because I talked to Morris Kallon, who assisted me.

7 Q. Now, when you made escape with your friend, how many
8 vehicles travelled with you from Koidu Town to your village
9 Yayah?

14:55:01 10 A. Well, for me, it was Singate's vehicle. It was the one in
11 which I was, which was a Land Rover.

12 Q. But were there other vehicles following you, in front of
13 you, with you, who were part of your group?

14 A. I did not have a group.

14:55:22 15 Q. The only people escaping with you were in Singate's
16 vehicle; is that correct?

17 A. Well, going towards Yayah, I saw other -- going towards
18 Kayima, I saw other vehicles again, but the vehicle with which I
19 escaped was that of Singate.

14:55:44 20 Q. When you left Koidu Town with Singate, the people you
21 escaped with were only in Singate's vehicle?

22 A. Well, when I was not able to know whether everybody was in
23 Singate's motor car. So those that were in the motor car, I was
24 able to recognise them.

14:56:10 25 Q. So there could have been other people escaping with you who
26 you didn't know?

27 A. Well, all I can say is that the people that were in the
28 vehicle with Singate, I knew them.

29 Q. And who were they?

1 A. Some SLA soldiers were there. And some civilians who made
2 me to get to be in contact with Singate. They themselves were
3 there.

4 Q. Anybody else?

14:56:44 5 A. Well, these are the people that I've called, both civilians
6 and soldiers.

7 Q. What about your aunt? Wasn't she in the vehicle with you?

8 A. Which of my aunts?

9 Q. The one you named in your evidence, apparently there is
14:57:05 10 your aunt, who was your late dad's sister?

11 A. Which aunt. Please call her name.

12 Q. You don't give the name. It was your aunt who was your
13 late dad's sister, and her children, accompanied you.

14 A. That's why I told you that. Call that aunt's name, because
14:57:29 15 the only thing that I'm -- I said was that they killed my aunt at
16 Yayah.

17 Q. So there were no children travelling in the vehicle with
18 you either then?

19 A. I told you that I had soldiers were there, with whom I was
14:57:48 20 escaping and civilians.

21 Q. I put it to you that it's a total lie that you escaped in a
22 vehicle with Santigie and the people you name you escaped with,
23 who you saw in that vehicle.

24 MS THOMPSON: Can my learned friend repeat the name again,
14:58:05 25 please, at least for the records. I think I know you who meant,
26 but for the records.

27 MR AGHA:

28 Q. Singate. It's a total lie, Mr Brima, isn't it?

29 A. I'm telling you that the man about which you are talking

1 about, Mr Tamba Brima, he's telling the truth. He wants me to
2 say lies, but I will not do so. So what I am telling you is the
3 truth. Perhaps if you were there, you would have said, "Yes,
4 this young man is telling the truth to me."

14:58:37 5 Q. I put it to you that you arrived in Yayah with a whole
6 troop of SLAs under your command.

7 A. I'm telling you that if I had arrived with the whole troop
8 of SLA who were under my command, maybe -- perhaps I would have
9 been able to defend Yayah, but I was not able to reach Yayah with
14:58:58 10 the whole troop and I was not in a position to command a whole
11 troop of SLA.

12 Q. But, according to you, at one point in time, you did reach
13 your village of Yayah?

14 A. I arrived at Yayah. The only time that I reached there was
14:59:20 15 on 18 July 1998.

16 Q. It's strange you can remember that date so well when you
17 can't remember so many other months, isn't it?

18 A. Well, certain things that happen to somebody as a human
19 being, you must recall it. For instance, the way they arrested
14:59:41 20 me and took me to Pademba Road Prison. I will never forget that
21 date.

22 Q. What about when your father died and you were told about it
23 by your relatives through Mr Ali. I would say that's quite a
24 date you wouldn't forget in your life, wouldn't you, and a time?

15:00:03 25 A. I want to know who is Mr Ali, because I've never spoken
26 about Mr Ali, that he told me about my father's death. I don't
27 know that Mr Ali. Maybe it is Ali that is his first name or
28 surname. If you tell me about the Ali, then maybe I will recall.

29 Q. But you don't recall when you were first told by relatives

1 when your father had died? You don't remember that particular
2 moment, do you?

3 A. I know the dates on which my father died, because I love my
4 father.

15:00:42 5 Q. But the time you were first told about his death, you'd
6 remember that time, wouldn't you, whether it was a morning or the
7 afternoon or the evening?

8 A. I cannot recall the right time, but I know that my father
9 died on the 31st and I was in hospital. I was admitted at the
15:01:04 10 military hospital at 34. It was the same hospital in which my
11 father was admitted. He was in the surgical ward while I was in
12 the medical ward. When I say surgical, he was in the main
13 surgical and I was in the male medical ward.

14 Q. What you are telling us is that when you were first told
15:01:32 15 that your father had died, you couldn't remember whether it was a
16 morning, afternoon or evening, could you?

17 PRESIDING JUDGE: He has answered that, Mr Agha.

18 MR AGHA: I'll move on, Your honour.

19 PRESIDING JUDGE: You can submit this in your final
15:01:44 20 arguments. It is no good quarrelling with him.

21 MR AGHA:

22 Q. Now, you have said you did reach Yayah at one point in
23 time. Now, you meet and instruct your defence counsel, don't
24 you?

15:02:00 25 MR FOFANAHA: Sorry, Your Honours. That interpretation is
26 unclear. He was talking about structures. I don't know that is
27 what counsel meant. The interpretation talked about structures.
28 I'm not sure that is what you meant.

29 PRESIDING JUDGE: What is the point? Is there a question

1 you can get straight to the point, Mr Agha.

2 MR AGHA: I asked him, "You meet your defence counsel,
3 don't you?"

4 PRESIDING JUDGE: Well, I hope not recently, because he's
15:02:32 5 been giving evidence in the witness box.

6 MR AGHA: During the course of the Prosecution case.

7 JUDGE SEBUTINDE: Mr Agha, isn't that obvious?

8 THE WITNESS: Yes, My Lord. I want to use the restroom.

9 PRESIDING JUDGE: All right, Mr Brima. We'll have a short
15:02:58 10 break. The Court attendant can tell us when we can continue.

11 [Break taken at 3.06 p.m.]

12 [Upon resuming at 3.21 p.m.]

13 PRESIDING JUDGE: Carry on, Mr Agha.

14 MR AGHA: Thank you, Your Honour. With the permission of
15:18:31 15 the Court, could I ask the piece of transcript of TF-033 be
16 passed to the Bench. It's dated 12 July 2005, page 35. I'll be
17 reading from lines 3 to 13.

18 PRESIDING JUDGE: Yes, go ahead.

19 MR AGHA:

15:19:24 20 Q. Mr Brima, this piece of transcript I'm going to read to
21 you, concerns witness TF-033, who accused you of abducting him
22 and taking him to Yayah. This is the cross-examination of that
23 witness by your defence counsel. I'll read from line 3.

24 A. I don't know the witness's name.

15:19:56 25 Q. We can, with the permission of the Court, pass a piece of
26 paper. I'll continue reading. Is that okay? Mr Brima?

27 A. Yes.

28 Q. "Q. Given that you had said that you were one of the AFRC
29 sympathisers and that poor SLPP people were about to -- you

1 felt threatened by poor SLPP people, that's why you ran
2 away with the AFRC, you must have been very happy when he
3 said that, were you not?
4 "A. No.
15:20:53 5 "Q. You were not?
6 "A. No.
7 "Q. Mr Witness, I put it to you that at no time was Tamba
8 Brima in Yaya nor did he make a speech in Yaya."
9 So, even your own defence counsel are questioning whether
15:21:15 10 or not you were in Yayah. Were you in Yayah with the abducted
11 witness 033?
12 A. No.
13 Q. I put it to you that you are just making up your evidence
14 as you're going along, aren't you?
15:21:49 15 A. I'm also telling you that, no, I'm not making up any
16 witness here. This witness did not say the truth. He was lying
17 to you.
18 Q. Well, your defence counsel suggested to that witness that
19 you were not even in Yayah.
15:22:05 20 A. I didn't get you clear.
21 Q. Your own defence counsel suggested to that witness, who is
22 allegedly lying, that you were not in Yayah.
23 A. The time that I was at Yayah, this witness was not there
24 and, this witness, I know him. He was not at Yayah.
15:22:30 25 Q. So why did your defence counsel suggest to him that you
26 were not at Yayah?
27 A. Yes, at the time the witness was referring to that I was at
28 Yayah, maybe that was the reason why the defence counsel told him
29 that I was not there. By the time I was at Yayah, the witness

1 was not there.

2 Q. I say again you are just making up your evidence as you go
3 along, aren't you? Not even your defence counsel knows what it
4 is, do they?

15:23:01 5 PRESIDING JUDGE: I won't allow that question, Mr Agha.

6 MR AGHA:

7 Q. I'm putting to you, you're just making up your evidence as
8 you go along.

9 A. I'm not making up any evidence. It is you who is trying to
15:23:14 10 play around me. But I'm telling you that what this witness told
11 you is a lie; that he was at Yayah with me.

12 Q. Did you discuss your versions of the events, which you have
13 given in evidence before this Court, with your lawyers before you
14 gave your evidence?

15:23:33 15 MS THOMPSON: Your Honour, I object to that.

16 PRESIDING JUDGE: I won't allow that, Mr Agha.

17 JUDGE DOHERTY: Privilege.

18 MR AGHA: Your Honour, if I may respond to that? I don't
19 think that privilege falls within whether or not he has discussed
15:23:48 20 his evidence with his lawyers. He either has or he hasn't.

21 Learned Justice Sebutinde noted before the break that, of course,
22 he was discussing his case with his lawyers. I believe that
23 we're entitled to know whether he is discussing his case with his
24 lawyers.

15:24:10 25 JUDGE SEBUTINDE: You may be entitled to know whether he
26 discusses anything with his lawyers, but surely it is privileged.
27 The content of those discussions are privileged. Is that the
28 point you are trying to raise; the content of their discussions,
29 or are you saying that somehow the defence lawyer and accused

1 number one breached some kind of protocol by discussing his
2 testimony?

3 MR AGHA: Not at all. I'm not making any suggestion of
4 that sort. What I am suggesting is that this witness, who has
15:24:43 5 come and given evidence in this Court, about matters which hadn't
6 been raised before, and I'm wanting to know, not the detail of
7 what matters he discussed with his lawyers, but whether or not he
8 did, in fact, discuss his evidence with his lawyers.

9 PRESIDING JUDGE: Mr Agha, firstly, I've already disallowed
15:25:03 10 the question. I didn't disallow it on the grounds of privilege,
11 although now that that has been raised, yes, it is privilege.
12 You can't go asking this witness the subject matter of what he
13 discussed with his lawyer. No matter what way you put it, that's
14 exactly what you're asking him. You're not simply asking did he
15:25:24 15 discuss matters, did he have a talk with his lawyers. You're
16 specifically referring to this incident at Yayah, and that is
17 privilege; what he discussed in that regard with his lawyer.

18 Why I disallowed the question, anyway, was that he's given
19 you an answer. He said that when he was in Yayah, this witness
15:25:48 20 was not there. Now, all you've got to contradict him is this
21 question put by his counsel which says, "Mr Witness, I put it to
22 you that at no time was Tamba Brima in Yaya, nor did he make a
23 speech in Yaya." Now, perhaps it's unfortunate that the counsel
24 worded it in that way. In other words, he uses the expression
15:26:15 25 "at no time." To me, I interpret that question as he was
26 referring to a specific incident, that this witness gave evidence
27 of, where Mr Brima was allegedly in Yayah and made a speech.
28 That's what the question is directed at.

29 Now, you've just heard the witness say he was in Yayah, but

1 not at the same time as this witness in question. That's why I
2 disallowed your question.

3 MR AGHA: I'll continue, Your Honour.

4 Q. You didn't want to provide a summary of your evidence to
15:26:58 5 this Court, did you, or the Prosecution?

6 A. My summary in this Court is the charge against me, or the
7 indictment against me. Because, before I was indicted, or when I
8 was indicted, I never made a statement to the person who arrested
9 me, or who indicted me.

15:27:18 10 Q. No. But you were required, under the rules of this
11 tribunal, to give a summary of your evidence.

12 MS THOMPSON: Your Honour, this was the subject --

13 PRESIDING JUDGE: No, that's not correct. I won't allow
14 that question.

15:27:36 15 MR AGHA:

16 Q. Did you decline to give a summary of your evidence before
17 this Court?

18 MS THOMPSON: Your Honour, may I object to that question.
19 This was something that was laboured before this Court and, in
15:27:47 20 fact, there was one order and eventually there was another order
21 from this Court. For my learned friend to now start putting that
22 to this witness, I don't know what the purpose is, but it seems
23 to me if the purpose is to show that this witness has been
24 withholding something, or there was a particular reason why he
15:28:02 25 refused to have his summary disclosed to the Prosecution, I
26 think, is unfair. There were orders made by this Court. I don't
27 know what my learned friend is trying to do now. Those orders
28 were complied with, and when they weren't complied with, there
29 was another order made by this Court.

1 PRESIDING JUDGE: What's your reply to that, Mr Agha?

2 MR AGHA: My reply to that, Your Honour is: there was
3 initially an order for a summary to be provided, it wasn't
4 provided on the due date, it then still wasn't provided --

15:28:32 5 PRESIDING JUDGE: Let me hold you up there. When that
6 first order was made, it was a consent order. The merits of such
7 an order were never discussed. It was made out to this tribunal
8 that both parties were consenting. So that the Court simply, to
9 give effect to that, mirrored it in an order, which was in the
15:28:56 10 form of a consent order. As it turned out, there was no consent
11 from Mr Brima. We never ever went into the merits of the
12 possibility of actually ordering an accused to supply the
13 Prosecution with a summary of facts of his own evidence.

14 Go on from there, but remember what we said earlier in
15:29:18 15 Court, that that was originally a consent order, and we did not
16 look into the merits.

17 MR AGHA: I will try to ask him another question and see
18 how we go.

19 PRESIDING JUDGE: Before you go any further, you put it to
15:29:34 20 him that -- your question was certainly disallowed, but under
21 what rules of this tribunal were you referring to that obliges
22 him to provide a statement - summary, rather, of his own
23 evidence?

24 MR AGHA: Your Honour, I will look up the Rule, but I think
15:29:53 25 off hand it might be under Rule 73ter. I will just check. I was
26 referring, Your Honour, to Rule 73ter(B)(iii) and (ii) and
27 (iii)(b). I think probably (iii)(b) is the most applicable one.

28 MS THOMPSON: Your Honour, if I may? May I just say that
29 my understanding of this is that it is referring to witnesses,

1 not to the accused giving evidence in his own defence. My
2 understanding is that the accused giving evidence in his own
3 defence is different from other witnesses that the defence -- are
4 to be called.

15:32:24 5 PRESIDING JUDGE: Yes.

6 MS THOMPSON: In any event, this was all ironed out before
7 the trial started. I'm not sure why my learned friend is
8 bringing it up now as a means of cross-examining this witness.

9 PRESIDING JUDGE: That's right. It was ironed out before
15:32:37 10 the trial started and there is jurisprudence on this. But,
11 firstly, we did not make an order under Rule 73ter that concerned
12 the accused.

13 Now, the reason a few moments ago I emphasised the fact
14 that the original order was a consent order relates to Rule 97,
15:32:59 15 lawyer and client privilege. You will see that all
16 communications between lawyer and client shall be regarded as
17 privileged and, consequently, disclosure cannot be ordered unless
18 (1) the client consents to such disclosure.

19 Now, our original order was made on the basis that Mr Brima
15:33:22 20 had consented. Once we learned that Mr Brima had not consented,
21 we saw fit not to enforce such an order. What I'm saying to you,
22 Mr Agha, is that it was unfair and incorrect, and inaccurate of
23 you to put to this witness he was obliged under the rules of this
24 tribunal to give a summary of facts to the Prosecution of his own
15:33:52 25 evidence.

26 MR AGHA: I apologise, Your Honour.

27 PRESIDING JUDGE: Yes, accepted. Move on, Mr Agha.

28 MR AGHA:

29 Q. Why didn't you want to give a summary of your evidence

1 before this Court?

2 A. Well, all that I knew before this Court was that my
3 indictment -- that I was indicted was the reason why I really
4 came to respond before this Court. Because the person who
15:34:41 5 arrested me, he never allowed me to make a statement. And there
6 has not been my name in any of the police stations in Sierra
7 Leone. And I have never made any statement in any of the police
8 stations. When I went to Bonthe, the judge said the evidence
9 that was before him was what allowed him to indict me.

10 Q. I put it to you that you chose not to give a summary before
11 this Court so that you could have the ability to chop and change
12 your evidence as you went along.

13 PRESIDING JUDGE: I won't allow that question. Look, the
14 onus never shifts from the Prosecution. He doesn't have to
15:35:28 15 explain why he's making the Prosecution prove its case.

16 MR AGHA: I shall move along to Kono, Your Honour.

17 Q. Now, moving to Kono.

18 A. Yes.

19 Q. According to you, you're originally from Kono, and you
15:35:50 20 visited Kono three times during the AFRC regime?

21 A. Yes. I am a Kono man.

22 Q. And --

23 A. And that is where --

24 Q. -- you were staying at Kono at the time of the
15:36:08 25 intervention?

26 A. Yes.

27 Q. You have family in Kono?

28 A. Yes.

29 Q. Relatives in Kono?

1 A. Yes.

2 Q. Friends in Kono?

3 A. Yes.

4 Q. You had SLA comrades who were based in Kono in 1997 and
15:36:43 5 1998, didn't you?

6 A. Far beyond that. I had comrades there who were based in
7 Kono, because there was a battalion there in Kono of soldiers of
8 the Republic of Sierra Leone Armed Forces.

9 MR AGHA: With the permission of the Court, I would like to
15:37:12 10 read a part of the transcript to the witness. My case manager is
11 finding the page. I apologise for the delay.

12 PRESIDING JUDGE: Which witness, is it Mr Agha?

13 MR AGHA: It's his own evidence in cross-examination by, I
14 believe, counsel for accused number two. I'll be reading from
15:38:25 15 line 8 to line 19.

16 PRESIDING JUDGE: That's on page 16, is it?

17 MR AGHA: Page 16, Your Honour.

18 PRESIDING JUDGE: Yes, go ahead.

19 MR AGHA:

15:38:43 20 "Q. Mr Witness, were you ever in Tombodu town in 1998.

21 "A. No.

22 "Q. Did you ever hear about any atrocities taking place in
23 Tombodu Town in 1998?

24 "A. Repeat that question, sir.

15:38:59 25 "Q. Have you ever heard about any atrocities taking place
26 in Tombodu in 1998?

27 "A. I only came to hear about problems, like how you
28 called that atrocities, happening at Tombodu when I came to
29 appear in this Court, through the witness who came and testified

1 against me. That was how I came to know that atrocities happened
2 in Tombodu."

3 That's the part I'm going to read.

4 Q. Mr Brima, can you explain to us how, with your friends,
15:39:41 5 relatives, family and comrade SLAs living in Kono, and you being
6 a Kono man, you did not hear about the atrocities in Tombodu
7 before you came to this Court?

8 A. The time I went to Kono, which was in the year 2002, nobody
9 told me about atrocities being committed at Tombodu.

15:40:20 10 Q. So no one told you between 1998 and whenever this evidence
11 was given in Court which, I believe, is 2006, that atrocities
12 happened in Tombodu?

13 A. Well, nobody explained that to me. What I know, when I
14 went to Kono, they told me that people had gone to Kono whom the
15:40:53 15 people of Kono did not accept, but the year I went to Kono, the
16 year 2002, I was accepted, and they even went over radio and
17 said, "I have come to Kono," and I don't have anything to do,
18 nothing bad against the Kono people.

19 Q. I put it to you that it's a complete lie that you heard
15:41:15 20 about the atrocities in Tombodu for the first time in this Court.

21 A. I am telling you that it is true that --

22 Q. Mr Brima --

23 A. -- I only heard it in this Court.

24 Q. Mr Brima, you knew about the atrocities committed in
15:41:34 25 Tombodu in May 1998, because you were commanding the SLAs in
26 Tombodu at that time, weren't you?

27 A. No. I'm telling you that, even the regent chief who was
28 there at Tombodu, he's married to my own elder brother's
29 daughter. Even the present paramount chief who is there at

1 Tombodu, Melvin Ngekia never told me about such a problem
2 occurring at Tombodu. I went to him frequently in 2002, when I
3 used to go to Kono. He never told me about that. Even the chief
4 at Gbenseh, who is Chief Kamachendeh never told me about that,
15:42:14 5 that so and so problem took place in Kono.

6 Q. Now, moving away from Kono --

7 PRESIDING JUDGE: Just while you are there, Mr Agha, for
8 the record, we haven't read on the date of the transcript. The
9 transcript referred to is transcript of 22 June 2006. Yes, go
15:42:41 10 on, Mr Agha.

11 MR AGHA:

12 Q. Moving away from Kono, Mr Brima, according to you, in
13 February 1998, the AFRC government ceased to exist and thereafter
14 everything was SLA business; is that right?

15:43:00 15 A. Yes.

16 MR AGHA: With the permission of the Court, I would like to
17 show the witness Exhibit P27.

18 PRESIDING JUDGE: Should we have that already, Mr Agha?

19 MR AGHA: It hasn't been referred to before during the
15:43:24 20 cross-examination, Your Honour.

21 PRESIDING JUDGE: Did you want the witness to have one as
22 well?

23 MR AGHA: Yes.

24 Q. Witness, do you have a photograph in front of you?

15:44:16 25 A. I have a picture before me.

26 Q. Do you see a person in that picture?

27 A. Yes. I see a human being in the picture.

28 Q. Do you see anything written on his body in the picture?

29 A. Yes.

1 Q. What does it say? Can you read it?

2 A. The first one that I see is AFRE, and the second one is
3 RUF.

4 Q. I put it to you that that actually reads AFRC and then RUF.

15:45:06 5 MS THOMPSON: Your Honour, I object to that by my learned
6 friend. We cannot impute, even if we want to, what the last
7 letter says. There is a line and three strokes, which suggests
8 to me, that it is an E. He may refer to it in his closing speech
9 but, at the moment, it is AFRE that is written there.

15:45:31 10 PRESIDING JUDGE: Yes, Mr Agha.

11 MR AGHA:

12 Q. So far as you can see, is that writing in ink?

13 PRESIDING JUDGE: Well, that last question was objected to
14 on the basis that you put it to the witness that it says AFRC
15:45:50 15 when it says AFRE.

16 MR AGHA: I withdraw the question, Your Honour.

17 PRESIDING JUDGE: It's withdrawn, all right. Go on,
18 Mr Agha.

19 MR AGHA:

15:46:00 20 Q. The marking you can see on the human being, are those
21 markings in ink?

22 A. Well, it's the body of a human being that I see. I do not
23 see ink, because underneath this person, who is on the picture
24 there in I saw ink writing.

15:46:26 25 Q. Would you agree with me that the markings have been put on
26 through carving, perhaps?

27 A. Well, I -- for me, I have never seen a carving on a human
28 being. The carvings that I have seen are on board or wood.
29 There, they usually do carvings. You see, all I see on this

1 person are marks.

2 Q. According to witness TF1-047, who that is a photo of, that
3 carving was done to him after the intervention by SLA and RUF.
4 What do you have to say about that?

15:47:12 5 A. I don't have anything to say about this, because this is
6 the first time that I'm seeing this and this person that you are
7 referring to. And I do not know whether it's SLA or RUF that
8 carved him, or marked him like that.

9 Q. So you've never seen this exhibit in this courtroom before?

15:47:43 10 A. I am telling you that this exhibit in this courtroom, I've
11 never seen it in person that they are showing it to me.

12 Q. I put it to you that the AFRC did continue to exist
13 after February 1998?

14 A. I'm putting it to you that it is a lie, even the way they
15 structured the army. See, when you look at the DDR, if I, that I
16 am sitting here as a witness, if I went through the disarmament
17 program. I went to my boss and therein I gave arms. I am a
18 soldier.

19 Q. I put it to you again that the AFRC, after February 1998,
15:48:26 20 evolved from a political body into a military organisation whilst
21 it was in the jungle.

22 A. And I'm telling you that it's a lie. All along
23 after February 1998, it was the Sierra Leone Army that was in
24 existence that I knew, but there was nothing that was existing
15:48:52 25 like the AFRC.

26 Q. I put it to you again that the AFRC hierarchy, after the
27 intervention in February 1998 remained the same once the AFRC was
28 pushed out of Freetown into the jungle.

29 A. I myself, I'm saying that AFRC did not exist. In order for

1 you to know is that the former chairman of the Armed Forces
2 Revolutionary Council was arrested in Kailahun and they arrested
3 him there for so long, which order again, I never heard any order
4 from, and the AFRC had not been existing when Nigerians overthrew
15:49:42 5 the invasion force, overthrew the AFRC, the AFRC did not exist
6 any more. I did not hear anything about the AFRC. All I heard
7 was that the Sierra Leone Army, which was the SLA.

8 Q. SAJ Musa regarded the AFRC as ceasing to exist after the
9 intervention in February 1998, didn't he?

15:50:05 10 A. I would not give an opinion about SAJ Musa. All I knew was
11 that any time he said his own movement was not a political
12 movement. He said we were to go and reinstate the national army.

13 Q. So SAJ Musa wanted to reinstate the national army?

14 MS THOMPSON: Your Honour --

15:50:29 15 PRESIDING JUDGE: Sorry, what's the objection?

16 MS THOMPSON: It is not an objection, it is for the witness
17 to repeat his answer. The interpreter said we and I did not hear
18 the witness say "we". If he could repeat his answer to be
19 interpreted.

15:50:44 20 PRESIDING JUDGE: Mr Brima, can you remember the last
21 answer you gave. If so, please repeat it.

22 THE WITNESS: I would like it to be asked again.

23 PRESIDING JUDGE: I wonder if you can remember the
24 question, Mr Agha.

15:51:00 25 MR MANLY-SPAIN: May it please, Your Honour, if I can help.
26 The witness said SAJ Musa's motive was to go and reinstate the
27 army, but the interpreter said we were to go and reinstate the
28 army. That is the point. He said SAJ Musa's objective was to go
29 and reinstate, but the interpreter said we were. We were to go

1 and reinstate. But the witness did not say it.

2 THE INTERPRETER: Your Honours, could the witness be
3 allowed to clarify?

4 PRESIDING JUDGE: For the purposes of getting an
15:51:39 5 interpretation, Mr Brima, I hope you have been listening. Can
6 you go over your answer again?

7 THE WITNESS: Yes, My Lord. I said SAJ Musa, from what he
8 said at Eddie Town, he said he was going to reinstate the
9 national army and he did not have anything to do with politics or
15:52:07 10 the AFRC. He said what he had to do it was the SLA soldiers.
11 His movement was not a political movement.

12 MR AGHA:

13 Q. You, accused number two, and accused number three, and the
14 other original council members still regarded the AFRC as
15:52:32 15 existing while in the jungle, didn't you?

16 A. It was not like that. From what I got from SAJ Musa's
17 mouth at Eddie Town and what the SLA personnel accepted, that the
18 national was to be reinstated back to its former position. By
19 that, I mean the SLA, the Sierra Leone Army.

15:53:01 20 Q. I agree with you, that was SAJ Musa's intention, but it
21 wasn't your intention, was it? You, the second accused and the
22 third accused wanted to reinstate the AFRC government, didn't
23 you?

24 A. Don't ask about the second and the third. Ask about me. I
15:53:21 25 will tell you that I did not have that thing that I should bring
26 back the AFRC to power. The AFRC had been overthrown.

27 Q. The AFRC and the RUF, after the intervention, shared the
28 same objective of recapturing Freetown, didn't they?

29 A. I will not be able to tell you anything about the RUF, but

1 I'm telling you that after the intervention, the AFRC did not
2 exist. I'm telling you that it was the SLA.

3 Q. Did you hear SAJ Musa say that he wanted to get to Freetown
4 before the RUF?

15:54:07 5 A. From when he was arrested at the muster parade, I heard
6 that.

7 MR AGHA: This might be a useful time to break,
8 Your Honour. Or I can continue.

9 PRESIDING JUDGE: Yes, continue for a while. We've lost a
15:54:24 10 bit of time this afternoon, Mr Agha, so we will go on a little
11 longer than normal.

12 MR AGHA:

13 Q. We spoke earlier about you meeting Morris Kallon in the
14 detention centre, didn't we?

15:54:37 15 A. I beg your pardon?

16 Q. Earlier, you said you meet Morris Kallon in the detention
17 centre, didn't you?

18 A. I did not say that I met Morris Kallon in the detention
19 centre. I said that I and Morris Kallon were in the detention
15:55:00 20 centre. If we meet at the detention centre of the Special Court.
21 Morris Kallon met me there. I was one of the first indictees
22 that was taken to Bonthe.

23 Q. After you finish giving your evidence each day, you meet
24 the second and the third accused in the detention centre, don't
15:55:23 25 you?

26 A. I am there in the detention centre, but we were not there
27 to discuss anything concerning my case, or concerning my
28 evidence.

29 Q. I put it to you that each day you discuss your evidence

1 with the second and third accused in the detention centre.

2 MS THOMPSON: Your Honour, unless my learned friend has
3 some reasons for putting that question, which I think he ought
4 to, because that's casting aspersions on others. I think if he
15:55:52 5 has reasons for putting those questions, then he must say so. I
6 object for those reasons.

7 PRESIDING JUDGE: It's a question the accused is capable of
8 answering. Repeat it, Mr Agha.

9 MR AGHA:
10 Q. I put it to you that each day after giving your evidence,
11 you discuss that evidence with the other second accused and third
12 accused in this case, don't you?

13 A. It's not like that. I'm telling you that it's a lie, that
14 you're lying. I don't discuss evidence with the second and the
15:56:33 15 third accused in the detention. Mostly, when I leave this place,
16 the only place that I keep myself busy is at the computer and the
17 second and third accused do not go to the computer.

18 Q. So you would agree with me that you don't speak to the
19 second and the third accused because you're told not to do so by
15:56:53 20 this Court?

21 A. Since I started giving evidence, I abide by what the
22 president or the Presiding Judge told me. I never discussed my
23 evidence with the two accused, the second and third accused in
24 the detention centre.

15:57:18 25 Q. So you follow the directions of this Honourable Court in
26 that regard?

27 PRESIDING JUDGE: Well, he just said that, Mr Agha.

28 MR AGHA: With the permission of the Court, I would like to
29 show a piece of Mr Brima's own transcript, which is page 71 and

1 72 on 13 June '06. It is 13 June 2006, page 71, line 12, going
2 through to line 13 on page 72. Then to be picked up again at
3 line 14 to 28 on page 72.

4 Q. This piece of the transcript I'm going to read to you,
15:58:57 5 Mr Brima concerns your writing in this courtroom whilst you were
6 under oath to tell the truth. I shall read from line 12:

7 "Mr Agha: Your Honours, I notice that the accused is busy
8 writing something down. He has to the been spelling names
9 this morning so I am just wondering what is he actually
15:59:40 10 writing. PRESIDING JUDGE: Yes, Mr Brima, what have you
11 been writing there?

12 "THE WITNESS: I am writing the date and the time frame
13 about which the lawyer is asking me. I have told this
14 Court that I am a stress patient and the doctor who see me
16:00:00 15 these days reminded me that since I am a stress patient
16 anything that I should do, I should do it to my own
17 satisfaction in order for me to be able to remember. But I
18 have nothing that I am writing that is not concerned about
19 what I am asked here for. If the lawyer does not want me
16:00:20 20 to write I will drop the paper.

21 "PRESIDING JUDGE: Just a moment. Mr Agha, the witness is
22 simply writing down time frames so that he can remember
23 them. Do you have any objection to that.

24 MR AGHA: Well, it depends whether he is writing them after
16:00:42 25 he has answered the question or before. It is the
26 submission of the Prosecution it is a very small period of
27 time to remember a time date. He shouldn't need to write
28 that down. It also lays in front of him for the next time
29 period which may cover the other crimes in Bombali, so it

1 is there as a memory aid.

2 "PRESIDING JUDGE: I understand.

3 "[Trial Chamber conferred]

4 "PRESIDING JUDGE: We don't see any harm in what the

16:01:15 5 witness is doing. He is merely making notes of the dates.

6 The dates are in the indictments. Each particular count or

7 allegation in the indictment may be read to the accused so

8 that he can specifically deny it. He is not expected to

9 remember all those dates off by heart and we don't see any

16:01:31 10 problem with him writing them down."

11 So it turned out it wasn't the truth that you were just

12 writing down dates, was it?

13 PRESIDING JUDGE: I'm sorry, where does that conclusion

14 come from, Mr Agha?

16:01:51 15 MR AGHA: He is asked on page 71, line 17:

16 "Mr Brima, what have you been writing there?

17 "THE WITNESS: I am writing the date and the time frame

18 about which the lawyer is asking me."

19 Then if we turn to -- you asked me if I object.

16:02:14 20 On page 72:

21 "PRESIDING JUDGE: We don't see any harm in what the

22 witness is doing. He is merely making notes of the dates."

23 PRESIDING JUDGE: Yes.

24 MR AGHA: So what I am saying to the witness is I put it to

16:02:28 25 him he was writing more than just the dates.

26 PRESIDING JUDGE: You mean a time frame?

27 MR AGHA: The time frames.

28 PRESIDING JUDGE: Well, that's connected with a date, isn't

29 it?

1 MR AGHA: He was writing, when the paper was inspected, far
2 more than that on those papers. This is just the first segment
3 of it, and I will continue with the second segment.

4 PRESIDING JUDGE: Yes, continue. I must say, I'm not with
16:02:54 5 you at the moment, Mr Agha.

6 MR AGHA: Okay. Now, if we continue at line 13, page 72.

7 "MR AGHA: May the Prosecution have access to those notes?

8 "PRESIDING JUDGE: Yes, by all means. You're entitled to
9 examine them. Do you want to see them now, Mr Agha?

16:03:25 10 MR AGHA: Yes, please, Your Honour.

11 "PRESIDING JUDGE: If the Court Attendant would please show
12 the Prosecution those notes.

13 "MR AGHA: Without crossing out, please.

14 "JUDGE SEBUTINDE: Mr Brima, what are you cancelling?
15 Mr Brima, what did you just cancel?

16 "THE WITNESS: I did not --

17 "JUDGE SEBUTINDE: I saw you cancel with a pen like this.
18 What were you cancelling?"

19 I finish my reading there.

16:03:35 20 Q. Now, when Judge Sebutinde asked you what you, "What are you
21 cancelling? What did you just cancel?" You said, "I did not,"
22 didn't you?

23 A. Maybe it was the interpreter that gave the wrong answer. I
24 said that the thing that was cancelling did not concern this
16:04:22 25 Court, and I went ahead to explain the ordeal that I faced, which
26 made me to do that particular thing. But I told the Court that
27 it did not concern this Court.

28 Q. I put it to you that you lied to Justice Sebutinde when she
29 asked you about what you were cancelling.

1 MS THOMPSON: Your Honour, I rise to object. My learned
2 friend, again, did not read the last few lines of that page.
3 Also, the portion of what would have been the beginning of a
4 sentence is incomplete. He's relying on those three words to put
16:05:02 5 a question to the witness. When the whole thing is read in its
6 entirety and then put in context, then it doesn't appear as my
7 learned friend is trying to make it appear. An explanation was
8 given about - in this Court, and obviously I need to go on to
9 page 73 and 74, and we all know what happened - about him
16:05:22 10 cancelling something that was not written in this Court,
11 something he wrote prior to coming to Court, which he said he
12 picked up with these papers when coming in the morning. We know
13 what happened about the Presiding Judge saying he would give him
14 clean sheets of paper if he needs to.

16:05:39 15 For my learned friend to now present that as if he was
16 lying about what he was writing, I think, is unfair, because that
17 portion of -- that portion which my learned friend hasn't read
18 out, which the witness was cancelling in Court, was not written
19 in this Court.

16:05:58 20 MR AGHA: I can clarify that, if you would like me to say
21 something.

22 JUDGE SEBUTINDE: Mr Agha, respectfully, I recall this
23 incident, but I think at the end of it all, the Trial Chamber
24 adjourned, examined the documents that were retrieved from the
16:06:17 25 accused, and we found nothing amiss, no wrongdoing. We made
26 orders accordingly. I don't know the point of this
27 cross-examination. I don't know where it's going.

28 MR AGHA: Well, it ends here. All I'm suggesting is that
29 he lied at the time when he was first questioned about what he

1 was cancelling.

2 MS THOMPSON: Your Honour --

3 JUDGE SEBUTINDE: I don't think he did, actually, if you
4 read the rest of that transcript. He says, "The thing that I
16:06:49 5 cancelled," at line 25, "they are personal things that I wrote
6 that I cancelled." It doesn't have anything to do with this
7 Court. It so transpired this was a letter that he had written to
8 a bishop, which did have nothing to do with this Court case.
9 That is what he cancelled, as far as I recall.

16:07:08 10 I don't know what you are referring to when you say "lied."
11 It is possible that he, at first, denied, but then he came around
12 to admitting that he did cancel something that had nothing to do
13 with the Court.

14 MR AGHA: That's my point. Initially, he did, and it's
16:07:26 15 only when Your Honour says to him immediately after, "I did not,"
16 "I saw you cancel with a pen like this. What were you
17 cancelling?"

18 Now, perhaps if that observation had hadn't been made, who
19 knows?

16:07:42 20 MS THOMPSON: Your Honour, may I just rise here. That's
21 the whole issue of it. Perhaps. Perhaps it would have meant I
22 did not cancel what I said earlier, the time frames; I did not
23 cancel the dates; I did not cancel -- we don't know. This is not
24 the end of the sentence. This was an issue which was
16:07:56 25 investigated by the Bench, and the Bench came up with its
26 findings and its orders. It was done and dusted. I don't know
27 where we're going. I think it is time-wasting to be going on
28 with these little things that have nothing to do with the
29 indictment. This issue was dealt with by the Bench, and properly

1 so.

2 MR AGHA: I would say in reply that I think it is very
3 important what the witness actually says regarding credibility
4 and other matters, especially if he's asked by the learned Trial
16:08:26 5 Chamber.

6 MR FOFANAH: May it please Your Honours. Just before you
7 proceed to any consideration of this issue, I very well recall
8 that the ruling of the Court was that they were -- the Court was
9 not going to [indiscernible] the issue of the letter because it
16:08:44 10 did not consider it of being of any moment. It was not really
11 going to the issues before the Court.

12 I think, like my learned colleague for the defence has
13 stated, a ruling has been made. I don't see why counsel is
14 trying to go behind that. That is just the point.

16:09:03 15 PRESIDING JUDGE: Well, the question has been objected to.
16 I can only note that when the matter came up before the Court on
17 13 June 2006, no exception was taken by any members of this
18 tribunal in regard to the witness answering, "I did not --" I
19 don't specifically remember the incident, but none of us took the
16:09:32 20 view that he may not have been telling the truth to Justice
21 Sebutinde. As has already been pointed out, the folder that
22 brought the topic to discussion was examined by this Court, and,
23 indeed, there was nothing relevant to the hearing in the
24 documents that had been cancelled.

16:09:54 25 However, unless the witness is given a chance to answer the
26 accusation that has just been put to him, that is, that he lied
27 to Justice Sebutinde, this argument can be raised as part of the
28 Prosecution's final argument without this witness ever having had
29 the opportunity to deny or otherwise. Mr Agha, I think, in

1 fairness to the witness as well, I will allow you to ask that
2 question again. Do you remember the terms of the question?

3 MR AGHA: I don't remember the precise question,
4 Your Honour, but the idea is to -- I'm trying to put the
16:10:40 5 Prosecution's case to the witness to find out what his view of it
6 is.

7 PRESIDING JUDGE: All right. I think I do remember the
8 question.

9 Mr Agha, read you this from the transcript of 13 June,
16:10:59 10 Mr Brima. He said:

11 "PRESIDING JUDGE: If the Court Attendant would please show
12 the Prosecution those notes." I think you know what notes we're
13 referring to, don't you?

14 THE WITNESS: Yes, My Lord.

16:11:22 15 PRESIDING JUDGE: Then Mr Agha asked the Court, "Without
16 crossing out, please." Then Justice Sebutinde said, "Mr Brima,
17 what are you cancelling? Mr Brima, what did you just cancel?"
18 Then you said, "I did not --." But then it's clear from the
19 transcript that you did not finish that statement. You said, "I
16:11:48 20 did not--." Then justice Sebutinde said, "I saw you cancel with
21 a pen like this, what were you cancelling?" Then you said, "The
22 thing that I cancelled, they are personal things that I wrote
23 that I cancelled that does not have anything to do with this
24 Court."

16:12:09 25 Now, what Mr Agha has put to you is this: That when
26 Justice Sebutinde asked you, "Mr Brima, what are you cancelling?
27 Mr Brima, what did you just cancel?" And you answered, "I did
28 not--", Mr Agha is implying you lied to Justice Sebutinde. Did
29 you understand that question?

1 THE WITNESS: Yes, My Lord.

2 PRESIDING JUDGE: What do you say to Mr Agha's suggestion
3 that you lied to Justice Sebutinde?

4 THE WITNESS: I say to Mr Agha's question that I did not
16:12:54 5 lie to Justice Sebutinde. I did not finish my answer. That was
6 why when he asked me again, I told him that when Justice
7 Sebutinde asked me, I told Justice Sebutinde that the things that
8 I was cancelling had nothing to do with this case.

9 PRESIDING JUDGE: Well, there is your answer, Mr Agha.

16:13:24 10 MR AGHA: Thank you, Your Honour. Can we please show a
11 transcript to the accused of 13 June 2006, page 78?

12 PRESIDING JUDGE: Yes.

13 MR AGHA: This is for the Court, not the accused, sorry.
14 Perhaps the other exhibit can be taken from the accused. This is
16:14:12 15 from Mr Brima's own evidence dated 13 June 2006, page 78, line 23
16 just to 27.

17 PRESIDING JUDGE: Madam Court Attendant, this would
18 probably be a good time to collect from Mr Brima the documents he
19 has in front of him at the moment. Thank you.

16:15:09 20 MR AGHA: If I just read from page 23.

21 PRESIDING JUDGE: Yes, go ahead, please.

22 JUDGE SEBUTINDE: What page did you say?

23 MR AGHA: Page 78, line 23, I apologise.

24 "These are the tablets that I will give with this document,
16:15:33 25 and I have a paper here, where the lawyer wrote one
26 Prosecutor's witness's name, and all the paper I have here,
27 I have concern about what I will say in Court."

28 Q. Mr Brima, what concerns do you have about what you're going
29 to say in Court?

1 A. I didn't get you clear.

2 Q. Well, on the portion of the transcript I read to you, you
3 say, "I have concern about what I will say in Court."

4 PRESIDING JUDGE: Look, really, you would have to read the
16:16:18 5 whole thing.

6 MR AGHA: I will read the whole thing again, Your Honour.

7 PRESIDING JUDGE: You are quoting out of context. I don't
8 blame the witness for not understanding what you are asking.

9 MR AGHA:

16:16:29 10 Q. I will read the whole part for you, Mr Brima, line 23:

11 "These are the tablets that I will give with this document,
12 and I have a paper here, where the lawyer wrote one Prosecutor's
13 witness's name, and all the paper I have here, I have concern
14 about what I will say in Court."

16:16:33 15 Do you understand that?

16 A. I understand what you read and I heard what you read.

17 Q. So what was your concern about what you will say in Court?

18 A. It's to answer the questions that I've been asked -- I am
19 being asked.

16:17:18 20 Q. I'm putting to you that your concern is that you are making
21 up so many lies you can't remember one from the other, from each
22 day to next.

23 A. I am not telling lies in this Court. Here is not a funny
24 business, it is not a funny case. It is something that concerns
16:17:42 25 my life. So I will not make up lies.

26 Q. You are afraid of mixing up your stories that you make up
27 as you go along, aren't you?

28 A. I can allow. I will ask you again, the interpreter,
29 because you are mixing up things when you ask me the question.

1 Ask me the question again.

2 Q. You are afraid of mixing up your made up stories as you go
3 along during your evidence, aren't you?

4 PRESIDING JUDGE: Well, look, Mr Agha, before you pursue
16:18:21 5 this line of questioning, if you start at line 10 at "THE
6 WITNESS:" you will see that he's been told by Dr Harding to
7 write things down in Court.

8 MR AGHA: I discarded that. Yes, Your Honour.

9 PRESIDING JUDGE: I'm sorry?

16:18:39 10 MR AGHA: I am just putting to him -- I asked him what his
11 concern was.

12 PRESIDING JUDGE: I'm saying, he's being told by Dr Harding
13 to write things down in Court. I think he was trying to say that
14 I'm concerned about what I say in Court, in relation to what
16:18:56 15 Dr Harding has told him. That's the way I would read this.

16 MR AGHA: Okay, Your Honour.

17 PRESIDING JUDGE: Not that he's generally -- I have concern
18 about what I will say in Court in general. It was in the context
19 of what Dr Harding told him.

16:19:14 20 MR AGHA: If we leave the transcript, I still would like to
21 put the question to him in general, Your Honour.

22 PRESIDING JUDGE: All right, I understand. You weren't
23 relying on the transcript for that question?

24 MR AGHA: No, I wasn't, Your Honour.

16:19:28 25 PRESIDING JUDGE: I see. Well, you go ahead then, Mr Agha.

26 MR AGHA:

27 Q. I put it to you you are afraid of mixing up your made up
28 stories as you go along, aren't you?

29 A. No.

1 Q. Before your evidence, you had never suggested in your
2 defence pre-trial brief that you were so seriously ill that you
3 could not take part in your functions as a PLO, had you?

4 A. I don't get you clear. I don't know what you mean by --

16:20:02 5 PRESIDING JUDGE: Don't worry, Mr Brima. I'm not allowing
6 that question. He doesn't have a say in how a pre-trial brief is
7 drawn up.

8 MR AGHA:

9 Q. You had never mentioned, before you gave your evidence in
16:20:15 10 this Court, that you were unable to fulfil your functions as a
11 PLO because of your ill health, had you?

12 A. I will want you to repeat that question.

13 JUDGE SEBUTINDE: Mr Agha, mentioned where? Because this
14 is the first time the first accused is addressed in Court. So
16:20:39 15 before, mentioned where? I'm not sure I understand.

16 MR AGHA: I will try to be more succinct, Your Honour.

17 Q. Before you came and gave evidence in this Court, you had
18 never mentioned before that you were unable to fulfil your duties
19 as a PLO --

16:21:01 20 A. To whom.

21 Q. -- on account of ill health, to your lawyers or anyone else
22 associated with the case?

23 A. I want to know to whom you said I said these words.

24 Q. I said, you never told your lawyers ever, before you gave
16:21:21 25 evidence in this Court, that you were unable to carry out your
26 duties as a PLO 1 because of ill health, did you?

27 A. Well, all I can tell you is I used to have privileged
28 conversations between lawyer and client, but I will not be able
29 to tell you that I told them those words. When I came to Court

1 here, I didn't make a statement. I went on what the indictment
2 said that I responded to. Because when I was arrested, I'm still
3 telling you, nobody obtained statement from me. And, from what I
4 know in Sierra Leone, when you have a case, you should have made
16:22:01 5 a statement. But I never went to any police station to make any
6 statement. I never saw any complainant who complained me. And I
7 never saw any ledger in which my statement was written which
8 regards this case. All that I know, is that I was arrested and,
9 from what they read to me at Bonthe, the evidence that was before
16:22:25 10 the judge that signed my document, convinced the judge that was
11 why I was arrested.

12 Q. But when all the Prosecution witnesses came, it was never
13 suggested to any of the Prosecution witnesses that you could not
14 carry out your functions as a PLO on account of your ill health,
16:22:49 15 was it?

16 A. I would want you to ask your colleague lawyers, or the
17 lawyers that are defending me that question, because I cannot
18 recall what they asked me. All I can recall now is for me to be
19 free and then move out of here. If you can be able to read my
16:23:09 20 mind, all I want is to go out. That is what I want.

21 Q. I put it to you that before you gave your evidence in this
22 Court, you had not mentioned before that you were unable to
23 fulfil your duties as PLO because you suffered from ill health.

24 JUDGE SEBUTINDE: Mr Agha, I think we are going round and
16:23:37 25 round and round in circles. Remember I asked you, mentioned to
26 who? The witness asked you the same question, mentioned to who,
27 then you suggested it was to his lawyer. Then he said he will
28 not tell you because it's privileged. I don't know what we're
29 doing any more.

1 MR AGHA: Okay.

2 Q. Let's look at another aspect of your evidence. Before you
3 gave evidence in this Court, had you ever mentioned to your
4 lawyer that you were being detained by commander Oh-Five from
16:24:13 5 Yayah to Colonel Eddie Town?

6 A. You are a lawyer. You can say something. Anything between
7 a lawyer and a client is a privileged conversation.

8 Q. Did you mention that?

9 A. I am answering this question. I am telling you that what I
16:24:35 10 discussed with him, according to you, who is a lawyer, is not
11 liable for me to go and tell some other person. You want me to
12 go and tell some other person that I did bad things or I did not
13 do bad things? And since I have been giving evidence in this
14 Court, what they tell me, I have never discussed with the other
16:24:55 15 two accused. When I move from here now, I'm going to sit down
16 again for a computer class, maybe up to half eight before I go
17 back to my cell.

18 Q. Did you ever tell your lawyers that you escaped from Goba
19 Water before the Freetown invasion and made your way to Makeni?

16:25:19 20 PRESIDING JUDGE: I won't allow that question. He's relied
21 on his privilege, Mr Agha, and he does not give his consent to
22 any disclosure of any communication between him and his lawyer,
23 so I don't allow the question.

24 MR AGHA: Your Honours, if I may make a submission
16:25:35 25 briefly --

26 PRESIDING JUDGE: I've already ruled. Move on, will you,
27 Mr Agha. I'm not allowing that question.

28 MR AGHA:

29 Q. Are you aware of the term alibi?

1 A. I didn't get you clear.

2 Q. Do you understand what the word alibi means?

3 A. I don't understand what that word means, alibi. Is it a
4 name?

16:26:19 5 Q. No. It means when someone says they are at a place when
6 they're not when they are accused of being at a certain place.

7 MR MANLY-SPAIN: I don't think that is correct.

8 MR AGHA: No?

9 MR MANLY-SPAIN: No, it's not.

16:26:37 10 JUDGE DOHERTY: I don't agree with that definition.

11 MR AGHA:

12 Q. If I were to tell you it means that you claim you're at a
13 place somewhere else than where you are alleged to have been, do
14 you understand that?

16:27:03 15 A. Ask me again, because from what the interpreter is asking
16 me, if you are in one place, another place, and then at the same
17 place.

18 MS THOMPSON: Your Honour, I rise. This is not an
19 objection. I wonder how long we are going on for. I personally
16:27:24 20 would like to use the convenience.

21 PRESIDING JUDGE: I was going to actually adjourn around
22 this time.

23 MR AGHA: We are happy to.

24 PRESIDING JUDGE: You can continue on that subject
16:27:37 25 tomorrow, if you choose to.

26 Mr Brima, once more, we're going to adjourn. Please do not
27 discuss the evidence with anybody. We'll adjourn the Court to
28 9.15 tomorrow morning.

29 [Whereupon the hearing adjourned at 4.30 p.m.,

1 to be reconvened on Wednesday, the 5th day of
2 July 2006, at 9.15 a.m.]
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EXHIBITS:

Exhibit No. P97 18

WITNESSES FOR THE DEFENCE:

WITNESS: ALEX TAMBA BRIMA 2

CROSS-EXAMINED BY MR AGHA 2