

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

WEDNESDAY, 5 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
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Karim Agha Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearance
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 [AFRC5JUL06A - CR]
2 Wednesday, 5 July 2006
3 [Open session]
4 [The accused present]
09:14:30 5 [The witness entered Court]
6 [Upon commencing at 9.20 a.m.]
7 WITNESS: ALEX TAMBA BRIMA [Continued]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: Once more, Mr Brima, I remind you that
09:17:33 10 you are still on your oath.
11 THE WITNESS: Yes, My Lord.
12 CROSS-EXAMINED BY MR AGHA: [Continued]
13 MR AGHA: Good morning, Your Honours.
14 PRESIDING JUDGE: Good morning.
09:17:50 15 MR AGHA:
16 Q. Good morning, Mr Brima.
17 A. Good morning.
18 Q. Now, during your evidence, you have told this Court that
19 accused number two was not an honourable, haven't you?
09:18:01 20 A. Yes.
21 MR AGHA: With the permission of the Court, I would like to
22 read a part of the transcript. This is 12th June 2006, page 60
23 to 61. It is from Mr Brima's own evidence. I will be reading
24 from line 15 to 27. Actually, if I may change that, it will be
09:18:57 25 onto page 61, line 7. So page 60, line 15, and then page 61, up
26 to line 7.
27 PRESIDING JUDGE: Yes, go ahead, Mr Agha.
28 MR AGHA:
29 Q. Mr Brima, this is what you actually said when asked by, I

1 believe, learned counsel for the defence for the second accused.

2 I apologise for the first accused?

3 "Q. Mr Brima, you told this Court earlier on this morning
4 about your discovery and subsequent arrest in Yarya by
09:19:43 5 Commander 0-Five and his troops. You also have told this
6 Court about your journey to Colonel Eddie Town. You have
7 also told this Court about being detained, if I'm right,
8 together with honourables. Mr Brima, could you please tell
9 this Court who these honourables were that you were
09:20:01 10 detained together with in Colonel Eddie Town?

11 "A. Yes.

12 "Q. Please do.

13 "A. They detained me with Sergeant Ibrahim Kamara; WO-2,
14 warrant officer 2, Franklyn Conteh; Corporal Santigie Kanu;
09:20:26 15 Corporal Hassan Bangura; Abdul Sesay; Ibrahim Sesay; and
16 George Adams.

17 "Q. Mr Brima, did the honourables tell you anything?

18 "A. Yes. While we were in detention they explained to me
19 how they were taken to the place.

09:20:49 20 "Q. What did they have to say in respect of that?

21 "A. Sergeant Kamara told me that, he said he was in his
22 village hiding. So the SLA troop that bears [as
23 interpreted] in Colonel Eddie Town" --

24 THE INTERPRETER: My Lord, let counsel go over the last
09:21:09 25 line.

26 MR AGHA:

27 "So the SLA troops that bears [as interpreted] in Colonel
28 Eddie Town they were the ones that discovered him while
29 they were on patrol. So this was the way he, Sergeant

1 Kamara, explained to me."

2 That's the piece of the transcript.

3 Q. Now, Mr Brima --

4 A. Yes.

09:21:51 5 Q. -- do you still maintain that accused number two was not an
6 honourable?

7 A. During that the time that I am talking about, they had
8 already overthrown the AFRC. And there was no honourable again.
9 The AFRC was not in power any more. And from the arrest at Eddie
09:22:16 10 Town, I did not tell you that the third accused. I told you that
11 the second accused was an honourable. I said I and some other
12 rebels. I called his name, but I did not tell you that the
13 second accused was an honourable.

14 Q. Thank you.

09:22:28 15 A. And I did not call him an honourable. I said, retired, or
16 former.

17 Q. Thank you, Your Honour. Now, Mr Brima, returning to Yarya
18 and your escape. Now, according to you, SAJ Musa had sent
19 Commander O-Five to arrest you, hadn't he?

09:23:02 20 A. No.

21 Q. Who had come to arrest you?

22 A. O-Five was the one that came and arrested me. It was -- he
23 did not that it was SAJ Musa that sent him to come and arrest me.

24 Q. Now, where was SAJ Musa at that time when O-Five arrested
09:23:28 25 you?

26 A. From what I learnt from O-Five, that SAJ Musa was at
27 Koinadugu District.

28 Q. Roughly how far is your village, Yarya, from Koinadugu
29 District?

1 A. I cannot tell you the mileage, but we share border, a
2 common border with Koinadugu, the Kono District and the Koinadugu
3 District. And towards my own place, where I came from, we share
4 a common border with the Koinadugu District.

09:24:06 5 Q. But would you say that it's more than 10 miles away?

6 A. Well, I want to tell you that, that place that you're
7 talking about, I did not know there, so I cannot tell you the
8 mileage.

9 Q. Now, according to you, you are a corporal and an
09:24:31 10 unimportant person after the intervention; is that correct?

11 A. I did not tell you that. I have never told you that, I was
12 important after the AFRC had been overthrown.

13 Q. So while you were in the jungle, you were a corporal?

14 A. I want to tell you that I was not in the bush. I told this
09:24:52 15 Court that the 7th Battalion and --

16 THE INTERPRETER: Your Honours, would the witness go --
17 repeat the last bit of his segment?

18 JUDGE DOHERTY: Mr Agha, I'm not sure that the witness has
19 heard properly. I heard you say "unimportant", but I heard him
09:25:13 20 say "important". I'm not sure if it was interpreted as you said.

21 PRESIDING JUDGE: Mr Brima, the interpreter did not get
22 your answer, anyway. So I will ask Mr Agha to ask the question
23 again.

24 THE WITNESS: Yes, My Lord.

09:25:30 25 MR AGHA:

26 Q. According to you, when you were in Yarya when O-Five came
27 to arrest you, what rank were you holding?

28 A. My rank in the army was a corporal, and the rank that I had
29 was corporal.

1 Q. At that time when you were in Yarya, did you regard
2 yourself as an important person within the AFRC?

3 A. Well, from what I know, AFRC was not in power again.

4 Q. Did you, as a corporal, regard yourself as an important
09:26:15 5 person?

6 A. I, as a corporal, I went there purposely for the safety of
7 my life to hide.

8 Q. But did you regard yourself as an important person?

9 A. Well, a human being, like I'm sitting here. If you ask
09:26:34 10 me -- if you ask who is a most important person, I consider
11 myself. What I'm telling you is that the AFRC was no longer in
12 power so as to look upon myself as somebody who is important --
13 I'm a soldier.

14 Q. Did you consider yourself senior in rank in Yarya at that
09:26:51 15 time?

16 PRESIDING JUDGE: Well, senior to whom?

17 MS THOMPSON: Your Honour, senior to whom?

18 MR AGHA:

19 Q. Did you consider that you were an officer while you were in
09:27:04 20 Yarya?

21 A. I have never considered myself that way, and in the army
22 you cannot impersonate rank. That is to take a rank which it
23 does not belong to you, they dismiss for that. I have never seen
24 that in the Sierra Leone Army which I joined, that somebody would
09:27:22 25 take a rank that does not belong to him.

26 Q. Was it SAJ Musa who orderer Commander 0-Five to come and
27 arrest you?

28 A. I cannot tell you that. 0-Five came and arrested me,
29 that's what I am able to tell you. It was 0-Five that arrested

1 me.

2 Q. But you don't know who sent O-Five to arrest you?

3 A. I don't know whether he was sent to arrest me, but he
4 arrested me.

09:27:51 5 Q. Why would O-Five arrest you?

6 A. I don't get you clearly.

7 Q. When O-Five found you in your village, why did he arrest
8 you?

9 A. Well, from what I learnt, or what I heard at Eddie Town,
09:28:14 10 that from when SAJ Musa was addressing the muster parade, he said
11 that he was not --

12 THE INTERPRETER: Your Honours, would the witness go over
13 what he said?

14 PRESIDING JUDGE: Could you repeat that answer, please,
09:28:30 15 Mr Brima. The interpreter did not get what you said.

16 THE WITNESS: I would like the lawyer to ask again, sir.

17 PRESIDING JUDGE: The question was: why did O-Five arrest
18 you?

19 THE WITNESS: Well, that -- I would not be able to tell why
09:28:56 20 O-Five arrested me, but when we reached Eddie Town, and when
21 SAJ Musa came and addressed the troop at Eddie Town, that was how
22 I came to it that the soldiers had been driven us.

23 MR AGHA:

24 Q. So when O-Five arrested you, you didn't ask him why he was
09:29:17 25 arresting you?

26 A. I did not ask him at all. I wanted to know. Soldier, when
27 he has a gun and arrest you, you will be afraid of your life.

28 JUDGE SEBUTINDE: Mr Agha, sorry to interrupt, but the
29 witness said that, in Eddie Town, SAJ Musa said something, and

1 that is when he learnt the reason for his arrest. Now, I haven't
2 quite understood what it is that he learnt in Eddie Town. Could
3 you, perhaps, explore that a little further?

4 MR AGHA:

09:29:53 5 Q. Now, when you were in Colonel Eddie Town, what did you
6 learn about the reason for your arrest?

7 A. When SAJ Musa arrived at Eddie Town, when he went and
8 addressed the muster parade, that was why I came to know the
9 reason why I was arrested, from what he said and what the
09:30:21 10 soldiers said.

11 JUDGE SEBUTINDE: And that is precisely the reason we want
12 to understand. What is the reason that you learnt?

13 THE WITNESS: Well, when SAJ Musa was addressing the muster
14 parade, he said, we, the detained people, are the ones who caused
09:30:48 15 the suffering for the soldiers, who are the SLA soldiers, and his
16 own movement was not concerned with politics and we should not
17 have any hands with this movement. And he was going to reinstate
18 the national army. He did not have anything to do with us. We
19 are politicians.

09:31:15 20 MR AGHA:

21 Q. Mr Brima, I put it to you that you were never arrested by
22 Commander O-Five at Yarya.

23 A. Well, I'm telling you that I was arrested. If he did not
24 arrest me, I shouldn't have said it here in court that he
09:31:39 25 arrested me.

26 Q. Well, according to you, when he arrested you, Commander
27 O-Five's radio operator called SAJ Musa at the time of your
28 arrest. Do you remember that?

29 A. Yes.

1 Q. Do you know the name of Commander O-Five's radio operator?

2 A. Mmm - no.

3 Q. Did you understand, from Commander O-Five's conversation
4 with SAJ Musa over the radio, that it was SAJ Musa who had sent
09:32:20 5 for you to be arrested?

6 A. Well, I do not know that. All I knew was that O-Five
7 communicated with SAJ Musa.

8 Q. Did you not say that SAJ Musa had indicated to O-Five that
9 you should be taken with O-Five on his patrol?

09:32:43 10 A. That's from what O-Five said.

11 Q. I put it to you if SAJ Musa had of known of your arrest at
12 Yarya, he would have instructed Commander O-Five to take you back
13 to where SAJ Musa was, not on any patrol.

14 MS THOMPSON: Your Honour, I object. How is the witness
09:33:12 15 supposed to know what SAJ Musa would have done. This is all
16 hypothetical.

17 PRESIDING JUDGE: Yes, I won't allow that question,
18 Mr Agha.

19 MR AGHA:

09:33:26 20 Q. Now, when you travelled with Commander O-Five, under arrest
21 from Yarya to Colonel Eddie Town, were you handcuffed?

22 A. I was not handcuffed.

23 Q. Were you under guard?

24 A. Yes, there were guards who were guarding me. It was not in
09:33:55 25 any good faith that they were guarding me. I was under arrest.

26 Q. What were the names of some of these guards?

27 A. I cannot recall all their names. All I know is that they
28 are soldiers.

29 Q. But you hadn't known any of them before as comrade soldiers

1 of yours or squad mates or anything of that sort?

2 A. The only person that I would say I knew was Keh/for/Keh.
3 That's the only soldier who I was able to identify that I knew
4 him.

09:34:41 5 Q. Is that the same Keh/for/Keh who is associated with accused
6 number two's family members?

7 A. I don't get you clearly.

8 Q. So you're not aware that Keh/for/Keh is nowadays involved
9 with accused number two's sister?

09:35:18 10 A. You know I'm at detention. From here I go to detention. I
11 don't even know what is happening beyond. So what you're asking
12 me about, I don't have any idea about it. If you ask me
13 something connected to detention, I would have told you.

14 Q. Now, what villages do you remember passing through on your
09:35:49 15 journey from Yarya to Colonel Eddie Town?

16 A. Well, I cannot recall the villages that -- we passed towns
17 and villages to go to Eddie Town.

18 Q. And this journey took you about 10 to 12 days?

19 A. Well, I cannot determine the days that we took accurately.

09:36:14 20 Q. But it was over five days, was it?

21 A. I told you that I would not be able to give a number that
22 would be accurate.

23 Q. Earlier in your evidence, the number you gave was 10 to 12
24 days.

09:36:33 25 A. Well, that's why I told you that I would not be able to
26 give you an accurate number, that it's five days or six days, or
27 ten days, or 12 days. It was a rough estimate that I gave, but
28 now I would not be able to give you an accurate number to say
29 that we did five days, or ten days or 15 days.

1 Q. So, during the course of this journey, you can't remember
2 the names of any of the villages you passed through?

3 A. Well, just like I keep telling you, since I was under
4 arrest, I would not be able to recall the villages.

09:37:10 5 Q. Now, according to you, most of what Junior Lion has said
6 about you during his evidence, was lies?

7 A. I beg your pardon?

8 Q. Is it correct that most of what Junior Lion has said in
9 his evidence about you are lies?

09:37:38 10 A. Yes. Because Junior Lion, he's being paid by the
11 Prosecutor, and he had to be settled. If he had come ordinarily
12 to testify, perhaps he would have said the truth.

13 Q. Now, according to you, Junior Lion met you and Commander
14 O-Five before you reached Colonel Eddie Town; is that right?

09:38:20 15 A. Yes.

16 MR AGHA: With the permission of the Court, I would like to
17 read a transcript, a small excerpt. This is from witness 167,
18 Junior Lion, 15 September 2005, pages 74 to 75. It is page 74,
19 line 26, through to line 27 on page 75.

09:39:26 20 Q. Now, this is what Junior Lion said as part of his evidence?

21 "Q. You've spoken about the arrival of O-Five. Who was
22 he?

23 "A. O-Five was an SLA soldier but he was sent to come to
24 Major Eddie Town by SAJ Musa from Kurubonla.

09:39:51 25 "Q. Kurubonla, it's been mentioned before but I better
26 spell it. It's K-U-R-U-B-O-N-L-A?

27 "A. B-O-N-L-A.

28 "Q. Did O-Five come with anyone from Kurubonla?

29 "A. Yes, when he was coming he came with some fighters

1 from Kurubonla.

2 "Q. Can you estimate how many?

3 "A. About a hundred to 200 fighters.

4 "Q. How do you know he that he arrived?

09:40:31 5 "A. I was given the task to go and collect him."

6 Now, I will stop there. So, Mr Brima, Junior Lion was

7 telling the truth when he said he was given the task to go and

8 collect O-Five, wasn't he?

9 A. I don't know who gave him the task, and when I was coming

09:40:57 10 with O-Five, he was one of the people who came to collect O-Five.

11 Q. Mr Brima, I put it to you that Junior Lion did meet O-Five

12 on his way to Colonel Eddie Town, but he met him on your orders.

13 A. That's a lie that you are telling me. Well, I was not, and

14 I told you that my rank does not permit me to give order.

09:41:58 15 Q. You were already at Colonel Eddie Town before O-Five

16 arrived, weren't you?

17 A. No. I was not there. I and he reached there the same day

18 when I was under arrest.

19 Q. When O-Five arrived at Colonel Eddie Town, you were the

09:42:16 20 commander of the SLAs at Colonel Eddie Town in the absence of

21 SAJ Musa, weren't you?

22 A. I've never been a commander of the SLA at Eddie Town.

23 Q. I'd like to move on to a new area now, Mr Brima. Just

24 before I do that, could I just quickly ask you, Mr Brima, when

09:42:53 25 you were arrested by O-Five at Yarya, which family members

26 accompanied you from Yarya to Colonel Eddie Town under the arrest

27 of Commander O-Five?

28 A. No family member accompanied me.

29 Q. Thank you. So the new area I would like to look at is an

1 area we've touched upon before, and that's your ill health.

2 According to you, you suffered from hypertension and high blood
3 pressure during the AFRC government. Is that correct?

4 A. Yes.

09:44:55 5 Q. And you still suffer from these illnesses today; is that
6 correct?

7 A. Yes.

8 PRESIDING JUDGE: Aren't they the one illness, Mr Agha.
9 Aren't they the same thing, hypertension and high blood pressure.

09:44:55 10 MR AGHA:

11 Q. In effect, you still suffer from the same illness today as
12 what suffered during the AFRC regime?

13 A. Which same illness?

14 Q. High blood pressure and hypertension?

09:44:55 15 A. Yes.

16 Q. In which year did you start suffering from these illnesses?

17 A. It was in 1997. That was how I -- that was the time I knew
18 that I was suffering from these illnesses.

19 Q. Was it before the coup in May 1997, or after the coup
09:45:04 20 in May 1997?

21 A. It was after.

22 Q. So was it in June, July, August? Was it immediately after
23 or towards the end of the year?

24 A. I cannot tell you the right time that it was detected, but
09:45:04 25 it was in '97 when I was, when I was admitted at the 34 Medical
26 Hospital at Wilberforce Barracks.

27 Q. And you can't remember whether that was at the end of the
28 year?

29 A. It was not at the end of the year.

1 Q. Now, does stress make your illness worse, according to the
2 medical treatment you've received?

3 A. Well, from what the doctor told me, he said I had stress,
4 but the doctor did not tell me that -- the doctor did not tell me
09:45:42 5 that it was going to make the illness worse or it would be
6 better. I had never asked the doctor.

7 Q. Now, despite these illnesses, you were well enough as I've
8 earlier mentioned - and I won't go through all - to play
9 volleyball from time to time?

09:46:13 10 A. I did not tell you that I played football. I have never
11 told this Court that I played football. That was part of the
12 doctor's advice.

13 PRESIDING JUDGE: Mr Brima, the question was not football.
14 The question was volleyball.

09:46:28 15 THE WITNESS: He said play ball. In Krio, when you ask
16 everybody, Mr Lord, play ball, means to play football. That's
17 why, from what I'm getting from the interpreter --

18 PRESIDING JUDGE: Mr interpreter, the question involved
19 volleyball; is that right, Mr Agha.

09:46:47 20 MR AGHA: Yes, Your Honour.

21 PRESIDING JUDGE: Nobody mentioned play ball or football.
22 Ask the question again, Mr Agha.

23 MR AGHA:

24 Q. Despite your illnesses, you were still able, during the
09:46:56 25 AFRC regime to play volleyball, weren't you?

26 A. Yes. But not all the time.

27 Q. At the intervention, you were well enough to try to escape
28 from Kono, weren't you?

29 A. I was not well enough. I went and sought a traditional

1 cure in Kono.

2 Q. But you were well enough, after the intervention, to try
3 and escape from Kono to another country, weren't you?

4 A. I'm telling you that once it concerns life, you must
09:47:47 5 manage. It concerned my life. I said that I was not going to
6 fight. That was why I decided to escape. But that did not mean
7 that I was well enough, because I went to Kono in order to get
8 treatment, which was traditional treatment.

9 Q. So at the time of the intervention, you were too unwell to
09:48:13 10 fight?

11 A. I said I was not in Freetown, I was in Kono, and I did not
12 even decide to fight.

13 Q. But were you well enough to fight?

14 A. I was not well enough so as to be able to fight, because I
09:48:29 15 went to cure myself traditionally. That's why I went there.

16 Q. Now, despite your illnesses, you were well enough to march
17 for over a day from your place of arrest in Kono to the Moa
18 Barracks, weren't you?

19 A. Even right now, where I'm sitting, I'm not well, but I'm
09:48:53 20 still coming to co-operate with the Court.

21 Q. Yes, but marching for over a day is different from coming
22 on a short trip from the detention centre, isn't it?

23 A. I'm telling you where life is concerned, you must care,
24 you the human being. My life was concerned in that particular
09:49:20 25 incident.

26 Q. Despite your illness, you managed to survive your arrest,
27 beating and humiliation when you arrived in Kailahun Town, didn't
28 you?

29 A. Ask that question again.

1 Q. When you reached Kailahun, you were arrested and beaten and
2 stripped and humiliated, weren't you?

3 A. Well, I want to know if it was in Kailahun Town, or it was
4 in the Kailahun District. Because when you say Kailahun, it's
09:50:04 5 open.

6 Q. Were you beaten any time in Kailahun?

7 A. Yes.

8 Q. And, according to you, you were also interrogated three
9 times by the RUF whilst you were in the district of Kailahun,
09:50:21 10 weren't you?

11 A. Yes.

12 Q. According to you, you were imprisoned in Kailahun for
13 around six months, weren't you?

14 A. Around five to six months.

09:50:39 15 Q. During the six-month period, there was a danger of the RUF
16 killing you, wasn't there?

17 A. Yes.

18 Q. So despite all this, you still managed to survive, despite
19 your illnesses?

09:50:58 20 PRESIDING JUDGE: Mr Agha, isn't this a matter that you
21 could use in your final submissions? We know he managed to
22 survive, we can see him here in court. All of the other matters
23 you've mentioned are on the record. This is something you can
24 compile in an argument to put to the Court by way of final
09:51:17 25 submissions.

26 MR AGHA: Yes, Your Honour.

27 Q. I put it to you that you suffered no serious illness
28 between May 1997 and April 2001?

29 A. Anyway, that's what you say. But, for me, what I'm telling

1 this Court is I had serious illnesses, and even until now, the
2 sicknesses are still disturbing me.

3 Q. So when you were detained in Kailahun, were you well enough
4 to fight?

09:51:59 5 A. I don't go to Kailahun to fight. I did not fight in
6 Kailahun. I said I was detained there. I did not tell you that
7 I fought in Kailahun.

8 Q. Whilst you were detained in Kailahun, were you well enough
9 to have fought?

09:52:19 10 MS THOMPSON: Your Honour, fought for whom? I don't
11 understand this, because the witness has said he was detained by
12 the RUF in Kailahun. If you are detained, you are under arrest,
13 which I think is common knowledge. My learned friend is putting
14 the question as if he said he was in Kailahun of his own free
09:52:36 15 will and was there and therefore, could have fought. I mean, who
16 he was going to fight for? Is that what my learned friend is --
17 if he's putting it to him that whilst he was in Kailahun he could
18 have fought for one faction or the other, then let him put it
19 that way, but to say, "Were you well enough to fight?" Fight for
09:52:53 20 whom?

21 PRESIDING JUDGE: Well, look, the witness is perfectly
22 capable of saying whether he understands the question or not. We
23 can go on from there, depending on what the witness says. Ask
24 the question again, Mr Agha.

09:53:06 25 MR AGHA: If I can remember. I will try the best I can to
26 ask it.

27 Q. Witness, while you were detained in Kailahun, you were
28 unwell. Were you too unwell to be able to have fought as a
29 soldier?

1 A. In Kailahun where I was, I was under arrest.

2 Q. Yes. The question is a very simple one: Were you well
3 enough to have fought as a soldier whilst you were detained in
4 Kailahun. You either were or you were not.

09:53:44 5 A. Well, I cannot tell you that I would have been able to
6 because I was under arrest. What you're asking me, fighting did
7 not even come to my mind. What I had been thinking about was to
8 be free from the people who captured me in Kailahun. I was not
9 even thinking about fighting.

09:54:01 10 Q. But were you too unwell to have fought, if you needed to?

11 A. Who would have asked me to fight. This is what I want to
12 understand.

13 Q. It is a simple question. If you were unwell, would you
14 have been able to fight? Were you well enough to fight; yes or
09:54:32 15 no?

16 A. I would answer your question, but when -- since I was not
17 well and I was not thinking about going to fight.

18 Q. Yes or no; were you well enough to fight?

19 A. I'm telling that you I was under arrest. And I would not
09:54:53 20 be able to determine whether I was well to go and fight, but in
21 Kailahun, when I went to Kailahun in 1998, I was under arrest.

22 Q. Okay, when you were travelling as an escapee from Kailahun
23 to Kono, were you well enough to be able to fight?

24 A. Well, I did not fight. That's the first thing that I ought
09:55:20 25 to tell you. I did not even fight.

26 Q. But were you well enough to fight? If someone would have
27 attacked you, could you have fought back, or were you too unwell?

28 A. I did not have a rifle to defend myself. If somebody
29 attacked me, the people who came with me, would have fought. I

1 did not fight. How do you want me to accept that I fought or I
2 was fit to fight when I did not have any medical doctor's
3 opinion.

4 Q. According to you, you said you fled because you weren't
09:55:53 5 well enough to fight from Kono after the intervention in the
6 first place, so I'm asking you now, did you consider that you
7 were well enough to fight, despite your illnesses, when you were
8 travelling from Kailahun to Kono?

9 MS THOMPSON: Your Honour, I think the evidence was that he
09:56:09 10 did not want to fight in Kono, not that he wasn't well enough. I
11 think this is something which has been asked several times as the
12 evidence has been developing, but it has been that he did not
13 want to fight.

14 PRESIDING JUDGE: Look, I'm not going to waste time going
09:56:26 15 back to the transcript on this, Mr Agha. Can you rephrase that
16 question?

17 MR AGHA: I will try my best to get a yes or no answer.

18 Q. When you were travelling from Kailahun to Kono, if you had
19 been attacked, would you have been well enough to fight back?

09:56:56 20 A. Well, when we were coming from Kailahun, the people who
21 were ahead of us were the ones that fought. All I was thinking
22 about was to come back to Kono.

23 Q. The question was to you: Would you have been able to fight
24 in your current state of illness? Yes or no. Not about other
09:57:18 25 people, about you.

26 A. I'm telling you about myself during that time. I was not
27 able and I did not fight.

28 Q. Was it because you were too unwell?

29 A. That was one. That was one of the contributing factors,

1 and the other was that I was escaping for my life.

2 Q. Now, when you reached Kono, you managed to escape.

3 Eventually you reached your village at Yarya.

4 A. Yes.

09:58:06 5 Q. Now, you stayed in Yarya for three months, roughly.

6 A. Roughly.

7 Q. During that period you were in Yarya, were you well enough

8 to have fought?

9 PRESIDING JUDGE: What is your insistence on his being well
09:58:31 10 enough to have fought?

11 MR AGHA: Hopefully we'll come to that.

12 PRESIDING JUDGE: Can't you ask a direct question. If
13 you've got something direct to put to him, can't you put it to
14 him. There may have been days in Yarya -- he was there for about
09:58:48 15 three months -- there may have been days that he was well enough
16 and days that he wasn't. Are we going to break it up into each
17 day of the week, or can you come to a direct question.

18 MR AGHA: I will try to come to a direct question,
19 Your Honour.

09:59:03 20 Q. If, whilst you were at Yarya you had been attacked, despite
21 your illnesses, would you have been able to fight back?

22 A. I should not have been able, because I did not have a
23 rifle. If you talk of physical, maybe, but if they attacked me,
24 I would not have fought, because I did not have a rifle with me.

09:59:26 25 Q. If you had a rifle with you, would you have been able to
26 fight?

27 A. I should not have fought.

28 Q. Why? Because you weren't well enough, or for another
29 reason?

1 A. Well, I'm telling you that, even in the army, from when I
2 discovered that it was very hard for me to go to the front.

3 Q. What was the reason why you wouldn't be able to fight?
4 Would it be because you were not well enough to fight? Were you
10:00:12 5 well enough to fight, if you had had a rifle?

6 A. I'm telling you that I went to hide to my people.
7 Everybody was looking for safety. My own -- that was my own safe
8 area that I went to hide, but since I did not have a rifle, I
9 should not fight and I was not willing to fight. Even if I had a
10:00:34 10 weapon, I was not willing to fight.

11 Q. You were not willing to fight, but were you well enough to
12 fight, if you wanted to?

13 A. I could not tell you the state of my health by then,
14 because I did not have any opinion of a doctor during the time
10:00:52 15 that you are mentioning.

16 Q. So your health in Yarya, as far as you're concerned, was
17 not too bad? You were able to get by?

18 A. Well, I did not even have an opinion of a doctor to say
19 whether I was well enough or not well enough.

10:01:18 20 Q. Did you go to any hospital in Yarya?

21 A. There was no hospital there.

22 Q. Did you seek any medical treatment?

23 A. I have told you that there was no medical doctor with me at
24 Yarya, so I did not have any medical treatment or had an opinion
10:01:45 25 of a doctor in Yarya.

26 Q. But prior to the intervention, you were in and out of
27 hospital a lot of time. In fact, you were too unwell to fulfil
28 your duties; do you remember?

29 A. Yes.

1 Q. You even travelled with a medical orderly with you on one
2 of your trips to Kono, didn't you?

3 A. When? Which year?

4 Q. Prior to the intervention, you travelled to Kono with a
10:02:21 5 medical orderly, didn't you?

6 A. Well, before the intervention, I travelled twice to Kono.

7 Q. The question is simple: Did you travel on one occasion
8 with a medical orderly to Kono?

9 A. Yes.

10:02:43 10 Q. Now, you had family in Yarya; your brother Komba was there,
11 wasn't he?

12 A. Yes.

13 Q. Why didn't you ask them to bring a doctor for you?

14 A. They, too, were in hiding. And they were hiding for the
10:03:08 15 safety of their lives.

16 Q. You were perfectly well when you were in Yarya, weren't
17 you?

18 A. It was not so. I was not well enough.

19 Q. Anyway, when O-Five took you and marched you for about ten
10:03:31 20 days or so to Colonel Eddie Town, you were well enough to do
21 that, weren't you?

22 A. Well, that was under gunpoint. Right now, as you are
23 standing there, if they place you under gunpoint, you would go,
24 even if you don't want to go. And I'm a soldier. I know the
10:03:54 25 meaning of that, of a gun.

26 Q. Now, prior to the advance on Freetown from Colonel Eddie
27 Town, were you still feeling ill?

28 A. I did not have the opinion of any doctor, but to my own
29 point of view, I was feeling that I was not well.

1 Q. Were you feeling well enough to fight?

2 A. I have told you my own feeling. I have said I was unaware.

3 Q. But were you well enough, according to your own feeling, to
4 be able to fight?

10:04:40 5 A. I'm telling that I was under arrest, whether I feel or not,
6 I was not going to fight. I was under arrest.

7 Q. Now at Goba Water, you managed to escape; is that correct?

8 A. Yes. Were you still suffering from your illnesses at Goba
9 Water?

10:05:11 10 A. Which sickness?

11 Q. Well, you said that you suffer from high blood pressure and
12 hypertension from 1997 still today, so those illnesses.

13 A. Well, from 1997 up to that, I'm saying that I still have
14 that high blood pressure and hypertension.

10:05:43 15 Q. So when you made your escape from Goba Water, despite those
16 illnesses, you were well enough to run away?

17 A. Because of the safety of my life, I was able to run away,
18 as a result of that. Whether strong or not strong, it concerns
19 life.

10:06:08 20 Q. Whilst you were escaping, you were no longer under arrest,
21 were you.

22 A. No, I cannot tell you that I was not under arrest. I said
23 as a result of the attention of the guards that were with us,
24 that was why I was able to escape.

10:06:28 25 Q. But during your escape, there was no one guarding you, was
26 there, on the way from Goba Water to Makeni?

27 A. I did not get you clearly.

28 Q. When you made your way from Goba Water to Makeni, there was
29 no one guarding you or keeping you under arrest, was there?

1 A. You mean when I left Goba Water, when I started the journey
2 to go to Makeni?

3 Q. Yes.

4 A. I escaped alone, on my own part. So I did not have anybody
10:07:09 5 to guard me.

6 Q. You escaped on your own; is that what you're saying.

7 PRESIDING JUDGE: He just said that, Mr Agha.

8 MR AGHA: Well, the reason I asked --

9 PRESIDING JUDGE: There is no reason to keep asking him
10:07:28 10 twice.

11 MR AGHA:

12 Q. Earlier - I just wanted to be sure - earlier in your
13 evidence, you said you escaped with Five-Five and Woyoh.

14 A. Yes, that is what I said, but what you are asking me, what
10:07:41 15 I got from the interpreter, to say I escaped with guards, that's
16 why I said, no, I did not escape with any guards; I was alone.

17 Q. You said you escaped on your own and I asked you again and
18 the learned Presiding Judge said you had already answered.

19 MS THOMPSON: Your Honour, he said, "I escaped on my own,
10:08:01 20 on my own part." I don't know whether that came through the
21 interpretation. On my own part was there because I heard that
22 one.

23 PRESIDING JUDGE: I know what he meant, Ms Thompson. Keep
24 going, if you want, Mr Agha.

10:08:13 25 MR AGHA:

26 Q. So who did you escape with?

27 A. The third accused, and with Woyoh.

28 Q. And what is Woyoh's name?

29 A. Woyoh's name is Franklyn.

1 Q. Franklyn what?

2 A. Franklyn Conteh.

3 Q. And during your escape, were you well enough to fight?

4 A. I did not have a rifle and I was unable to tell you the
10:08:47 5 state of my health at that time, because I did not have the
6 opinion of a doctor, but to my own feeling, I was not feeling to
7 fight.

8 Q. I put it to you again, that throughout the AFRC regime
9 until 2001, you suffered from no serious illness, did you?

10:09:17 10 A. During the AFRC period, it was not up 2001.

11 Q. From 1997 until 2001, you suffered from no serious illness,
12 did you?

13 A. I was having serious sickness, and these are the sickness
14 that I told you, high blood pressure and hypertension.

10:09:39 15 Q. Between 1997 and 2001, you were perfectly well and able to
16 fulfil your functions as a soldier, weren't you?

17 A. Up to date, I am not well enough.

18 MR AGHA: I would like, with the permission of the Court,
19 to show the witness a document. It is Exhibit D14.

10:10:50 20 Q. Now, Mr Brima, this is a military discharge book, which you
21 exhibited yourself via your learned Defence counsel. Do you have
22 a copy of it in front of you?

23 A. Yes.

24 Q. This is the book which has your name on the second page as
10:11:23 25 Tamba Brima.

26 A. Yes.

27 Q. Enlisted on 5th June 1991. Do you see that?

28 A. The number that you called, the first page, I do not see
29 the number yet.

1 Q. On the front --

2 PRESIDING JUDGE: It's their exhibit, Mr Agha. Can you go
3 straight to the part you want to ask the questions on.

4 MR AGHA: Yes, Your Honour, I can do that.

10:12:08 5 Q. Now, if you go through the document, Mr Brima, you'll find
6 a part which is actually the page at the end of the document just
7 before your photograph. It's numbered as page 9 in the document.

8 A. Yes.

9 Q. Now, on the right-hand side, it has "final medical
10:12:51 10 examination."

11 A. Yes.

12 Q. It lists a number, a rank of corporal and the name Tamba
13 Brima.

14 PRESIDING JUDGE: Actually, it says Tamb T-A-M-B, Brima.

10:13:13 15 MR AGHA: I beg your pardon, your Honour.

16 Q. Tamb Brima and medical category on enlistment is FE and
17 then under that it reads "A. I certify that I have examined the
18 above-named or find after clinical examination he is free from
19 infectious disease, fit for his present medical category which is
10:13:45 20 FE." Now, do you know what the initials FE stand for?

21 A. No.

22 Q. They stand for fighting efficient.

23 PRESIDING JUDGE: Is that your evidence, Mr Agha?

24 MR AGHA: I am putting it to him. I put it to him.

10:14:10 25 PRESIDING JUDGE: He said he doesn't know what they stand
26 for.

27 MR AGHA:

28 Q. I put it to you, Mr Brima, that the initials FE stand for
29 fighting efficient.

1 A. I never came across that word in the army that FE means
2 fighting efficient. I never came across that language in the
3 army.

4 Q. Is there anything in this discharge book that records that
10:14:45 5 you suffer from any kind of ill health?

6 A. Well, I'm telling you that, from what I've seen in the
7 discharge book, it was the command officer who gave me the
8 recommendation, and I want to tell you one thing that -- the
9 Sierra Leone Army, when you enrol into it, whether you are
10:15:10 10 married or not, they will say that you are married. They said a
11 child would not join the army. A child would not join the army.
12 So whether you are married or not, the day that the army proves
13 that you are fit to join the Sierra Leone Army, they will say
14 that you are married.

10:15:31 15 Q. Will they also say that you are a sergeant when you're a
16 corporal?

17 A. When did they talk that?

18 Q. Well, this is your discharge book.

19 A. Yes.

10:15:48 20 Q. It was produced, I assume, by the Defence to show that your
21 rank is a corporal on the date of discharge, and that your name
22 is not Alex. So, I'm asking you if you can show me anywhere in
23 this document, especially under "final medical examination" where
24 it indicates that you suffered from any serious ill health
10:16:15 25 from May 1997 until the date of your discharge. Can you point me
26 where there is any mention of that in this book?

27 A. It was not the medical officer that prepared this book. It
28 was the commanding officer in the barracks or the unit or the
29 battalion that prepared this book and he did not prepare this

1 book in a funny way. I never heard the opinion from a doctor
2 before they prepared this book, for me. It was the commanding
3 officer who prepared it for me.

4 Q. My question to you is there - yes or no - any mention in
10:16:58 5 this book that you suffered from a serious illness during your
6 time in the army?

7 A. Well, this is what I'm telling you. This book, during the
8 time I was in the army, it was when the army was restructured, it
9 was the time I had this book.

10:17:12 10 Q. Is there any mention of illness in this book; yes or no?

11 A. I'm still telling you it is not the medical doctor that
12 prepared the book. It is the commanding officer in your
13 battalion or your company who prepared the book.

14 Q. I didn't asked you who prepared the bookment I'm asking you
10:17:31 15 is there any mention in the book of you suffering from any
16 illness; yes or no?

17 A. That one, it is the commanding officer [indiscernible] that
18 I tell you, but he is the one who prepared the book.

19 JUDGE SEBUTINDE: Mr Brima.

10:17:48 20 THE WITNESS: Yes, My Lord.

21 JUDGE SEBUTINDE: Please do not dodge the question. The
22 question is very simple and very clear. Answer the question
23 asked. Don't answer what is not asked.

24 THE WITNESS: Yes, My Lord.

10:18:02 25 JUDGE SEBUTINDE: Mr Agha, please put your question again.

26 MR AGHA:

27 Q. In this document in front of you, is there any mention that
28 you suffered from any illness between May 1997 until you left the
29 army; yes or no?

1 A. I did not see it here.

2 Q. Mr Brima --

3 A. Yes.

4 Q. -- I put it to you once again that you were fully fit and
10:18:37 5 had no unwellness during the period 1997 to year 2000.

6 A. I am telling you that I was sick. I'm also telling you
7 that I was seriously sick. I was suffering from hypertension and
8 high blood pressure. That's why these dates, when you brought
9 this document, I asked you, who signed the document? Who is the
10:19:05 10 doctor who signed it?

11 Q. Mr Brima, I would now like to move into another area.
12 Perhaps the exhibit could be taken from Mr Brima and this
13 concerns your version of events in your evidence at Colonel Eddie
14 Town. Now, according to you, at Colonel Eddie Town, you were
10:19:59 15 placed under arrest before SAJ Musa arrived, weren't you?

16 A. Yes.

17 Q. According to you, Junior Lion was in charge of the
18 detainees at Colonel Eddie Town, wasn't he?

19 A. He is one of them, of the men in charge of us, the
10:20:20 20 detainees, in Eddie Town.

21 Q. You allege that Junior Lion was not a member of the SLA,
22 don't you?

23 A. Yes. From what I came to understand, when they
24 restructured the army, he went to Benguema, then they
10:20:39 25 investigated and they captured him and they brought --

26 Q. In short, according to you, Junior Lion was not a member of
27 the SLA?

28 A. Yes.

29 Q. So if Junior Lion was not a member of the SLA, how could he

1 be placed in charge of detainees who were SLAs?

2 A. It was when we came to Freetown in 2001 --

3 Q. This is at Colonel Eddie Town. We are at Colonel Eddie
4 Town.

10:21:10 5 A. I never knew in Colonel Eddie Town that he was not a
6 soldier. It was when we came to Freetown in 2001. He went to
7 retrain in Benguema and it was during that time that the military
8 police knew that he claimed a number which was not his number.
9 It was during that time that I knew that he was not a soldier.

10:21:32 10 Q. So prior to that time, he was treated as an SLA by the
11 other SLAs, wasn't he?

12 A. From what I saw in Eddie Town, he was treated as an SLA.

13 Q. Now, according to you, before you reached Colonel Eddie
14 Town, troops under the command of Junior Lion had already
10:22:09 15 attacked Yarya, hadn't they?

16 A. I said Junior Lion and his men, whose name I cannot tell
17 you all. They went to attack the village.

18 Q. Now, according to you, during this attack, Junior Lion shot
19 your brother Komba in the foot, didn't he?

10:22:30 20 A. Yes.

21 Q. From what Komba and my wife explained to me in Yarya Town.

22 Q. So when you reached Colonel Eddie Town, you wanted to take
23 revenge against Junior Lion, didn't you?

24 A. Maybe. Sometimes -- since -- maybe, since he was not
10:22:59 25 trained. A soldier should not kill his companion soldier.

26 THE INTERPRETER: Your Honour, could the witness take this
27 answer again. The interpreter did not get him well.

28 MR AGHA:

29 Q. I'm not asking you about killing him. I'm asking if you

1 wanted to take revenge against him, didn't you?

2 A. How would I retaliate. He's my companion soldier by then.

3 PRESIDING JUDGE: Mr Brima, you are not being asked in what
4 method you can take revenge, you are simply being asked: Did you

10:23:40 5 want to take revenge against Junior Lion or not?

6 THE WITNESS: I have answered him that, no, and he's my
7 colleague soldier by then.

8 MR AGHA:

9 Q. I put it to you that you did want to take revenge against
10:23:55 10 Junior Lion, didn't you?

11 A. It is a lie.

12 PRESIDING JUDGE: If you've got some contradictory facts to
13 put to him, put them Mr Agha, but you have got that answer that
14 he did not want to take revenge.

10:24:10 15 MR AGHA:

16 Q. So you didn't want to put Junior Lion in jail?

17 A. I did not have an order to put him in jail. I did not have
18 a command to put Junior Lion in jail.

19 Q. You wanted to put him in jail, didn't you?

10:24:25 20 A. Jail where? Which area, where should I put him in jail.

21 Q. Where you were allegedly in Colonel Eddie Town?

22 A. I was under arrest. I should not be under arrest and place
23 somebody in jail. That was a lie.

24 Q. You were never under arrest in Colonel Eddie Town prior to
10:24:47 25 the arrival of SAJ Musa, were you?

26 A. The man that you are talking about, Junior Lion, who is the
27 one that came and told in this Court that they were arresting
28 people, I myself inclusive.

29 Q. You were never under arrest in Colonel Eddie Town before

1 SAJ Musa arrived, were you?

2 A. I was under arrest.

3 MS THOMPSON: Your Honour, my learned friend proceeded with
4 this line of questioning by referring to Junior Lion's evidence,
10:25:22 5 and if he's going to put evidence of Junior Lion or basing the
6 evidence of Junior Lion as a way to contradict what this witness
7 is saying, then I suggest that he does so in the correct manner,
8 at least rely on it correctly, because that was not the evidence.
9 What my learned friend is putting now to this witness was not the
10:25:42 10 evidence in this Court, and that comes from your own witness.

11 PRESIDING JUDGE: Thank you, Ms Thompson. In any event,
12 that question has been answered. The accused answered, "I was
13 under arrest."

14 MR AGHA:

10:26:06 15 Q. You've made up the story that Junior Lion tortured you
16 whilst you were allegedly under arrest, haven't you?

17 A. No. I did not make up any story. It is the truth that I'm
18 telling this Court.

19 Q. You ordered the arrest of Junior Lion at Colonel Eddie Town
10:26:29 20 for disobeying the laws which you created, didn't you?

21 A. It is a lie. I did not make any law in Eddie Town and I
22 was under arrest. I never arrested Junior Lion. I was under
23 arrest in Eddie Town.

24 Q. So you made no laws concerning the stealing of government
10:26:54 25 property or any other laws to be obeyed whilst you were in
26 Colonel Eddie Town?

27 A. What do you mean by government property? I never heard
28 that word government property.

29 Q. I just say simply then: You never made any laws at all

1 whilst you were at Colonel Eddie Town?

2 A. I was under arrest.

3 Q. You did not make any laws whilst you were at Colonel Eddie
4 Town, did you?

10:27:23 5 A. I did not make any law and I was under arrest. I was not
6 in a position to make any law or command or I was not in control
7 to make any law. I was a detainee in Colonel Eddie Town.

8 JUDGE SEBUTINDE: Mr Brima. Excuse me Mr Agha. Mr Brima,
9 yesterday the Presiding Judge spoke to you and said please
10:27:48 10 restrain yourself and answer only what you're asked. Otherwise,
11 we'll never finish this trial. If you are asked a question, just
12 answer the question you are asked. Don't add on other things
13 that we're not interested in, otherwise we'll never finish this
14 trial. Please confine yourself to answering the question that
10:28:09 15 you are asked, as honestly as you can.

16 THE WITNESS: Yes, My Lord, but some of the questions that
17 he's asking me are open.

18 PRESIDING JUDGE: Just do your best, Mr Brima. Carry on,
19 Mr Agha.

10:28:29 20 MR AGHA:

21 Q. You were the commander in Colonel Eddie Town before
22 SAJ Musa arrived, weren't you?

23 A. No.

24 Q. You, as commander in Colonel Eddie Town, before SAJ Musa
10:28:50 25 arrived, made laws, to be obeyed by your troops, didn't you?

26 A. No.

27 Q. Now, according to you, at Colonel Eddie Town, you were
28 detained with other honourables, including the second and third
29 accused, who had been arrested; is that right?

1 A. Other former honourables. But I did not say the second

2 accused was an honourable.

3 Q. At any rate, you were detained with the second and third

4 accused and they told you they had been arrested from their

10:29:37 5 villages, didn't they?

6 A. Yes.

7 Q. It is a lie that the second and third accused told you that

8 they had been arrested from their villages, isn't it?

9 A. Since they were the ones that told me, I knew that what

10:29:53 10 they told me is what I have told this Court. But I did not tell

11 you that they told me lie.

12 Q. Prior to SAJ Musa's arrival at Colonel Eddie Town, the

13 second accused was your second in command at Colonel Eddie Town,

14 wasn't he; yes or no?

10:30:13 15 A. No.

16 Q. Prior to SAJ Musa's arrival, the third accused was your

17 chief of staff at Colonel Eddie Town whilst you were commander,

18 wasn't he; yes or no?

19 A. I did not have an army. I never made him a chief of staff.

10:30:33 20 That one that you're asking me, it's a lie.

21 Q. According to you, the former honourables told you they had

22 been arrested because they were politicians and that they had

23 contributed to the suffering of the soldiers; is that right?

24 A. I confirmed that from SAJ Musa when he was addressing the

10:31:01 25 muster parade.

26 Q. So you spoke to SAJ Musa at the muster parade, did you?

27 A. I did not talk to him. I said I confirmed him from what he

28 said at the muster parade, when he was addressing the troops.

29 Q. Now, SAJ Musa was chief secretary of the AFRC during the

1 AFRC regime, wasn't he?

2 A. Yes.

3 Q. SAJ Musa wasn't arrested as a politician, was he?

4 A. When?

10:31:35 5 Q. When you were in Colonel Eddie Town. When he arrived, he
6 wasn't arrested, was he?

7 A. He was not arrested.

8 Q. I put it to you that the former honourables were not under
9 arrest because they were politicians.

10:31:56 10 A. Well, I'm putting it to you that they detained us,
11 including myself, in Colonel Eddie Town.

12 Q. But you, and the former honourables, were not detained
13 because you were politicians, were you?

14 A. They give their reasons. That is one.

10:32:22 15 Q. You lied when you said that the former honourables had told
16 you that they were arrested because they were politicians, didn't
17 you?

18 A. I'm not telling you lies. I'm telling you the truth.

19 Q. Now, SAJ Musa has arrived at Colonel Eddie Town, and you're
10:32:51 20 still under detention; is that correct?

21 A. Yes.

22 Q. Now, SAJ Musa, at the muster parade, told the troops that
23 the detainees were troublemakers who had caused the soldiers and
24 their families to suffer, didn't he?

10:33:17 25 A. He said we were the ones that caused the suffering of the
26 soldiers and their families. He did not say that we were
27 troublemakers, and he never told me that I was a troublemaker.

28 Q. He didn't address and say that the detainees were
29 troublemakers, at the parade; is that what you're saying?

1 A. Yes, he did not say troublemaker when he was addressing the
2 muster parade.

3 Q. SAJ Musa, at the muster parade, advised the soldiers not to
4 kill you, didn't he?

10:33:52 5 A. It was not I alone. Those that were detained, including I,
6 myself.

7 Q. SAJ wanted you to remain under arrest, didn't he?

8 A. Well, I wouldn't tell you that he wanted that, but I was
9 under arrest.

10:34:11 10 Q. But he told you he wanted you to be prosecuted and the
11 other detainees to be prosecuted, didn't he?

12 A. He said when he was coming to Freetown, he would prosecute
13 us, but I did not know how he wanted to prosecute us.

14 Q. Whilst you were in Colonel Eddie Town, SAJ Musa no longer
10:34:32 15 trusted you, did he?

16 A. I was under arrest. I wouldn't be able to tell you whether
17 he believed or did not believe. I would not be able to give the
18 opinion of SAJ Musa.

19 Q. Now, I put it to you that SAJ Musa ordered your arrest.

10:34:55 20 A. I don't get you clearly.

21 Q. SAJ Musa ordered your arrest, didn't he?

22 A. Well, I would not be able to determine that. You know, for
23 SAJ Musa, because SAJ Musa, I did not know his opinion. All I
24 know is that I was arrested by O-Five.

10:35:14 25 Q. At Colonel Eddie Town, when SAJ Musa arrived, did SAJ Musa
26 become the commander of the SLAs at Colonel Eddie Town?

27 A. When he arrived there, during the time that he stayed
28 there, he was the commander of the SLA, when he was at Eddie
29 Town.

1 Q. So SAJ Musa had the power to release you from arrest,

2 didn't he?

3 A. The soldiers had been listening to him.

4 Q. But if he wanted you to, as commander of the SLAs in

10:35:54 5 Colonel Eddie Town, SAJ Musa could have ordered your release,

6 couldn't he?

7 A. Well, you know --

8 Q. Well, the answer is very simple. He either could or he

9 couldn't order your release.

10:36:10 10 A. Ask me that question again.

11 Q. SAJ Musa was commander of the SLAs when he arrived at

12 Colonel Eddie Town; SAJ Musa could order the other SLAs to

13 release you, couldn't he? Yes or no?

14 A. Well, SAJ Musa did not order that.

10:36:30 15 Q. I didn't say he did, but he could do it as a commander,

16 couldn't he?

17 A. I'm telling you that what you're saying, the

18 interpretation, what I get from the interpreters, what I'm using

19 to reply to your questions, he said if SAJ Musa released me.

10:36:55 20 PRESIDING JUDGE: Mr Brima.

21 THE WITNESS: Yes, My Lord.

22 PRESIDING JUDGE: The question is: Did SAJ Musa have the

23 power to order your release?

24 THE WITNESS: Well, what I get from the interpreter, My

10:37:12 25 Lord, he said SAJ Musa had the power to release me at Eddie Town.

26 PRESIDING JUDGE: The question is: Did SAJ Musa have the

27 power to order your release? What's your answer?

28 THE WITNESS: Yes, he had that power.

29 PRESIDING JUDGE: Go on, Mr Agha.

1 MR AGHA:

2 Q. Now, you were under detention at Colonel Eddie Town?

3 A. Yes.

4 Q. SAJ hadn't exercised his power to release you, despite
10:37:46 5 being a former family friend?

6 PRESIDING JUDGE: Look, Mr Agha, will you ask direct
7 questions without putting in these parenthesis, please. You know
8 what he's going to say. He's going to say, "I don't understand
9 the question." So would you please keep them as simple as
10:38:05 10 possible.

11 MR AGHA: Sorry, Your Honour.

12 Q. You were under detention at Colonel Eddie Town?

13 A. Yes.

14 Q. Why did SAJ allow you to attend a muster parade where the
10:38:18 15 formations for the attack on Freetown were discussed?

16 A. Ask me that question again, My Lord.

17 Q. You were under detention at Colonel Eddie Town?

18 A. Yes.

19 Q. So why did SAJ Musa allow you to attend the muster parade
10:38:45 20 where he discussed his attack on Freetown?

21 A. I told you it was a general muster parade that was called.

22 We, the detainees were taken to the muster parade.

23 Q. Soldiers under arrest don't usually attend muster parades,
24 do they?

10:39:04 25 A. You would attend muster parade.

26 Q. Even an arrested soldier would be taken out of where he was
27 being kept and brought to a general muster parade, would he?

28 A. Yes, it was SAJ Musa who gave that order that we should be
29 taken to the muster parade.

1 Q. You didn't mention that before, did you, during your

2 evidence-in-chief?

3 A. Say what?

4 Q. That it was SAJ Musa who had ordered the detainees to be

10:39:43 5 present at the general muster parade?

6 A. Well, SAJ Musa was the commander. See, when they call the

7 general muster parade, they called us, the detainees, to go

8 there. So I knew it was SAJ Musa who gave that order, because he

9 was the one that was addressing the general muster parade. And

10:40:01 10 from what he said at the muster parade, I knew he was the one who

11 ordered that we be brought to the muster parade, we, the detained

12 people.

13 Q. You attended SAJ Musa's muster parade as his second in

14 command, and not as his detainee, didn't you?

10:40:15 15 A. No. I attended that parade as a detained.

16 Q. You were the person who addressed the muster parade and not

17 FAT Sesay, weren't you?

18 A. That's a lie. I have never addressed a muster parade at

19 Eddie Town.

10:40:39 20 Q. You, and not FAT Sesay was acting commanding officer in

21 SAJ Musa's absence, weren't you?

22 A. It was FAT, and he was a staff officer in the army. He was

23 a combatant officer in the army. He was the one who addressed

24 the parade.

10:40:59 25 Q. Now, as a soldier, if you plan an attack, you want to keep

26 its details a secret, don't you?

27 A. I never planned an attack.

28 Q. You never planned an attack throughout your whole military

29 career?

1 A. Yes.

2 Q. You have?

3 A. I was not in the command to plan an attack, never.

4 Q. And you never heard of any details of any attacks which had
10:41:37 5 been planned.

6 A. Officers would only brief you with the other ranks,
7 including me on the mission to which was going to take us or to
8 the operation why he was taking us.

9 PRESIDING JUDGE: I think this is an appropriate time,
10:41:50 10 Mr Agha. We'll take our usual morning break now. We will resume
11 at 11 a.m..

12 [Break taken at 10.45 a.m.]

13 [Upon resuming at 11.04 a.m.]

14 PRESIDING JUDGE: Go ahead, Mr Agha.

11:01:23 15 MR AGHA:

16 Q. Mr Brima, you were lying when you said you heard detail
17 briefings at the muster parade as a detainee, weren't you?

18 A. Ask me again.

19 Q. You were not a detainee when you heard the detailed
11:01:43 20 briefing at the muster parade, were you?

21 A. No, it was not like that. I was detained.

22 Q. Such detailed briefings aren't made at general muster
23 parades, are they?

24 A. Which kind of detail?

11:02:12 25 Q. The kind of detail which you went through in your evidence.

26 A. Well, I want to know the kind of detail. I told you that
27 SAJ Musa addressed the muster parade. But when you are talking
28 about detail in my statement, I want to know what detail you are
29 referring to.

1 Q. Well, for example, the troop movement to Freetown, the
2 advance party, the reporting back that Junior Lion would attack
3 Lunsar. Details of that nature are never given at general muster
4 parades, are they?

11:02:55 5 A. They're not usually -- I did not tell this Court that
6 Junior Lion was commissioned to go and attack Lunsar. I told you
7 that SAJ Musa addressed the muster parade. And he addressed it
8 with what I had told this Court.

9 Q. So where did you hear SAJ tell Junior Lion to attack Lunsar
11:03:26 10 at Colonel Eddie Town, if it wasn't at the general muster parade?

11 MR MANLY-SPAIN: May it please Your Honour. I don't
12 believe this witness said SAJ Musa told Junior Lion to attack
13 Masiaka at that muster parade -- to attack Lunsar at that muster
14 parade. At the time he spoke about attacking Lunsar, they were
11:03:51 15 very close to Lunsar. They had left Colonel Eddie Town.

16 PRESIDING JUDGE: Yes, Mr Agha. What do you say to that
17 objection?

18 MR AGHA: My understanding is that he learnt about that
19 instruction to Junior Lion at Colonel Eddie Town. If need be, I
11:04:15 20 will produce, in due course, a piece of transcript, if that would
21 assist the Bench.

22 PRESIDING JUDGE: Without checking the transcript, I can't
23 say one way or another. Do you want to us go back through the
24 transcript, Mr Agha, or can you rephrase that question so it is
11:04:41 25 not necessary?

26 MR AGHA: I will try to rephrase so it is not necessary,
27 Your Honour. Or I can come back to that question later.

28 Q. Now, at this --

29 PRESIDING JUDGE: Well --

1 MR AGHA: I withdraw that question, Your Honour.

2 PRESIDING JUDGE: All right.

3 MR AGHA:

4 Q. Most of the soldiers who attended the muster parade at
11:05:08 5 Colonel Eddie Town with SAJ Musa were SLA, weren't they?

6 A. Yes.

7 Q. So there was no need for SAJ Musa to explain, at a general
8 muster parade, such minute detail as what units comprised the
9 headquarters brigade, was there?

11:05:38 10 A. Which headquarter brigade?

11 Q. According to you, at the general muster parade, SAJ Musa
12 explained that the headquarter brigade would consist of various
13 units such as the medical units, and other components. There
14 would be no need to do that at a general muster parade with SLAs,
11:06:04 15 would there?

16 A. Well, you said general brigade muster parade. I did not
17 tell this Court about a brigade muster parade. I told this Court
18 about a general muster parade, which SAJ Musa addressed.

19 Q. Now, at that parade, there were SLAs, so there would have
11:06:22 20 been no need for SAJ Musa to go into the detail of what
21 constituted a headquarters brigade, would there? Yes or no;
22 there would be a need or there wouldn't?

23 A. I would not be able to answer this question. You are
24 talking about -- the interpreter is telling me a brigade
11:06:44 25 headquarter, and we did not have a brigade head -- I never told
26 this Court that SAJ Musa addressed a brigade.

27 Q. SAJ Musa did not make any statement at Colonel Eddie Town
28 regarding what comprised the headquarters brigade, did he?

29 A. My Lord, I'm still saying it, that SAJ Musa was not in a

1 brigade. I was not in a brigade. This is what I'm looking at
2 now. I have never told this Court about a brigade, but now the
3 interpreter is telling me about headquarter brigade, headquarter
4 brigade.

11:07:28 5 Q. At any time, whilst you were at Colonel Eddie Town, did
6 SAJ Musa address any SLAs where you were present about what a
7 headquarter brigade comprised? He either did or he didn't.

8 A. You want to force me to answer about something that did not
9 happen. See, I wanted to answer, but you're talking about
11:08:10 10 headquarter brigade, headquarter brigade.

11 JUDGE SEBUTINDE: Mr Brima, the question was very simple,
12 to which the answer is either yes or no. Nobody is asking you to
13 lie. The answer is either yes or no. I request Mr Agha to ask
14 your question simply. Ask your question simply and directly, so
11:08:33 15 as not to confuse the witness.

16 MR AGHA: It is not my intention to confuse the witness,
17 Your Honour.

18 PRESIDING JUDGE: Try it again, Mr Agha. Now, listen to
19 the question, Mr Brima, and I want an answer from you.

11:08:50 20 THE WITNESS: Yes, My Lord.

21 MR AGHA:

22 Q. I will try to break it down for you, Mr Brima. At any
23 time, whilst you were at Colonel Eddie Town, did SAJ Musa, in the
24 presence of any SLAs, mention the words "headquarters brigade"?

11:09:11 25 A. No. He never addressed SLAs talking about headquarter
26 brigade.

27 Q. Not at any time, even during the muster parade at Colonel
28 Eddie Town?

29 A. I'm telling you that he addressed the muster parade, which

1 was not a headquarter brigade muster parade. It was a general
2 muster parade.

3 Q. At that muster parade, he never used the words "brigade
4 headquarters" when he was speaking to you; right?

11:09:48 5 A. Yes. At the time he was talking to the troop, he never
6 mentioned brigade headquarters.

7 Q. I put it to you that's a lie. I put it to you that you, in
8 your earlier evidence, had suggested that he would discuss the
9 brigade headquarters -- headquarters brigade and its composition
11:10:09 10 at that general muster parade.

11 A. I was not a party of the people who discussed about muster
12 parade, and I said it was a -- I never said it was a brigade
13 muster parade. I said he was at the --

14 THE INTERPRETER: Your Honours, would the witness go a
11:10:35 15 little bit slower so as to allow the interpreter to keep up to
16 him.

17 JUDGE DOHERTY: Mr Brima, learned counsel did not say the
18 brigade muster parade. That term has not been used.

19 JUDGE SEBUTINDE: Maybe, Mr Agha, to really help us move
11:10:52 20 forward, if you're going to put an inconsistency to the witness
21 in his testimony, the record of the transcript is available. Why
22 don't you refer to the transcript where he said something
23 different before than what he's saying now? If you're going to
24 put to him the fact that he's now changing his testimony, we
11:11:17 25 would like to see the transcript that he is now changing. Isn't
26 it easier that way than to argue back and forth?

27 MR AGHA: It is easier, but it is difficult to anticipate
28 what he will or will not agree with. Hopefully, at the end of
29 each day, I can mark all those and, if necessary, or worthwhile,

1 produce them before the Court.

2 PRESIDING JUDGE: It may not be necessary if you put the
3 questions in a certain way, Mr Agha. If you refer this witness
4 to the specific time that he gave evidence to the contrary so
11:11:47 5 that you jog his memory to that occasion, his answer may obviate
6 any need to go to the transcript. To ask in the manner you're
7 doing, without drawing his attention to when he may have said
8 something different is probably leading to undesirable replies.
9 In any event, what was your last question, Mr Agha? I didn't
11:12:31 10 make a note of it.

11 MR AGHA: I'm not sure if I can remember.

12 PRESIDING JUDGE: Carry on with your next one then.

13 MR AGHA:

14 Q. At the general muster parade, SAJ Musa discussed the troop
11:12:51 15 movement to Freetown, didn't he?

16 A. He spoke about the reinstatement of the army and he told
17 the troops that he was coming to Freetown.

18 Q. Did he say there would be an advance party?

19 A. It was during the second general muster parade that he
11:13:20 20 addressed. That was the time that he spoke about an advance
21 party.

22 Q. At any of the muster parades at Colonel Eddie Town, did he
23 speak about how the advanced party would keep in contact with the
24 other groups?

11:13:39 25 A. Which other groups?

26 Q. The headquarters brigade, for example?

27 A. That is SAJ Musa's personal thing. All I'm telling this
28 Court is that when he was addressing the troop, he told the troop
29 that they were to come to Freetown. The day that the troops

1 started moving, I was at headquarters, and I saw how

2 communication was going on with SAJ Musa.

3 Q. You know so much about SAJ's plans, the advance on

4 Freetown, because you were his second in command at Colonel Eddie

11:14:25 5 Town, weren't you?

6 A. It was not like that. It's a lie. I was not second in

7 command at Eddie Town.

8 Q. Now, witness TF-184 has given evidence before this Court.

9 It was never mentioned to him in cross-examination that he was a

11:14:48 10 quartermaster, was it?

11 THE INTERPRETER: Your Honours, could counsel go over that

12 last bit of the question?

13 PRESIDING JUDGE: That is really not a fair question. This

14 witness wasn't conducting cross-examination, Mr Agha.

11:15:12 15 MR AGHA:

16 Q. We'll move to a different area, Mr Brima.

17 A. Okay.

18 Q. This is where we're leaving Colonel Eddie Town under

19 SAJ Musa and advancing to Freetown. Now, on the advance from

11:15:34 20 Colonel Eddie Town to Freetown, roughly, how many people were

21 moving with the brigade headquarters?

22 A. Well, there the problem arises. I did not talk about

23 brigade headquarters. You always ask me about brigade

24 headquarters. I have told you that I have never spoken that

11:15:55 25 SAJ Musa had moved with the brigade headquarters.

26 Q. Which group did you move with?

27 A. I moved with the headquarter.

28 Q. So which other groups moved with the headquarter? For

29 example, medical staff?

1 A. The family of the soldiers.

2 Q. And any other groups?

3 A. Yes.

4 Q. What were those groups?

11:16:32 5 A. You had the company that was at the rear.

6 Q. Did you have abducted civilians with you?

7 A. Well, I cannot tell you that, because I did not capture a

8 civilian, and I was not in a position to ask anybody, ask whether

9 he or she was caught.

11:16:52 10 Q. So you didn't speak to any of these civilians en route to

11 Colonel Eddie Town to Freetown, and ask them why they were there?

12 A. Well, I was under arrest.

13 Q. Roughly how many people were moving within this group which

14 you've described, the headquarters?

11:17:24 15 A. Well, I cannot tell you a total number of people. All I

16 can tell you, I, who was under arrest, and the other detainees,

17 the family of the soldiers with SAJ Musa himself, were the

18 company that was at the rear.

19 Q. At the muster parade in Colonel Eddie Town, SAJ Musa

11:17:47 20 supported the troops for arresting you, didn't he?

21 A. It was not I alone. We, the detainees.

22 Q. So no SLAs in the headquarters brigade gave you information

23 about the advance party, did they?

24 A. Oh, I would like you to ask me again, because, still, you

11:18:18 25 are talking about something I did not say, headquarter brigade.

26 PRESIDING JUDGE: Mr Agha, you will save a lot of confusion

27 if you refer to the group as the headquarters group, not the

28 headquarters brigade. This witness continually challenges that

29 type of terminology.

1 MR AGHA:

2 Q. So no other SLA personnel spoke to you in the headquarters
3 group, did they?

4 A. When?

11:18:49 5 Q. During your advance from Colonel Eddie Town to Freetown.

6 A. I told you that there are soldiers who were guiding us, and
7 those soldiers who discussed with them. But I was under arrest.
8 I used to talk to some of the family of the soldiers.

9 Q. Why would soldiers tell you what was going on at the front
11:19:17 10 of the troop movement?

11 MR MANLY-SPAIN: Objection, Your Honour. The witness never
12 said the soldiers told him about what was going on. He said he
13 spoke with them.

14 PRESIDING JUDGE: Yes. What do you say to that objection?

11:19:38 15 MR AGHA: In his own evidence, this is how he says he gets
16 information from the headquarter personnel.

17 PRESIDING JUDGE: Why don't you put it to him that he has
18 said that on a certain occasion and draw his mind to it. The way
19 you're doing it now, you're sneaking up from behind and getting
11:19:58 20 him to say something, then you're referring to the transcript.

21 MR AGHA:

22 Q. Do you recall the SLA headquarter soldier speaking to you
23 about the troop movements?

24 A. I cannot recall all. And he did not talk to me about how
11:20:19 25 the troop had been moving from -- I got that from what -- the
26 address that SAJ Musa gave. They told us that we, the detained
27 people and the family of the soldiers, they said that the
28 commander said we are to move, and this information came from
29 SAJ Musa.

1 Q. And you got no other information from the SLAs who were
2 accompanying you?

3 A. Information like what?

4 PRESIDING JUDGE: Mr Agha, did he say something different
11:20:51 5 in Court on a different occasion? Why not put that to him?

6 MR AGHA: It's okay, Your Honour. I'll move on. I had
7 moved faster this morning than I hoped. I haven't got the
8 transcripts, so I'm trying not to refer to them to save the time.

9 Q. Now, while you were moving with the troop from Colonel
11:21:17 10 Eddie Town to Freetown, did you try and escape?

11 A. Well, to start with, I don't understand when you say I was
12 moving with this troop, whether I was the one moving the troop or
13 it was the commanding officer who was moving the troop.

14 Q. You were moving with the headquarters group from Colonel
11:21:39 15 Eddie Town to Freetown. Did you try and escape during that time?

16 A. Yes.

17 Q. How many times did you try to escape?

18 A. It was once, and when I tried, I escaped, and that was at
19 Goba Water.

11:22:02 20 Q. Before that time when you managed to escape, did you try to
21 escape before?

22 MS THOMPSON: Your Honour, asked and answered. He said yes
23 once, and, I did escape.

24 PRESIDING JUDGE: That's right. You said how many times
11:22:22 25 and he said once, and when I tried, I did escape, that was at
26 Goba Water.

27 MR AGHA: Thank you, Your Honour. My error.

28 Q. Now, according to you, despite being detained, you were
29 able to hear orders and communications given by SAJ Musa, weren't

1 you?

2 A. Well, except the time that SAJ Musa addressed the muster
3 parade. And I'm telling you that, at times, SAJ Musa would come
4 and talk to soldiers, because he would come and meet him at the
11:23:04 5 headquarters. I would hear what he would say, because by then I
6 was not that far from him. Because we, the detained people and
7 the family of the soldiers, we were at headquarters, and it was
8 where SAJ Musa was.

9 Q. Do you recall hearing SAJ Musa giving orders to Junior Lion
11:23:22 10 at Lankono to attack Lunsar whilst you were moving with the
11 headquarters?

12 A. Yes.

13 Q. Do you recall, after you had crossed Berry Bridge at the
14 town within the rural district, hearing SAJ order Tito to attack
11:23:50 15 Mile 38?

16 A. I don't get you clear, sir.

17 Q. Within the Koya rural district, after you had crossed Berry
18 Bridge, do you recall saying that you heard SAJ order Tito to
19 attack Mile 38?

11:24:14 20 A. Yes. I heard when SAJ ordered Tito to attack.

21 Q. Do you recall hearing Junior Lion report to SAJ about the
22 ambush on the highway near Mile 38?

23 A. I did not say Junior Lion, and I heard Junior Lion
24 reporting to SAJ Musa.

11:24:49 25 Q. Do you remember saying you saw SAJ distributing ammunition
26 to the company commanders?

27 A. I beg your pardon?

28 Q. Do you remember saying you heard or saw SAJ Musa
29 distributing ammunition to the company commanders?

1 A. He distributed ammunition to the company.

2 Q. Do you remember saying that you heard SAJ order Tito and
3 Papa 17 to attack Masiaka?

4 A. Yes.

11:25:29 5 Q. And do you remember hearing a person report to SAJ about
6 Tito and Papa 17 being unable to capture Masiaka, due to a lack
7 of manpower?

8 A. Yes.

9 Q. Do you recall saying that you heard SAJ giving orders after
11:26:02 10 the attack on Masiaka to Junior Lion and Rhino to lay an ambush
11 on the highway?

12 A. Yes.

13 Q. Do you recall saying that you heard SAJ say that he had
14 ordered O-Five to attack Benguema?

11:26:21 15 A. I do not get you clear.

16 Q. Do you remember saying before this Court that you heard
17 SAJ Musa tell O-Five to attack Benguema?

18 A. Yes.

19 PRESIDING JUDGE: Are you just going through his prior
11:26:44 20 evidence again that he's given in chief, Mr Agha?

21 MR AGHA: Just a couple of more parts, Your Honour.

22 PRESIDING JUDGE: What I suspect you're doing is building
23 up to a conclusion that you're going to ask the witness, which
24 should more properly be put in final submissions. We're not
11:26:59 25 interested in his conclusions, just his evidence.

26 MR AGHA: Okay.

27 Q. Now, you said you were five to seven metres away from SAJ
28 when the ammunition dump exploded at Benguema. Do you remember
29 saying that?

1 A. I don't get you clear.

2 Q. Do you remember saying in this Court that you were about
3 five to seven metres away from SAJ when the ammunition dump
4 exploded at Benguema?

11:27:35 5 A. Yes.

6 Q. I put it to you that you heard all these orders from
7 SAJ Musa because you were his second in command on the way from
8 Colonel Eddie Town to Freetown.

9 A. I'm also putting it to you that it's a lie. I was not the
11:28:01 10 deputy or second in command to SAJ Musa. It was because we, the
11 detained people, including me, who were in the muster parade,
12 anything that SAJ Musa said, we would hear, because he would
13 never go and address a company to the company in their own
14 deployment area. He would address them in the headquarters.

11:28:29 15 Q. Now we come to after the death of SAJ, or around the time
16 of his death, at least. What were the names of the soldiers who
17 were around you at the time when the explosion went off that
18 killed SAJ Musa?

19 A. I do not get you clear.

11:28:48 20 Q. You say that about ten soldiers were around you when the
21 explosion went off that kill SAJ Musa. What were the names of
22 some of those soldiers?

23 A. Well, I and those soldiers --

24 THE INTERPRETER: Your Honour, I didn't get the last bit of
11:29:13 25 the witness's testimony. Could he be instructed to repeat.

26 PRESIDING JUDGE: Could you repeat your answer, Mr Brima.
27 The interpreter did not hear you.

28 THE WITNESS: I said, I cannot tell the soldiers by name.

29 MR AGHA:

1 Q. You didn't ask or come to know their names during your
2 march from Colonel Eddie Town to Benguema?
3 A. Whose name should I ask about?
4 Q. Those ten people who were around you when the explosion
11:29:55 5 went off that killed SAJ, you never inquired about their names
6 during the march?
7 A. It was not every soldier's name that I knew.
8 Q. So you don't know any of these ten soldiers?
9 A. I knew them, but I don't know all of them by name.
11:30:25 10 Q. Now, according to you, Commander O-Five addressed the troop
11 and HQ personnel that SAJ had died; is that correct?
12 A. Yes.
13 Q. And it was Commander O-Five that ordered that SAJ's body be
14 carried to the tactics ground at Benguema?
11:30:48 15 A. Yes.
16 Q. And, according to you, Commander O-Five ordered the
17 headquarters to move to Goba Water?
18 A. Yes.
19 Q. Now, according to you, you'd earlier said FAT Sesay was
11:31:15 20 SAJ Musa's second in command; is that right?
21 A. Yes.
22 Q. So why wasn't FAT Sesay giving those orders?
23 A. He was not there at the time that the incident took place.
24 He was not close to that scene.
11:31:32 25 Q. FAT Sesay took part in the attack on Benguema, didn't he?
26 A. He's a soldier. He fought.
27 Q. I put it to you that FAT Sesay was close by in Benguema
28 when SAJ Musa died.
29 A. I'm telling you that he was not close to me.

1 Q. He was close to where SAJ Musa was. He was close enough to
2 have assumed command on the death of SAJ Musa, wasn't he?
3 A. No, he was not close. All I knew was that SAJ Musa, SAJ
4 Musa's second in command was Major FAT Sesay.

11:32:25 5 Q. I put it to you that you have lied when you said that
6 Commander o-Five gave the orders regarding the movement of
7 SAJ Musa's body?
8 A. No, you are lying to me. See, what I told you was true.
9 It was O-Five. He was the one that moved the troops, or he moved
11:33:00 10 the headquarters.
11 Q. And he moved them to Goba Water?
12 A. First it was to the tactics ground, on to Goba Water.

13 Q. Roughly how far is Goba Water from Benguema?
14 A. I cannot tell you the mileage.

11:33:23 15 Q. Well, would it take you half an hour to walk there? An
16 hour?
17 A. If you go by the road, it will not take you 30 minutes from
18 Benguema to go there.

19 Q. But the route you took, how long would it have taken?
11:33:38 20 A. Well, I cannot give you the correct number because I did
21 not time it.
22 Q. But, according to you, FAT Sesay, who was in Benguema,
23 still had not assumed command from O-Five at Goba Water?
24 A. When SAJ Musa died, where SAJ Musa gave that order to take
11:34:09 25 the body, but, from what I learnt at Eddie Town, where Major FAT
26 spoke, Major FAT was a deputy or the second in command to
27 SAJ Musa.
28 Q. You were the second in command to SAJ Musa at Benguema,
29 weren't you?

1 A. No. I never -- I was never second in command to SAJ Musa
2 at Benguema.

3 Q. You gave the orders to move SAJ Musa's body, didn't you?

4 A. No. I never gave those orders, and I was not in a position
11:34:51 5 to give orders. I told you that I was arrested. I was a
6 detainee person.

7 Q. According to you, Junior Lion took part in the attack on
8 Benguema, didn't he?

9 A. Yes.

11:35:09 10 Q. Roughly, how long did SAJ Musa die after Benguema was
11 captured? Was it on the same day?

12 A. It was the same day. I'm unable to tell you the time, but
13 almost early in the morning.

14 Q. You lied when you said Junior Lion was not present when
11:35:34 15 SAJ Musa died at Benguema, didn't you?

16 A. I did not get you clearly.

17 Q. Junior Lion was present at Benguema at the time of
18 SAJ Musa's death, wasn't he?

19 A. Yes. But I did not tell you that he was present where
11:35:56 20 SAJ Musa died, but he was in Benguema.

21 Q. So, in your evidence, you didn't say that he was elsewhere
22 with the advance party?

23 A. He was on the other side with the advance party.

24 THE INTERPRETER: Your Honour, could the witness repeat his
11:36:18 25 answer for the interpreter to take it again?

26 PRESIDING JUDGE: Mr Brima, once more, the interpreter has
27 not heard you. Could you please repeat your answer?

28 THE WITNESS: I said Junior Lion was not at the scene where
29 SAJ Musa died, but he was in Benguema.

1 MR AGHA:

2 Q. Junior Lion didn't threaten to kill you at Goba Water, did
3 he?

4 A. He threatened. It was not I alone. He threatened to kill
11:36:54 5 us, detained people.

6 Q. Why did he threaten to kill you?

7 A. Because they arrested us and, too, when SAJ Musa died, they
8 accused us of the death of SAJ Musa -- of causing the death of
9 SAJ Musa. And when Junior Lion came, he was angry.

11:37:29 10 Q. Do you recall, when you were listening to the Prosecution
11 witnesses, whether Junior Lion was asked whether he threatened to
12 kill you at Goba Water?

13 A. Ask that question again.

14 Q. When Junior Lion was giving evidence in this Court, do you
11:37:53 15 remember him being asked by anyone whether he threatened to kill
16 you at Goba Water?

17 A. No, I cannot recall that. It was not I that asked him the
18 question, and I cannot remember everything now now.

19 Q. You've just made up the fact that Junior Lion threatened to
11:38:18 20 kill you at Goba Water, haven't you?

21 A. No, I did not make up that story. I'm saying the truth.
22 That was what Junior Lion did at Goba Water.

23 Q. Now, if we actually turn to your escape, according to you,
24 you escape with O-Five and Woyoh; is that right?

11:38:50 25 A. Yes, but I did not hold their hands and escape.

26 Q. But did they accompany you? Were you together?

27 A. They did not accompany me. All of us escaped together. To
28 say they accompanied me when I was escaping, they, too, were also
29 escaping.

1 Q. But did you all go in different directions and split up or
2 did one or two of you remain together whilst the escape took
3 place?

4 A. I and the third accused went together.

11:39:33 5 Q. The second accused was in detention with you at Goba Water,
6 wasn't he?

7 A. Yes.

8 Q. Why didn't you take your second accused along with you when
9 you escaped?

11:39:48 10 A. Well, I was not a commander, that is one. Two, when I was
11 escaping, I did not take the third accused. It was fortunate
12 that both of us escaped. It is also fortunate that the three of
13 us escaped. That is I, including Woyoh and the third accused.

14 Q. So, prior to your escape, you didn't mention to the second
11:40:18 15 accused, "Come on, let's escape now"?

16 A. To escape, you should not invite a colleague. In fact, if
17 I were to go and say that, they will kill me. The third accused
18 and Woyoh who escaped, I not tell them to escape. They too did
19 not tell me to escape.

11:40:40 20 Q. So your escape was not planned?

21 A. The escape that we escaped, I am not telling you that we
22 sat and planned it, because I never sat with them to plan or they
23 came to me and said, "Let us plan to escape." No.

24 Q. Did you ever later learn that the second accused had
11:41:07 25 escaped at Goba Water?

26 A. The second accused, I did not know where he went, but,
27 later, I knew that the second accused himself escaped.

28 Q. Did he escape before the Freetown invasion or afterwards?
29 Did you learn that?

1 A. Well, from what I knew, the second accused escaped.

2 Q. But did you ever ask him whether he was in Freetown during
3 the time of the invasion?

4 A. Well, I told you that it was at Goba Water that he escaped.

11:41:57 5 Q. But you've mentioned you met him in Pademba Road years
6 later. Did you ever ask him, or have you ever asked him, up to
7 this time, whether he was a part of the Freetown invasion
8 on January 6, 1999?

9 A. I want to know, My Lord, the person that I met in Pademba
11:42:29 10 Road.

11 Q. I'm talking about accused number two. Accused number two
12 did not escape with you.

13 A. He did not escape with me, but I told you that the
14 information that I got from the soldiers later, they said the
11:42:43 15 second accused, too, escaped from Goba Water at Benguema.

16 Q. I will ask you, I hope, a simple question. From the time
17 you escaped from Goba Water, until today, have you ever found
18 out, or learnt, whether the accused, number two, took part in the
19 Freetown invasion on 6 January 1999?

11:43:19 20 A. Well, from the people who told me about the second -- the
21 escape of the second accused, they did not tell me that the
22 second accused came to Freetown.

23 Q. Have you ever asked from your escape until today,
24 personally, the second accused, whether he was in Freetown during
11:43:37 25 the invasion on 6 January 1999?

26 A. I have told you that, from what the people told me, that he
27 escaped --

28 Q. Mr Brima, the question is very simple: have you ever asked
29 the second accused whether he was in Freetown during the invasion

1 on 6 January 1999? Either you have asked or you have not?

2 A. The second accused, I did not ask him. But, the second
3 accused told me that --

4 Q. Thank you.

11:44:12 5 A. -- he did not come to Freetown.

6 Q. So you are saying you did? He told you that? He had told
7 you that he was not a part of the Freetown invasion in 1999; is
8 that you're saying? He told you that?

9 A. No, no. That was what I got from the other soldiers.

11:44:44 10 Q. Now, according to you, after you made your escape from Goba
11 Water and you reach Makeni, this was after 6 January 1999;
12 correct?

13 A. Yes.

14 Q. Now, you say you made your escape with accused number
11:45:14 15 three, and he accompanied you. Was accused number three with you
16 throughout the time when you left Goba Water and arrived in
17 Makeni?

18 A. Yes.

19 Q. And, according to you, the third accused stayed with you
11:45:38 20 and your family when you reached Makeni after 6 January?

21 A. Yes.

22 Q. So are you aware of whether the accused took part in the
23 Freetown invasion on 6 January 1999?

24 JUDGE SEBUTINDE: Which accused?

11:46:10 25 MR AGHA:

26 Q. The third accused.

27 A. He did not come to Freetown. I told you that both of us
28 escaped and went to Makeni.

29 Q. So you and the third accused were together, either on the

1 way to Makeni or in Makeni, when the Freetown invasion took
2 place?

3 A. Well, we were on the way to Makeni.

4 Q. Now, as you have been listening in this Court, have you
11:46:55 5 ever heard anyone mention that accused number three was not in
6 Freetown during the January 6th, 1999 invasion?

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

8 Q. During the course of these proceedings, including the
9 Prosecution case, have you heard anyone in this courtroom ever
11:47:30 10 suggest to any witness that accused number three was not in
11 Freetown at the time of the invasion?

12 A. Well, the witness that we are talking about, it was lies
13 that they told in this Court, but all that I knew, the third
14 accused, both of us went to Makeni.

11:47:55 15 Q. But you didn't hear anyone in this room ask any witness
16 whether the third accused was in Makeni during the Freetown
17 invasion?

18 JUDGE SEBUTINDE: Mr Agha, what kind of a question is that?
19 It's neither here nor there.

11:48:16 20 PRESIDING JUDGE: If you know somebody who did say that in
21 Court, why not just put that to the witness and ask him if he
22 remembers hearing it?

23 MR AGHA: Well, there were other reasons why I was actually
24 asking those questions, Your Honour. I finished on that
11:48:34 25 particular reason.

26 Q. Now, you say at the time of your escape that Woyoh also
27 managed to escape?

28 A. Yes.

29 Q. Did you ever meet up with Woyoh again?

1 A. No.

2 Q. Did you ever learn where he went to after he escaped?

3 A. I never knew where he went.

4 Q. You said earlier that Franklyn Conteh was Woyoh?

11:49:21 5 A. Yes.

6 Q. Franklyn Conteh, also known as Woyoh, was killed during the
7 invasion of Freetown?

8 A. Well, I did not know about that.

9 Q. Why would Franklyn Conteh escape from a group which is
11:49:48 10 already heading to invade Freetown?

11 PRESIDING JUDGE: Isn't that calling for a conclusion from
12 this witness? Once more, Mr Agha, that is something that is more
13 properly put in your final submissions to the Court. We're not
14 interested in what this witness might conclude from those set of
11:50:06 15 facts.

16 MR AGHA:

17 Q. I put it to you that Franklyn Conteh, also known as Woyoh,
18 did not escape with you at Goba Water?

19 A. Well, I'm telling you that he escaped at Goba Water.

11:50:28 20 Q. I also put it to you that it's a lie that the accused
21 number three escaped with you at Goba Water and travelled with
22 you to Makeni.

23 A. Sometimes, one day, somebody will come and tell that he saw
24 him in Makeni. I'm telling that I'm not lying. The third
11:50:52 25 accused, both of us, went to Makeni and both of us laid in Makeni
26 with my family.

27 Q. You were the commander during the Freetown invasion on
28 6 January 1999, weren't you?

29 A. It is a lie. It is a lie. It is a lie that you are

1 telling me. I had never been a commander. I never came to
2 Freetown during that time.

3 Q. The second accused was your second-in-command during the
4 invasion of Freetown in January 1999, wasn't he?

11:51:22 5 A. It is a lie. I did not come to Freetown. The second
6 accused whom you are alleging that is my second-in-command, he
7 was never my second-in-command.

8 Q. The third accused was your third-in-command and came with
9 you when you commanded the attack on Freetown in January 1999,
11:51:49 10 didn't he?

11 A. I did not come to Freetown. I did not organise any attack,
12 but the information that you got here is what you are accepting.
13 The third accused were in Makeni. And the third accused did not
14 come to Freetown.

11:52:10 15 Q. So the third accused was never your third-in-command?

16 A. I was not in any position of command. That's why I'm not
17 commenting about the third accused. The third accused was never
18 in command. I learnt that you are saying now I was not in
19 command, and I never came to Freetown.

11:52:51 20 MR AGHA: Your Honour, at this point, if possible, I would
21 like to seek the guidance of the Chamber in that I know this
22 Trial Chamber isn't bound by rules of national jurisdiction and,
23 in some national jurisdictions, there is a common law rule that
24 the Prosecution has to put the whole of its case to the accused,
11:53:13 25 for example, in England, Canada, I believe, and in other
26 jurisdictions, it doesn't have to put the whole of its
27 Prosecution case.

28 I do not know what the position is in international
29 criminal tribunals so I'm really seeking the Chamber's guidance

1 as to whether I have to go through all the particular allegations
2 which have been raised against the accused and allow him to
3 answer them, or can just rely on what evidence is on record or,
4 perhaps, just cursory run through some of the important parts
11:53:51 5 and, obviously if the Court would give me some guidance, it would
6 greatly restrict the extent of the cross-examination.

7 PRESIDING JUDGE: Well, are you asking us to go through all
8 of the allegations that have been put and all of the allegations
9 that might need to be put? How long do you think that's going to
11:54:09 10 take, Mr Agha?

11 MR AGHA: Well, it appears that the accused was not in
12 Bombali when the crimes were committed there. It appears that he
13 was not in Freetown when the crimes were committed there. Now,
14 quite a number of witnesses have come before this Court,
11:54:33 15 suggesting that he took part in those operations. Now, a halfway
16 house may be just to put a few of those allegations to him, some
17 of the more serious ones, or then just say generally, for that
18 whole area do you deny any of these allegations?

19 PRESIDING JUDGE: Well, I am very loath to give advice to
11:54:56 20 the Prosecution on how they should run their case, but one simple
21 question of the accused, surely, would dispose of a whole area,
22 wouldn't it?

23 MR AGHA: I would hope so, Your Honour, or maybe I can
24 dispose of particular areas in half a dozen questions and at
11:55:14 25 least in that case the accused would have had the opportunity to
26 respond to the Prosecution's case on some of its more important
27 areas. That is how I would choose to proceed which would in fact
28 cut the cross-examination down quite substantially.

29 PRESIDING JUDGE: Well, I'm not giving any advice on how

1 you should run the Prosecution, Mr Agha; that's up to you.

2 MR AGHA:

3 Q. Mr Brima, we've heard your evidence and what your story of
4 the events were from the time before the time of the military
11:55:52 5 coup until after the Freetown invasion in 1999, and what role and
6 position you played in that. In many respects it differs from
7 what the Prosecution's case is against you. So I would just like
8 to put to you in general, and briefly, elements of the
9 Prosecution's case for each particular area. I hope that I can
11:56:20 10 do this quite briefly. I apologise to both yourself, my learned
11 friends and the Chamber, if there is a small element of
12 repetition in those questions.

13 I will start off with when you reached Kono from Kailahun.
14 When you reached Kono in May 1998 you assumed command of the SLAs
11:57:00 15 in Kono, didn't you?

16 A. No, it was not so. In May 1998, I was in Kailahun under
17 arrest, and I was in Buedu Town by then, in Kailahun District,
18 under arrest by the RUF.

19 Q. Accused number two was the commander of the SLAs in Kono
11:57:32 20 before you reached Kono, whilst you were detained in Kailahun?

21 A. I do not have any idea about that.

22 Q. The SLAs in Kono were divided into battalions consisting of
23 both SLA and RUF forces?

24 A. That is not to my knowledge. I did not know about that.
11:58:08 25 But all that I know was that the SLA did not agree to fight, or
26 to link with the RUF.

27 Q. These SLA and RUF battalions carried out joint operations
28 together, like at Koidu Gieya?

29 A. I have told you that I was not in Kono during that time.

1 Q. Mohamed Savage was the SLA battalion commander at Tombodu
2 in May 1998?

3 A. I don't know to say he was the commander, or he was
4 commanding the SLA as you mentioned. I was under arrest in
11:59:04 5 Kailahun.

6 Q. Are you aware that Staff Alhaji was a member of Savage's
7 battalion at Tombodu in May 1998?

8 A. It is only in this Court that I came to know, but I never
9 knew about it before.

11:59:31 10 Q. When you reached Tombodu in May 1998, you found that Savage
11 had killed many civilians and amputated many civilians' arms?

12 MS THOMPSON: Your Honour, is that a question?

13 MR AGHA:

14 Q. Didn't you?

11:59:51 15 A. I was not in Kono, and I did not go to Tombodu, the time
16 that you mentioned there, and I was in Kailahun under arrest.

17 Q. Whilst you were in command of the SLAs in Kono in May 1998,
18 villages were burnt down by SLA troops, weren't they?

19 A. I was not in command of the SLA in Kono during the time
12:00:26 20 that you are mentioning there, and I was not --

21 THE INTERPRETER: Your Honour, could the witness repeat his
22 answer for the interpreter.

23 PRESIDING JUDGE: The interpreter didn't get your answer
24 once more, Mr Brima. Could you please repeat it?

12:00:43 25 THE WITNESS: I was not in Kono during the time that you
26 allege against me. I was in Kailahun, and I was under arrest by
27 the RUF. And my family house in Kono was burnt.

28 Q. In May 1998, you, the second accused and the rest of the
29 SLA battalions based in Kono, which were under your command,

1 moved to Mansofinia, didn't they?

2 A. I was not in Kono during the time that you are mentioning,
3 and I never met the second accused in Kono. I and the second
4 accused were never in Kono. I never went to Mansofinia, and I
12:01:39 5 never addressed muster parade or troops.

6 Q. After reaching Mansofinia, you went, with the second
7 accused, to report to SAJ Musa in Kurubonla in Koinadugu, didn't
8 you?

9 A. It was not so. I have told you that I was not in Kono. I
12:02:04 10 was in Kailahun under arrest, the time that you are talking
11 about.

12 Q. You told SAJ Musa about the mistreatment that Johnny Paul
13 Koroma had received in Kailahun by the RUF, didn't you?

14 A. No, I was not in Kono during that time that you are
12:02:28 15 mentioning.

16 Q. You have told SAJ Musa about being, yourself, disarmed by
17 the RUF in Kailahun, didn't you?

18 A. The time that you're talking about, I was not in Kono, and
19 I was not in Kurubonla, Mansofinia; I was under arrest in
12:02:52 20 Kailahun.

21 Q. According to you, a large part of the evidence of witness
22 TF-334, which was said in this Court, are lies; is that correct?

23 A. Against me. It is a lie.

24 MR AGHA: With the permission of the Court, I would just
12:03:15 25 briefly like to read a transcript to the witness. This is --
26 excuse me, Your Honour, I will just try to sort this out. If
27 this Court could just bear with me for a moment. I apologise for
28 the delay.

29 PRESIDING JUDGE: Certainly, Mr Agha, you go ahead.

1 MR AGHA: Your Honours, it is from witness TF-334, and it
2 is from page 85. It's line 21 through to 29.

3 PRESIDING JUDGE: What is the date of that transcript?

4 MR AGHA: And it is 20 May 2005. For completeness, it is
12:07:10 5 probably better if, from page 85, I read from line 13.

6 PRESIDING JUDGE: Yes, Mr Agha.

7 MR AGHA:

8 Q. Now, I will read to you, witness, a portion of what TF-334
9 said. This is at a meeting which took place in Koinadugu between
12:07:55 10 yourself, SAJ Musa, and others. I will read from line 13.

11 "Q. What happened when you arrived in Mongor Bendugu?

12 "A. SAJ Musa immediately summoned me and these -- and the
13 commanders I've named who went to Mongor Bendugu.

14 "Q. Summoned you for what purpose?

12:08:20 15 "A. Well, as he called us, he had to address the whole --
16 me and the commanders, we that were present during that
17 time.

18 "Q. So having called you to address you, did you
19 attend any meeting with him?

12:08:37 20 "A. Yes. He held a closed-door meeting.

21 "Q. What happened at that meeting?

22 "A. Well, in that meeting, Gullit explained to him how we
23 were treated in Kailahun and also about the present
24 condition of Johnny Paul in Kailahun.

12:08:55 25 "Q. Pause a moment. You said that Gullit told him 'How we
26 were treated in Kailahun'. Now, what do you mean by that?

27 "A. He told them about the ill treatment about how he was
28 beaten and how his ammo was taken from him."

29 So, Mr Brima.

1 A. Yes.

2 Q. What I've just read to you about what 334 said about the
3 events in Kailahun, is that a correct, rough analysis of those
4 events when you met the RUF in Kailahun?

12:09:52 5 A. I and he did not sit together and discuss that. Where he
6 took me at Mongor Bendugu, I did not go there with 334. I did
7 not go to Koinadugu District.

8 Q. But 334 is not lying when he says you were mistreated at
9 Kailahun, is he?

12:10:13 10 A. It's something that he must have heard, but both of us did
11 not sit down and discuss that. I have never gone to Mongor
12 Bendugu and went and spoke about that to SAJ Musa.

13 Q. No, I'm not suggesting that. All I'm suggesting to you is
14 what he said about your ill treatment is correct, isn't it?

12:10:35 15 A. My treatment that he spoke about, he spoke about my
16 treatment at Mongor Bendugu. That is why I said it was a lie,
17 because I did not go there. He and I did not go to Mongor
18 Bendugu.

19 Q. I will ask you a question: the part which 334 speaks about
12:10:56 20 what happened to you in Kailahun, do you agree that those things
21 did, in fact, happen to you in Kailahun; yes or no?

22 A. More than that happened to me in Kailahun. But I and he
23 did not go to Bendugu, Mongor Bendugu, and told SAJ those kinds
24 of words.

12:11:20 25 Q. So 334 wasn't lying about everything in his evidence, was
26 he, concerning you?

27 A. He lied.

28 Q. Now, when you met SAJ Musa, the Kabbah government had
29 returned to power; is that right?

1 A. You are talking about what year, what month?

2 Q. I am talking in May to June 1998.

3 A. May to June 1998, I was under arrest in Kailahun.

4 Q. SAJ Musa recognised you, in the absence of Abu Sankoh,
12:12:22 5 Zagalo, as the next in command, didn't he?

6 A. Zagalo was not next in command and SAJ Musa did not
7 recognise me because of the last name that you called. SAJ Musa
8 was talking purely about soldier business, the SLA.

9 Q. Based on your position of seniority as a PLO in the AFRC
12:12:54 10 government after the intervention, SAJ Musa recognised you as
11 being second in command.

12 A. To whom?

13 Q. To him.

14 A. No, no, no. It was a lie. I told you that SAJ Musa,
12:13:11 15 purely after the overthrow of the AFRC, it was purely SLA
16 business, Sierra Leone Army personnel business. We did not have
17 anything like AFRC.

18 Q. So after the AFRC regime, the AFRC turned into an AFRC
19 military organisation in the jungle.

12:13:39 20 MS THOMPSON: Your Honour, is that a question?

21 PRESIDING JUDGE: You have to put these in the form of
22 questions, Mr Agha, otherwise the witness will assume you're
23 stating proven facts.

24 MS THOMPSON: Also, Your Honour, that question was put to
12:13:51 25 the witness yesterday, and I believe he answered it.

26 MR AGHA: I'm just trying to put parts of the Prosecution
27 case. Sometimes it's difficult to recall. Anyway, I shall move
28 on.

29 Q. SAJ -- actually, I will ask that question again. Did the

1 AFRC government convert into a military organisation after the
2 intervention?

3 A. The AFRC had already died. That's we, the SLA.

4 Q. So is your answer to that question no?

12:14:32 5 A. I don't get you clearly.

6 Q. I asked you whether the AFRC government, after the
7 intervention, became an AFRC military organisation. Now, the
8 answer to that question is either yes, it did, or no, it did not.

9 A. No. AFRC died after February 1998, and it never existed
12:15:08 10 again, and we never had -- we were never in any AFRC business
11 again.

12 Q. SAJ Musa ordered you to find a base camp for the SLAs when
13 you met him in Koinadugu in 1998, didn't he?

14 A. It's a lie. I did not meet him at Koinadugu in 1998, and
12:15:32 15 he never ordered me to find a base for SLA soldiers.

16 Q. In Koinadugu in 1998, SAJ Musa recognised the second
17 accused as your second in command, didn't he?

18 A. It's a lie. That's not my knowledge, and I never met -- or
19 me and the second accused never went to Kurubonla or what you're
12:16:03 20 calling, Mongor Bendugu.

21 Q. When SAJ Musa ordered you to find a base camp, he ordered
22 some other SLAs, including the third accused, to go with you,
23 didn't he?

24 A. It's a lie. The third accused, I met him at Eddie Town,
12:16:22 25 under arrest, and the second accused. This is where I met them,
26 at Eddie Town, under arrest.

27 Q. So the first time you saw the second and the third accused,
28 after the intervention, was when you found them under arrest at
29 Colonel Eddie Town; correct?

1 A. Yes.

2 Q. Now, after meeting SAJ Musa in 1998, you have returned to
3 Mansofinia with the second accused where the other SLAs were
4 based, didn't you?

12:17:05 5 A. I really want you to give me time, because when you are
6 saying that I met him there, I did not meet him there. The time
7 that you're talking about Mansofinia, I was under arrest at
8 Kailahun.

9 Q. The third accused never joined you in Mansofinia, did he?

12:17:32 10 A. I did not go to Mansofinia.

11 Q. You were in command of all the SLAs in Mansofinia in 1998,
12 weren't you?

13 A. It's a lie. That's a lie. I never went to Mansofinia.

14 Q. You reorganised the SLA troops under your command in
12:17:55 15 Mansofinia in 1998, didn't you?

16 A. You are lying to me. I was -- I had never gone to
17 Mansofinia.

18 Q. You created an SLA brigade at Mansofinia, didn't you?

19 A. A corporal, like me, to be able to create a brigade, I've
12:18:23 20 never created a brigade. Never.

21 Q. You made the second accused your second in command at
22 Mansofinia, didn't you?

23 A. I'm telling you that at the time you're talking about, I
24 was not at Mansofinia, I was in Kailahun under arrest. I will
12:18:38 25 not be in Kailahun and speak about what should happen at
26 Koinadugu.

27 Q. During the restructuring of your troop in Mansofinia, you
28 appointed the third accused as chief of staff, didn't you?

29 A. When? I want to know the month and the year.

1 Q. In Mansofinia in 1998.

2 A. In 1998, I did not go to Mansofinia.

3 Q. Did you appoint the third accused as your chief of staff in
4 Mansofinia in 1998?

12:19:21 5 A. I didn't go to Mansofinia. That's what I want you to know
6 first. I didn't go there. I wouldn't accept that I had troops
7 there. I did not go there.

8 Q. The question is a very simple one: did you appoint the
9 third accused as your chief of staff in Mansofinia in 1998; yes
12:19:39 10 or no?

11 A. I did not go to Mansofinia. This, what I will tell you
12 first: I did not go there. And I was not in a position to
13 appoint the third accused. But, I did not go to Mansofinia.

14 Q. You had abductees with you in Mansofinia, didn't you,
12:20:07 15 in May 1998?

16 A. So I'm somebody who runs after people; is that so? So now
17 you want me to come and say I'm somebody who runs after people.

18 JUDGE SEBUTINDE: Mr Brima, you are the one in the witness
19 box. We expect you to answer questions, not to ask questions to
12:20:31 20 counsel, please. Just answer them simply and as best as you can.

21 THE WITNESS: Yes, My Lord.

22 JUDGE SEBUTINDE: We don't expect you to be insolent by
23 asking questions to counsel. He's only doing his duty.

24 PRESIDING JUDGE: What was your last question, Mr Agha?

12:20:51 25 MR AGHA:

26 Q. Mr Brima, you had abducted civilians under your command in
27 Mansofinia in 1998, didn't you?

28 A. No.

29 Q. These abducted civilians were forced to carry things for

1 your SLA troops in Mansofinia in 1998, weren't they?

2 A. It's a lie.

3 Q. The abductees included children, didn't they?

4 A. It's a lie. I did not capture children. I did not capture
12:21:55 5 people. Never.

6 Q. The abductees, even if not captured by you, were under your
7 command; did you have abductees under your command in Mansofinia
8 in 1998?

9 A. No, I never had somebody under my command. I did not go to
12:22:04 10 Mansofinia in 1998.

11 Q. The abductees with you in Mansofinia in 1998 also included
12 women, didn't they?

13 A. I did not go there. I did not know if they abducted people
14 at Mansofinia.

12:22:27 15 Q. In Mansofinia in 1998, you appointed the third accused to
16 be in charge of these women abductees, didn't you?

17 A. It was not like that. I did not go to Mansofinia. And the
18 third accused that you said I appointed, I met him at Colonel
19 Eddie Town in late 1998.

12:22:54 20 Q. At Mansofinia, during the restructuring in 1998, you
21 created four companies, didn't you?

22 A. I did not go to Mansofinia, and, what you're asking me
23 about is a lie. I did not create a company. I'm telling you
24 that I did not go to Mansofinia.

12:23:27 25 Q. Now we're coming to a part where you leave Mansofinia.
26 Before leaving Mansofinia, you issued orders that when you pass
27 through a village which put up resistance, that village should be
28 burnt down, didn't you?

29 A. It's a lie. I was not at Mansofinia, and I did not give

1 any order like that.

2 Q. After leaving Mansofinia with your restructured troop, you
3 moved to Yarya in Bombali District, didn't you?

4 A. It's a lie. I never left with the troop from Mansofinia.

12:24:07 5 Q. You didn't burn Yarya down, because it's your home town;
6 that's right, isn't it?

7 A. I never went to Yarya with the troop which came from
8 Mansofinia. Never.

9 Q. When the Kabbah government was restored, after the
12:24:31 10 intervention, many former sympathisers of the AFRC were arrested,
11 weren't they?

12 A. Later, I knew that they were arrested.

13 Q. And during the Nigerian invasion, a lot of innocent people
14 had been killed, especially those associated with soldiers,
12:25:05 15 hadn't they?

16 A. Yes.

17 Q. Some of the people who were involved in the AFRC
18 administration were executed under the Kabbah government, weren't
19 they?

12:25:25 20 A. I don't get you clearly.

21 Q. You were aware of the 28 soldiers who were executed under
22 the Kabbah government?

23 A. I know, but not 28 soldiers. I know about 24, who were
24 executed by a firing squad. I do not know about 28 soldiers.

12:25:56 25 Q. You wanted revenge against the Kabbah government for using
26 the Nigerians against you during the intervention, didn't you?

27 A. Well, you are taking me into politics, and I told this
28 Court that this case, it's highly political. It's more like
29 me --

1 PRESIDING JUDGE: Mr Brima, it has been explained to you
2 already. Counsel for the Prosecution is just doing his duty; to
3 put their case against you and give you a chance to answer.

4 THE WITNESS: Yes, My Lord.

12:26:26 5 PRESIDING JUDGE: There is no point arguing with him. If
6 you don't agree with what he is saying, just say so.

7 MR AGHA:

8 Q. Did you want revenge against the Kabbah government for what
9 had been happening to the civilians after the intervention by the
12:26:45 10 Nigerian forces?

11 A. No.

12 Q. Karina is in Bombali District, isn't it?

13 A. Since that's what you said. Well, I'm not able to watch at
14 a map. Since that is what you said.

12:27:10 15 Q. Did you know that Karina is President Kabbah's home town?

16 A. I did not know that.

17 Q. You ordered your troop to attack Karina, didn't you?

18 A. I'm telling you that I did not give those sort of orders,
19 and my mother came from that particular area, and they are the
12:27:36 20 same people.

21 Q. You told your troop that you wanted the attack on Karina to
22 be a demonstration which would shock the international community,
23 didn't you?

24 A. It's a lie. I did not say so. Never had I attacked
12:27:56 25 Karina.

26 Q. You wanted the attack to be so brutal that the
27 international community would sit up and take notice of a newly
28 evolved AFRC military organisation, didn't you?

29 A. No. That's a lie.

1 Q. You ordered your troop to burn down Karina, didn't you?

2 A. I did not have troops and I did not order anybody to burn
3 Karina.

4 Q. You ordered your troop to kill civilians in Karina, didn't
12:28:27 5 you?

6 A. I did not order troops. I did not have troops which I
7 ordered, and I never told anybody to go and kill people at Karina
8 because those people were my family.

9 Q. You ordered your troop to amputate the arms of civilians in
12:28:44 10 Karina, didn't you?

11 A. Never did I do that, and I did not tell anybody to do such
12 a thing, and I was not in a position to command people to do so.

13 Q. You ordered your troop to capture strong men in Karina,
14 didn't you?

12:29:02 15 A. I did not have troops. I did not ever -- I did not order
16 somebody to do those sort of things that they did, or which
17 you're talking about, which they did to Karina. Never.

18 Q. The second accused was present when you gave the orders to
19 burn Karina and kill and amputate its citizens, wasn't he?

12:29:26 20 A. It's a lie. I did not stay in Karina and I did not give
21 any orders, and the second accused was never with me.

22 THE INTERPRETER: Your Honours, would the witness repeat
23 the last bit of his answer.

24 PRESIDING JUDGE: Could you repeat that answer, please,
12:29:44 25 Mr Brima. The interpreter did not get it.

26 THE WITNESS: I had never been at Karina with the second
27 accused, and I'd never given an order, according to what the
28 lawyer asked me, that I gave an order that people's arms can be
29 amputated at Karina. I never went to Karina.

1 Q. The second accused was your second in command during the
2 attack on Karina, wasn't he?

3 A. No, that's a lie. I did not go to Karina. I did not
4 attack the place, and I and the second accused did not meet at
12:30:22 5 Karina.

6 Q. The third accused was present when you gave the orders to
7 burn Karina and kill and amputate its citizens, wasn't he?

8 A. No, that's a lie. The third accused, the only time that I
9 saw him was at Eddie Town.

12:30:39 10 Q. During the attack on Karina, only civilians were present,
11 weren't they?

12 A. I don't know. Because I did not go there.

13 Q. Your troops followed your order regarding the attack on
14 Karina, didn't they?

12:31:03 15 A. I did not have troops.

16 Q. Your troop burnt Karina, didn't they?

17 A. I did not have troops.

18 Q. On your orders, children were thrown into fires by troops
19 under your command, weren't they?

12:31:21 20 A. I did not go to Karina, and I never gave orders, and I was
21 not in a position to give orders.

22 Q. Civilians in Karina were burnt alive in their houses,
23 weren't they?

24 A. I do not know.

12:31:38 25 Q. During the attack on Karina, women were raped by troops
26 under your command, weren't they?

27 A. I did not have troops who were under my command, and I do
28 not know all that you are talking about, and I was not there.

29 Q. The women you captured at Karina were handed to the third

1 accused to look after, weren't they?

2 A. I -- never did I capture women at Karina, and I never saw
3 the third accused taking care of women. The only part that I met
4 him was at Eddie Town.

12:32:19 5 Q. These women were forced to become wives of soldiers under
6 your command after the attack on Karina, weren't they?

7 A. It's a lie.

8 Q. During the attack on Karina, pursuant to your orders,
9 troops under your command abducted young children, didn't they?

12:32:45 10 A. I did not have any troops under my command who went and
11 attacked Karina, and I never had troops. From the time that I
12 joined this army, I never had troops.

13 Q. Troops under your command amputated the arms of civilians
14 in Karina on your orders, didn't they?

12:33:05 15 A. That's a lie. I never had troops that went and amputated
16 people in Karina.

17 Q. Some of these amputations were carried out by Osman Sesay,
18 aka Changamulanga, weren't they?

19 A. I did not even know that individual that you're talking
12:33:35 20 about.

21 Q. Osman Sesay, who carried out the amputations in Karina,
22 also carried out amputations in Kono with Savage, didn't he?

23 A. I don't know that man that you are talking about.

24 Q. You appointed Osman Sesay as your task force commander in
12:33:58 25 Mansofinia, didn't you?

26 A. It's a lie. I told this Court that I did not go to
27 Mansofinia.

28 Q. You gave out promotions in Mansofinia to your troop, didn't
29 you?

1 A. It's a lie. I told you that I did not go to Mansofinia.

2 Q. Now, during the attack on Karina, you spoke to a person
3 who, at that time, was acting Immam of a mosque, didn't you?

4 A. It's a lie. I did not go to Karina and I never spoke to a
12:34:37 5 person who was an acting Immam in Karina mosque.

6 Q. You shot and killed this person who was acting as an Immam,
7 didn't you?

8 A. It's a lie. I did not go to Karina.

9 Q. You then shot and killed a number of other people in the
12:34:56 10 mosque in Karina.

11 A. I did not go, and I did not order anybody, because I was
12 not in that position to order. I was not in command of any
13 troop. Never.

14 Q. After your attack on Karina, you moved with your troop to
12:35:21 15 Mandaha, didn't you?

16 A. I don't even know the place you are calling, and I told you
17 that I did not go to Karina.

18 Q. You ordered two Gbethis to be executed in the region --
19 THE INTERPRETER: Your Honour, could counsel please go over
12:35:38 20 that name?

21 MR AGHA:

22 Q. You ordered two Gbethis to be executed in the area of
23 Mandaha, didn't you?

24 A. It's a lie. I did not even know that place that you're
12:35:56 25 calling, Mandaha.

26 Q. These two men were hacked to death by soldiers under your
27 command, weren't they?

28 A. I told you that I did not have any soldiers under my
29 command.

1 Q. The heads of these men were then placed on sticks in the
2 centre of Mandaha, weren't they?

3 A. I did not go to Mandaha.

4 Q. After Mandaha, you moved with your troop towards Gbendembu,
12:36:30 5 didn't you?

6 A. It's a lie. I did not go to Gbendembu with troops.

7 Q. In a village close to Gbendembu, soldiers under your
8 command captured three civilians, didn't they?

9 A. I told you that those sites that you're calling, I have
12:36:59 10 never gone there.

11 Q. You ordered the hands of these captured civilians to be
12 amputated, didn't you?

13 A. It's a lie.

14 Q. You ordered that a warning letter be placed around their
12:37:18 15 necks, didn't you?

16 A. It's a lie.

17 Q. This letter warned the people of Makeni that if they
18 co-operated with ECOMOG, they would end up amputated like these
19 civilians, didn't it?

12:37:41 20 A. It's a lie.

21 Q. You ordered these amputated civilians to Makeni in order to
22 terrorise the population of Makeni, didn't you?

23 A. I said, it was a lie.

24 Q. Your troop then moved to Foro Loko, didn't it?

12:37:59 25 A. That site that you -- that place that you called Foro Loko,
26 I don't know that place in Sierra Leone.

27 Q. Two police officers were captured at Foro Loko and were
28 executed on your orders, weren't they?

29 A. It is a lie. Never. I did not know Foro Loko.

1 Q. You ordered all villages which you passed through in the
2 Bombali District to be burned down, didn't you?

3 A. No. I never gave those type of orders. I never passed
4 with troops that went and burnt villages, and the time that you
12:38:46 5 are talking about, I was not there.

6 Q. You then moved with your troop and set up base camp at a
7 place known as Camp Rosos, didn't you?

8 A. It was not like that. I did not know Rosos, and I did not
9 go there.

12:39:13 10 MR AGHA: Would this be a convenient moment, Your Honour?

11 PRESIDING JUDGE: Yes, Mr Agha. How long do you anticipate
12 that you will be with this witness?

13 MR AGHA: I aim to finish up tomorrow, if possible
14 Your Honour, but it may linger on into Friday. I can't be sure.

12:39:36 15 PRESIDING JUDGE: Are there any documents in front of the
16 witness?

17 MS EDMONDS: No, Your Honour.

18 MS THOMPSON: Your Honour, before we rise. I think it is
19 perhaps only best that we bring it to the Court's notice.

12:39:52 20 Obviously because this witness is taking very long in the witness
21 box, witnesses which were ready to immediately follow him had to
22 be sent back to their respective towns and villages, for obvious
23 reasons; they have lives that they had to go back to. I had a
24 rough estimate that my learned friend finish on Friday and I had
12:40:14 25 spoken to him and he did say Friday, so the plan was to bring
26 them in for Monday.

27 Now, immediately after he finishes, I suspect there will be
28 some re-examination, which I don't anticipate will be more than
29 half a day. I'm just looking at it from the point of view that

1 if we do linger into Friday, and we have a half a day of
2 re-examination, we may finish before the day is over, but there
3 won't be a witness until Monday, if that's okay with the Court.

4 PRESIDING JUDGE: Yes, I understand, Ms Thompson. It makes
12:40:47 5 the question of logistics very difficult. If you have your next
6 witness ready for Monday morning, that will be suitable.

7 MS THOMPSON: Yes, Your Honour. Then there is a second
8 issue, which is that the Sierra Leone Bar Association has its
9 conference next Wednesday and, some of us, we have to be there
12:41:04 10 because there are elections, and also there are papers to present
11 as well. What I am asking is that, as last year, the Court can
12 kindly not sit on Wednesday.

13 PRESIDING JUDGE: I'm not the one to break with tradition.
14 I will discuss that second matter and get back to you on that,
12:41:24 15 Ms Thompson.

16 MS THOMPSON: Thank you very much, Your Honour.

17 PRESIDING JUDGE: We're going to adjourn the Court now.
18 Mr Brima, I will once more remind you not to discuss the
19 evidence. We have other matters to attend to, as we usually do
12:41:42 20 on Wednesday afternoon. This Court will now be adjourned until
21 9.15 tomorrow morning.

22 THE WITNESS: Yes, My Lord.

23 [Whereupon the hearing adjourned at 12.45 p.m.,
24 to be reconvened on Thursday, the 6th day of
12:42:43 25 July 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: ALEX TAMBA BRIMA 2

CROSS-EXAMINED BY MR AGHA 2