

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

TUESDAY, 12 JULY 2005  
9.20 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Jim Hodes Ms Wambui Ngunya Ms Shyamala Alagendra Ms Karen Abugaber (intern) Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray Mr Andrew Daniels
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain

1 [TB120705A - SV]  
2 Tuesday, 12 July 2005  
3 [Open session]  
4 [The three accused present]  
09:20:41 5 [The witness entered court]  
6 [Upon commencing at 9.20 a.m.]  
7 WITNESS: TF1-033 [Continued]  
8 PRESIDING JUDGE: Good morning. I will remind the witness  
9 of his oath unless there are any preliminary matters.  
09:23:41 10 MR MANLY-SPAIN: Not really preliminary. We at the Bar did  
11 not have the opportunity to send our well wishes to learned judge  
12 on the right. We wish to take this opportunity to welcome you  
13 back and we hope that you continue to stay well.  
14 JUDGE SEBUTINDE: Thank you for those kind words.  
09:24:07 15 MR HODES: And we, of course, all join in that, Your  
16 Honour.  
17 JUDGE SEBUTINDE: Thank you, too.  
18 PRESIDING JUDGE: That's very kind of you. Right, I will  
19 remind the witness of his oath. Mr Witness, you remember  
09:24:21 20 yesterday you took the oath and promised to tell the truth.  
21 THE WITNESS: Yes.  
22 PRESIDING JUDGE: That oath is still binding on you today.  
23 THE WITNESS: Yes.  
24 PRESIDING JUDGE: And you are obliged to answer all  
09:24:33 25 questions truthfully. Do you understand?  
26 THE WITNESS: Yeah.  
27 PRESIDING JUDGE: Ms Thompson, you were in the course of  
28 cross-examination.  
29 MS THOMPSON: Yes, Your Honour.



1           PRESIDING JUDGE: Thank you, please proceed.

2                           CROSS-EXAMINED BY MS THOMPSON: [Continued]

3       Q.     Okay, Mr Witness, good morning.

4       A.     Good morning.

09:24:54 5       Q.     Now, Mr Witness, yesterday before we broke off I was about  
6       to move to a new area.

7       A.     Yeah.

8       Q.     If you just hang on a minute, Mr Witness.

9           MS THOMPSON: Your Honour, I have discussed with my learned  
09:25:05 10       friends from across the room. I may need to ask some questions,  
11       depending on the answers I get in open session and it may be that  
12       I will have to make an application for closed session. I don't  
13       know yet, but I just wished to inform the Court that that may  
14       become necessary.

09:25:25 15           PRESIDING JUDGE: Very well. Ms Thompson, as I've said  
16       before on these occasions, as the situation arises we will deal  
17       with it and we will hear any application and reply.

18           MS THOMPSON: I'm grateful, Your Honour.

19       Q.     Mr Witness, as I said, there was one question I needed to  
09:25:42 20       ask you before I leave Tombodu. You recall, Mr Witness,  
21       yesterday I put certain passages to you from the interview which  
22       you gave to persons from the OTP?

23       A.     Yes.

24       Q.     Now, I want to put one more to you before I leave Tombodu  
09:26:06 25       finally.

26           MS THOMPSON: Your Honour, I'm looking at page 9962.  
27       Starting from line 17.

28       Q.     "Q. So what happened before the Yaya meeting? That's  
29       when Die was put in charge by Gullit.



1 "A. Yeah, he was by that. Gullit was not around. Gullit  
2 was not. He was not around. He came later to join, but at  
3 Tombodu that was in March 1998. This guy was in charge of  
4 that.

09:27:02 5 "Q. Savage?  
6 "A. Savage.  
7 "Q. Who put him in charge?  
8 "A. Well he imposed himself. He imposed himself."  
9 Do you recall saying that?

09:27:19 10 A. Say that again.  
11 Q. "Q. So what happened before the Yaya meeting? That's when  
12 Die was put in charge by Gullit."  
13 You answer: "Yeah, he was by that time. Gullit was not  
14 around. Gullit was not -- he was not around. He came later to  
09:27:47 15 join, but at Tombodu that was in March of 1998. This guy was in  
16 charge of that.  
17 "Q. Savage?  
18 "A. Savage.  
19 "Q. Who put him in charge?  
09:28:01 20 "A. Well, he imposed himself. He imposed himself."  
21 Do you recall saying that?  
22 A. Not at all.  
23 Q. You don't recall saying that or you did not say that?  
24 A. I don't recall saying that.

09:28:18 25 Q. Okay. So you may have said it, but you don't recall it?  
26 A. I don't recall.  
27 MR HODES: Your Honours, I apologise and I apologise for  
28 interrupting, but the witness may have carried his mobile phone  
29 in again and so they've asked me to try to cut that off.



1           PRESIDING JUDGE: Do you mean retrieve it or ask him to  
2       switch it off?  
3           MR HODES: Yes. Or maybe they will just retrieve it.  
4           THE WITNESS: I am sorry, I do not have it here with me  
09:28:50 5       today.  
6           PRESIDING JUDGE: Well that eliminates that problem.  
7       Proceed on, Ms Thompson.  
8           MS THOMPSON:  
9       Q.    Mr Witness, when you were in Mandaya -- do you recall  
09:29:02 10      telling us yesterday that you were in Mandaya?  
11      A.    After Karina and Bonoya attacks we went over to Mandaya.  
12      Q.    Did you see any rape in Mandaya?  
13      A.    Yes. Rapes were carried out.  
14      Q.    When you say rapes were carried out, did you see?  
09:29:28 15      A.    Yes.  
16      Q.    Can you describe to this Court what you saw?  
17      A.    Women were raped in the village. They had sexual  
18      intercourse with them forcefully by the AFRC fighters.  
19      Q.    How many did you see?  
09:29:45 20      A.    I cannot tell the number.  
21      Q.    Five?  
22      A.    No, I cannot recall.  
23      Q.    You can't recall, but if I say less than 10 would that be  
24      an estimate?  
09:29:57 25      A.    I cannot recall. I cannot recall. I cannot give you an  
26      estimate.  
27      Q.    Okay. Can you describe to us one such incident that you  
28      saw?  
29      A.    I beg your pardon?





1 Q. Can you describe to this Court one such incident, one  
2 incident of rape, which you saw?

3 A. In Mandaya?

4 Q. Yes.

09:30:21 5 A. Well, in the bush, because Mandaya is a village located in  
6 the forest, you see. So most of the fighters had to have their  
7 go in the forest surrounding Mandaya village and it was there in  
8 the bush, you see, those rapes were carried out.

9 Q. Yes, you've told us that.

09:30:44 10 A. Yes.

11 Q. But the one -- you say you saw this happening?

12 A. Yes, I saw one or two fighters, you see, raping women in  
13 the bushes and they were screaming, you see. Then through their  
14 screaming I noticed what was going on.

09:31:00 15 Q. Can you describe what you saw?

16 A. A fighter lying on the top of a woman, naked, having sexual  
17 intercourse with her.

18 Q. Was this a young fighter or a regular soldier?

19 A. AFRC fighter.

09:31:26 20 Q. And you knew this person was an AFRC fighter?

21 A. Yes, because he was armed with a rifle.

22 Q. And the person he was raping, was it a young girl, a  
23 middle-aged woman?

24 A. A lady of about -- a lady in her 20s.

09:31:45 25 Q. Did you speak to this lady later?

26 A. No, I had no time to speak to her.

27 Q. Since you have told us in examination-in-chief that you  
28 were close to Gullit and you were with him when he was making his  
29 orders and stuff, did you bring that to his notice?



1 A. Well, that was part and parcel of his agenda, you see.  
2 Q. You knew it was part and parcel of his agenda?  
3 A. Yes.  
4 Q. Did he tell you that?  
09:32:13 5 A. Yes, at the Yaya meeting.  
6 Q. He said that?  
7 A. Yes.  
8 Q. When you worked with Johnny Paul Koroma later on, did you  
9 tell him what you had seen?  
09:32:26 10 A. No, I never told him that.  
11 Q. Did you bring this to the attention of anybody?  
12 A. Yes.  
13 Q. Who?  
14 A. That is why I'm here.  
09:32:34 15 Q. Okay. So you want something done about it, that is why  
16 you're telling us this?  
17 A. Yes.  
18 Q. Now, let me read this to you and you tell me if this is  
19 what you said to the -- I'll ask you the questions after I've  
09:32:49 20 read it to you.  
21 MS THOMPSON: Your Honours, I'm looking at page 9913 of the  
22 interview, starting at line 18.  
23 Q. "Q. In Mandaya did you witness any sexual violence?  
24 "A. As I used to say, when those things happened you do  
09:33:08 25 not partake in them. We never see that happening. You  
26 only get information later on which you never see the thing  
27 while it's done, you see. But I believe it was done. That  
28 was part of the crimes against humanity that were taking  
29 place, you see, and all those who were in that direction,



1           you see, it was something very common. Very, very common,  
2           you see?"  
3           Did you say that to the person who was interviewing you?  
4    A.    Well, the statement is partly right.  
09:33:46 5    Q.    When you say partly right, which bit of it is right?  
6    A.    Because the act was a common act within the AFRC fighters.  
7    But the other side saying that they did not mention that I saw.  
8    Q.    Mr Witness, you are giving your evidence in English, you  
9    were interviewed in English, and yesterday you said you  
09:34:15 10   understood the questions that were being asked of you in English.  
11   You've said here, "We never see that happening". Did you say  
12   that?  
13   A.    No.  
14   Q.    It's your evidence, is it, that what is here is not right?  
09:34:31 15   A.    Well, I want to make a clarification.  
16   Q.    No, I'm not asking you to clarify. Are you saying that it  
17   is not right?  
18   A.    That part of my reply is not right.  
19   Q.    Mr Witness, you recall seeing persons from the OTP much  
09:34:58 20   later on 7th June 2005?  
21   A.    I know I used to come in to see them, but I don't remember  
22   the dates precisely.  
23   Q.    Okay. Some time before you came here to give your  
24   evidence, this year?  
09:35:18 25   A.    Yes.  
26   Q.    Very recently you saw them?  
27   A.    At OTP?  
28   Q.    Yes.  
29   A.    Sometime this year?



1 Q. Yes.

2 A. Yes.

3 Q. And when you saw them they spoke to you about clarifying  
4 what you had said earlier to them; not so?

09:35:38 5 A. Yes.

6 Q. Did you clarify that portion of your interview?

7 A. Yes.

8 Q. What did you tell them?

9 A. They asked me some questions of -- if I really saw these  
09:35:58 10 things done. Then I said yes. That was the clarification I  
11 made.

12 Q. I see. Now, you've said that -- was rape something that  
13 was widespread throughout the time you were in captivity, or you  
14 say you were in captivity?

09:36:38 15 A. That is correct.

16 Q. And was anything done about this, about this widespread  
17 rape, by the commanders?

18 A. Only at Rosos at one time, when the commander by the name  
19 of Alhaji, Alhaji Kamanda alias Gunboot, at Rosos had to kill his  
09:37:15 20 colleague fighter for raping another AFRC fighter's forcefully  
21 abducted and married wife. And according to the jungle just  
22 rules at Rosos at that time, any fighter who raped another  
23 fighter's abducted and forcefully married is the death penalty.

24 Q. Did that rule only apply to Rosos?

09:37:42 25 A. Yes.

26 Q. It did not apply elsewhere?

27 A. No.

28 Q. Let me read something to you which you said to the  
29 interviewer, and again when I'm finished I'll ask you a question





1 about it.

2 MS THOMPSON: Your Honour, I'll come back to that later, I  
3 haven't actually found it.

4 Q. You mentioned Rosos?

09:38:41 5 A. Yes.

6 Q. Were there killings at Rosos?

7 A. Say that again.

8 Q. Were there killings at Rosos?

9 A. Yes.

09:38:47 10 Q. And I think you told us that yesterday and I think you said  
11 that at Rosos -- how many people did you say were killed at  
12 Rosos?

13 A. Since the time we went there to the time we left there  
14 approximately 200 people.

09:39:06 15 Q. 200 people. All civilians?

16 A. Civilians, including that fighter involved in the rape that  
17 was killed also.

18 Q. But if he was a fighter, he couldn't have been a civilian  
19 now, could he?

09:39:21 20 A. No. Then, again, the day we left Rosos, when we are  
21 forcefully -- the bombardment forced us to leave Rosos - that was  
22 on 28th August 1998 - a fighter by the name of Bah was killed  
23 when the Alpha jet -- the ECOMOG fighter aircraft Alpha jet fired  
24 a missile at the camp. So he was unfortunate. He was the only  
09:39:51 25 victim. The only casualty we suffered.

26 Q. So that figure of 200, that would include the person who  
27 was executed for the rape and also --

28 A. No, I don't -- that number I gave concerns civilians.

29 Q. Okay, that was civilians?



1 A. Yes.

2 Q. So in total you see 202?

3 A. Approximately.

4 Q. Now, who killed these civilians?

09:40:23 5 A. Gullit ordered his fighters.

6 Q. So more than one person carried out the executions?

7 A. The fighters did carry the executions. Not on one day.

8 MS THOMPSON: Your Honours, I'm looking at page 9884.

9 Q. I'll read this to you. In answer to a question -- the

09:40:56 10 question was: "I want you to be specific with some of those

11 atrocities" -- line 7 I'm reading from. "I you want to be

12 specific with some of those atrocities that you saw yourself to

13 tell us." You answer:

14 "A. At Rosos it was a temporary base up to a month and a

09:41:16 15 half. Troops were engaged in finding food," -- "in finding

16 food in the surroundings. By so doing, when they went in

17 search of food, they used civilians they abducted to bring

18 the food to Rosos and most of those civilians were executed

19 at the end of it. They were killed.

09:41:34 20 "Q. Did you witness civilians killed in this sense?

21 "A. Yes.

22 "Q. Can you be specific to tell us who did the killing?

23 "A. It was Junior Lion.

24 "Q. Was Junior Lion acting on his own or was he taking

09:41:52 25 command from somebody?

26 "A. Well, he was a commander for himself but all

27 instructions were from Gullit.

28 "Q. How many people did you see Junior Lion kill?

29 "A. At Rosos?



1 "Q. Yes.

2 "A. About four people, four civilians."

3 Do you recall saying that to the interviewer.

4 A. No, no, no. That was not my interview.

09:42:48 5 Q. Okay. Now yesterday you said that the troops had a radio

6 set?

7 A. Yes.

8 Q. Did they have a radio set throughout the time you were with

9 them?

09:42:55 10 A. Throughout.

11 Q. And were you always positioned near this radio set?

12 A. Most times.

13 Q. How many communications did you hear over this radio set?

14 A. Well, I cannot give a figure for now. I don't remember.

09:43:16 15 Q. Can you remember who this communications -- can you

16 remember the persons these communications were between?

17 A. There was one with between 0-Five and Gullit, when 0-Five

18 was trying to come and join the troop. Another when SAJ Musa was

19 also trying to join the troop. Then there was another with

09:43:42 20 Mosquito, and they used to have quarrels through the set because

21 Mosquito was claiming that he was superior to Gullit, so Gullit

22 must be answerable to him. So there was that fracas between both

23 of them. I remember those communications. Then, arriving at

24 Benguema, before SAJ died he communicated with Maxwell Khobe.

09:44:24 25 The day Benguema was taken by the AFRC fighters.

26 Q. Do you know the name of the radio operator or operators

27 during the time that you were in captivity?

28 A. I could remember the name of one by the name of Elogima.

29 Q. Can you spell that for us, please?



1 A. E-L-O-G-I-M-A.

2 Q. Is that a nickname or does he have another name?

3 A. That is the only name I know him for. That is the why he  
4 was called.

09:45:07 5 Q. Was he the only radio operator?

6 A. No, there were other radio operators but they have a common  
7 name. They call them signallers or prontos. They were best  
8 known with those names.

9 Q. Did you ever become friends with any of these radio  
09:45:25 10 operators?

11 A. Well, we were all together as one. So not personally a  
12 personal friend, but we interact.

13 Q. Were you the only person who would sit near these radio  
14 sets?

09:45:49 15 A. Other people did go to sit and listen to communication.

16 Q. Can you recall any of those persons?

17 A. Gullit, Five-Five, Bazzy. You know, all those key  
18 commanders.

19 Q. Anybody else?

09:46:08 20 A. Subordinate commanders also.

21 Q. Like who?

22 A. Junior Lion, Foday Bah. Even we, me myself I used to go  
23 there.

24 Q. Describe the scene for us, would there be a crowd near this  
09:46:27 25 radio?

26 A. At times when necessary.

27 Q. Is it the case that you would go and hang around this radio  
28 waiting for the communication to come through?

29 A. Most times, yes.





1 Q. So you would hang around there waiting for somebody to call  
2 in?  
3 A. Most times, yes.  
4 Q. Did they use call signs?  
09:46:47 5 A. They speak in English.  
6 Q. Now, page 9865, let me put this to you, line 11:  
7 "Q. Then the other thing I want you to talk about, if you  
8 know, was there any communication between Gullit's group  
9 and any outside commanders of the AFRC?  
09:47:46 10 "A. No. Communications with commanders outside?  
11 "Q. Freetown at the time.  
12 "A. No, no, I never had knowledge of that."  
13 Do you remember saying that.  
14 A. Not at all.  
09:48:17 15 Q. SAJ Musa. Now yesterday you said SAJ Musa came to join you  
16 with 900 people?  
17 A. Yes.  
18 Q. Where was he coming from?  
19 A. Mongoh Bendugu.  
09:48:45 20 Q. By the time SAJ Musa came to join your group was 0-Five  
21 already with you?  
22 A. Yes.  
23 Q. Where was 0-Five coming from?  
24 A. From the same direction.  
09:48:56 25 Q. Had 0-Five been with SAJ Musa?  
26 A. Yes.  
27 Q. Can you describe SAJ Musa for us please?  
28 A. He's almost my height and he's slim like me also.  
29 Q. When you say --



1 A. He's almost -- he speaks xxxxxxxxxxxx.

2 Q. When you say he's almost your height, how tall would you  
3 say? About six foot?

4 A. He's up to my ear level. His height is up to my ear level.

09:49:33 5 Q. So about over six foot then?

6 A. Yes.

7 Q. When he arrived to join you or your group, did he change  
8 the command structure?

9 A. He never.

09:49:54 10 Q. In terms of military rank who was the most senior - the  
11 person you refer to as Gullit or SAJ Musa?

12 A. Well, when he came, Gullit recognised him as his superior  
13 and he had wanted to turn over command to him.

14 Q. You told us that yesterday, Mr Witness. I'm just asking  
09:50:19 15 you a simple question. In terms of military rank, who was the  
16 most senior?

17 A. SAJ was the most senior.

18 Q. When they were in government, the AFRC, who was the most  
19 senior?

09:50:44 20 A. SAJ Musa.

21 Q. Who did the troops take instruction from whilst SAJ Musa  
22 was there?

23 A. From both of them. Both Gullit and SAJ Musa.

24 Q. Since you were there perhaps you might like to tell us how  
09:51:18 25 that worked. They both spoke together?

26 A. In agreement.

27 Q. Were you present when the agreement was made?

28 A. Yes.

29 Q. And who will tell the troops what was going to happen?



1 A. It was always done in agreement between both of them.

2 Q. You've told us that. Now let's say, for example, they have  
3 decided on a course of action.

4 A. Yes.

09:51:44 5 Q. And, according to you, they would have agreed that because  
6 it was a joint command; not so?

7 A. Yes.

8 Q. Who will come and tell the troops this joint command?

9 A. Any one of the two.

09:51:59 10 Q. Would you say -- so your evidence is that they did  
11 everything in agreement and SAJ Musa did not instruct Gullit to  
12 do anything. Is that what you're saying?

13 A. They did things in one accord, in agreement.

14 MS THOMPSON: Your Honours, page 9871.

09:52:42 15 Q. I'll put this to you, Mr Witness, reading from line 5.  
16 I'll start from line 2.

17 "Q. Another question is you said SAJ Musa advised, whether  
18 advise or instruct Gullit to attack Masiaka.

19 "A. For arms and ammunition.

09:53:08 20 "Q. What is it? Advised? Did he instruct, did he advise  
21 Gullit to attack Masiaka?

22 "A. Whichever way you want to take it, advised or  
23 instructed, it means the same to me, you see."

24 Do you recall saying that?

09:53:25 25 A. Yes.

26 Q. Okay. Page 9888, line 9:

27 "Q. And tell me detailed information on the attack on  
28 Masiaka. I really want you to take your time. Think

29 carefully, and tell us any little thing you can remember on



1           that attack.

2           "A. Yes, Masiaka was attacked. The purpose of attacking

3           Masiaka was to secure arms and ammunition as SAJ Musa

4           instructed Gullit to pass on the passage to his men."

09:54:08 5           Mr Witness, those are your words; not so?

6        A.    Yes.

7        Q.    Is there any word "agreement" in there?

8        A.    To my own level of understanding that was an agreement.

9        Q.    Are you now saying that advise, instruct and agreement all

09:54:25 10       mean the same?

11       A.    Well, in that context. In that context. I mean that

12       context, the situation we found ourselves at that time, that is

13       the way I looked at it.

14       Q.    You looked at it in that way, you looked at it that he

09:54:51 15       instructed but it was an agreement?

16       A.    Yes.

17       Q.    He instructed but it was an advice?

18       A.    Yes.

19       Q.    And did you tell the interviewer that there was an

09:55:03 20       agreement?

21       A.    The way it was in my statement, that was the way I used it.

22           JUDGE SEBUTINDE: Sorry, Ms Thompson, could you repeat the

23       lines that you've just quoted. We happen not to have the text.

24           MS THOMPSON: Sorry, Your Honour. The first page I quoted

09:55:20 25       was on page 9871, reading from line 2 down to 8. The second one

26       on page 9888 reading from line 9 to 14.

27       Q.    Mr Witness, it is the case, is it not, that in fact SAJ

28       Musa was the commander of those troops at that level?

29       A.    In agreement with Gullit.





1 Q. When SAJ Musa came and he was making his agreement with the  
2 person you say is Gullit, you were present at all times, were  
3 you?  
4 A. Yes.

09:56:17 5 Q. So you were present when he would give these advices?  
6 A. Yes, most times, yes.

7 Q. Did he order that RUF fighters should be arrested?  
8 A. I didn't hear that.

9 Q. Did you hear Gullit tell him that he'd been arrested by  
09:56:49 10 Mosquito?  
11 A. I didn't hear that. I was not around by then.

12 Q. Were you aware of a fight between SAJ Musa and Superman at  
13 Koinadugu?  
14 A. Yes, when we came he made that -- he brought that to the  
09:57:13 15 knowledge of everybody at the camp.

16 Q. Okay. Now I want to go back to rape. I was about to ask  
17 you a question but I'd lost the page. But remember that you said  
18 rape was widespread throughout the time that you were in  
19 captivity?

09:57:37 20 A. Yes.

21 Q. And these are incidents that you saw?  
22 A. Yes.

23 Q. And it is because you saw them that you're able to give  
24 your evidence today here; not so?

09:57:50 25 A. Yes.

26 MS THOMPSON: Page 9909.

27 Q. I'll put this to you, Mr Witness, and please tell us  
28 whether this is what you said.

29 JUDGE SEBUTINDE: Ms Thompson, I request you to quote the



1 lines because we have a problem retrieving the statement.

2 MS THOMPSON: Yes, Your Honour, I was about to. Starting  
3 from line 6.

4 Q. "Q. Can you please explain that to us? You said most  
09:58:38 5 women were taken for sexual purposes.

6 "A. Yes.

7 "Q. Please explain that to us.

8 "A. Well, most of the commanders used those women as their  
9 own, as their wives, as their personal wives, you see. So  
09:58:56 10 within the movement, let me say, they always tried to  
11 satisfy their sexual -- whenever they need a way to satisfy  
12 their sexual lust the women in the group, they used them  
13 for that purpose.

14 "Q. Did you see that specifically done?

09:59:13 15 "A. No, it was done in isolation, you see. Whenever such  
16 a thing is done, then you get information later that it was  
17 done, it has been done. But while it is done no one, only  
18 those involved in it, know how it is done. But you that is  
19 not involved in this will never know. Only later you get  
09:59:40 20 information about it."

21 Do you recall saying that?

22 A. That's still part of the -- it, no.

23 Q. You do not recall saying --

24 JUDGE SEBUTINDE: Ms Thompson, what lines are those?

09:59:58 25 MS THOMPSON: Sorry, Your Honour.

26 JUDGE SEBUTINDE: Line 6 to?

27 MS THOMPSON: 20.

28 JUDGE SEBUTINDE: And the part he says he refuses is what?

29 MS THOMPSON: Yes, he doesn't recall saying that.



1 Q. You don't recall saying that sexual violence was done in  
2 isolation?  
3 A. Yes.  
4 Q. Yes, you said it was done in isolation?  
10:00:31 5 A. I don't recall.  
6 Q. Okay. Did you see any rapes in State House?  
7 A. State House?  
8 Q. Yes.  
9 A. No.  
10:00:50 10 Q. Did you see any amputations in State House?  
11 A. Yes.  
12 Q. Where did these take place?  
13 A. Inside State House.  
14 Q. And you saw it with your --  
10:01:06 15 A. Civilians were brought in there, killed and amputated.  
16 Q. Did you tell this to the persons interviewing you?  
17 A. Yes.  
18 Q. And you said it was inside State House?  
19 A. Yes. There is a compound inside State House. Not inside  
10:01:45 20 the building, outside State House compound.  
21 Q. Within the compound?  
22 A. Yes, within the compound.  
23 Q. And was this in view of the commanders who were present at  
24 State House?  
10:01:54 25 A. Yes.  
26 Q. I'll read a passage of your interview to you. Page 9930,  
27 reading from line 2 to 5.  
28 "Q. But was the execution done in the presence of any of  
29 the commanders?



1 "A. Gullit and others were. It happened outside the  
2 compound of State House while Gullit and others were inside  
3 the building, you see."  
4 Did you say that?  
10:02:35 5 A. No, no.  
6 Q. Now, whilst you were in captivity, what was the highest  
7 rank that Tamba Brima attained?  
8 A. He was a brigadier.  
9 Q. At all times?  
10:03:18 10 A. Yes.  
11 Q. Do you know who promoted him?  
12 A. Well, that was how he was called. I don't know who  
13 promoted him to that rank. But by the time I came in contact  
14 with him, he was called Brigadier Gullit.  
10:03:33 15 Q. Did you see any promotions being done whilst you were in  
16 the jungle?  
17 A. No idea.  
18 Q. No idea if you saw any promotions being made?  
19 A. In the jungle?  
10:03:49 20 Q. Yes, whilst you were in captivity.  
21 A. No idea.  
22 Q. Is it no idea -- you have no idea of any promotions or no  
23 idea if you saw any promotions being made?  
24 A. No idea.  
10:04:05 25 Q. No idea to what, Mr Witness? That's the question I'm  
26 asking.  
27 A. No knowledge of promotions being made.  
28 Q. Did you hear any announcements of any such promotions?  
29 A. No.





1 Q. Now, Mr Witness, yesterday my learned friend asked you  
2 about battalions and you said you did not know what battalions  
3 were?  
4 A. No.

10:04:48 5 Q. You do not know what battalions were?  
6 A. Yes.  
7 Q. Okay. In fact, you said you had knowledge of companies as  
8 opposed to battalions.  
9 A. Yes.

10:05:20 10 MS THOMPSON: Your Honours, I'm going to read from page  
11 9846, line 12 to 17.  
12 Q. I'll read your interview again to you, line 12:  
13 "Q. 1998, what happened after that meeting?  
14 "A. Well, they formed into battalions. So each battalion  
10:05:38 15 was commanded by commander. The battalion commander, you  
16 see. Then from that instant they started roving around  
17 from village to village. Any village they went to  
18 unfortunate civilians captured alive, they were killed."  
19 Do you recall saying that?

10:06:02 20 A. I made that the statement but not battalion. I mean, what  
21 I said was company, company commanders.  
22 Q. And you didn't say battalions?  
23 A. No.  
24 Q. Page 9848, lines 19 and 20.

10:06:25 25 "Q. Who did the execution?  
26 "A. Well, the commanders in charge of the battalions."  
27 Mr Witness, are you still saying that you do not know what  
28 battalions are?  
29 A. I only know of company commanders.



1 Q. Page 9855, reading from line 10 to 24.  
2 "A. As I said earlier on, those things happened in -- we  
3 just get information like that, so and so happened because  
4 of so and so. They had the jungle laws, you see. They had  
10:07:21 5 their jungle laws. If you rape, you get executed. You  
6 will be given a hundred lashes and so on and so forth.  
7 They had jungle laws, you see. If you violate any one of  
8 those laws, you see, there's a penalty for that, you see.  
9 There are certain times the troops had to settle in certain  
10:07:42 10 locations for a week or two, resting, you see. So during  
11 that, those times, the troops are, let me say, four or five  
12 miles apart. Battalion A will be about five miles away  
13 from Battalion B. Battalion B also will be like five miles  
14 away from Battalion A, you see. So if anything happen with  
10:08:00 15 Battalion A, Battalion B, and you are at Battalion C, maybe  
16 the distance will be five miles away. So you can just get  
17 information at Battalion B somebody rapes a certain woman  
18 and that person has been summarily executed as part of the  
19 jungle justice laws you have, you see."  
10:08:23 20 Are you still saying you do not know what battalions are?  
21 A. Yes.  
22 Q. Did you say battalions to the interviewer?  
23 A. Company, I know of company.  
24 Q. Page 9906, line 13 to 17.  
10:08:47 25 "A. Well, in fact, they were divided into troops or  
26 battalions. Each battalion was headed by a commander, you  
27 see. I could remember the four battalions were headed by  
28 Tito, was one of the commanders; Foday Bah Marah was  
29 another commander; Junior Lion was another commander; then



1 late Arthur was another commander, but he's dead. Even  
2 Tito is dead now."  
3 Did you say that to the person interviewing you?  
4 A. Well, I only recollect seeing companies.  
10:09:41 5 Q. Are you familiar with military weapons?  
6 A. Just a few. Not that much.  
7 Q. Which ones are you familiar with?  
8 A. Like AK-47, AK-58, RPG.  
9 Q. How did you become familiar with military weapons?  
10:09:56 10 A. Well, I was with them so they used to name them. This is  
11 an AK-47, I have seen this. AK-58, I've seen it. RPG, I've seen  
12 it with them. Those were common weapons with fighters.  
13 Q. And Mr Witness, I put it to you because you were a fighter  
14 and you used those weapons, that's how you know the difference --  
10:10:20 15 A. No, because I was in the midst of fighters. Even you are  
16 fortunate to be with them for two days, it is very easy for you  
17 to know the different names of the weapons because every fighter  
18 was in possession of them and they named them. "I have AK-47  
19 weapon," "my weapon is AK-47"; they used to say that. So through  
10:10:39 20 that I got to know what AK-47 is and what RPG is and what AK-58  
21 is.  
22 Q. And for you -- you said "if you were fortunate," for you it  
23 was fortunate that you were them?  
24 A. Not. I was with them anyway so during that time, so I was  
10:11:00 25 fortunate to know the different types of weapons.  
26 Q. Yiffin. I think yesterday we had just started talking  
27 about Yiffin.  
28 A. Yes.  
29 Q. And you said it happened, if my memory serves me right --



1 just a minute, I'll find the transcript of yesterday. Yes, you  
2 said Yiffin happened in the morning hours and your evidence now  
3 is that it happened in April 98?  
4 A. Yes.  
10:12:00 5 Q. And do you recall that I had put to you that you said it  
6 happened in July 98?  
7 A. No.  
8 Q. Or I hadn't, okay.  
9 MS THOMPSON: Page 9915, Your Honours, lines 16 to 19.  
10:12:29 10 "Q. When was Yiffin attacked?  
11 "A. Yiffin was attacked. It was around July, yes July.  
12 If I'm not mistaken around July of 1996."  
13 Do you remember I put that to you yesterday?  
14 A. '96. AFRC was not in existence by then.  
10:12:46 15 Q. Yes, that's what I'm saying. I put that to you yesterday.  
16 A. No, you said Mandaya '96.  
17 Q. Shall I put it again to you then? Okay.  
18 "A. Yiffin was attacked. It was around July, yes July.  
19 If I'm not mistaken around July of 1996. It was just a  
10:13:09 20 brief attack on Yiffin, you see."  
21 Do you remember saying that?  
22 A. No, no. There was no existence of AFRC fighters by then,  
23 '96. That's why I said to want to make clarification concerning  
24 that issue.  
10:13:27 25 MS THOMPSON: Page 9973, Your Honours, reading from line 9  
26 to 22.  
27 Q. "Q. One more clarification we would like to do is this:  
28 When you're talking about murder and rape in Yiffin, can  
29 you specify which years that was when you're talking about





1           this specific --

2           "A. That was 1998. It was 1998 around June.

3           "Q. 1990 --

4           "A. '98.

5           "Q. '98?

6           "A. Yes, 1998.

7           "Q. Yes, you sure?

8           "A. Yes, around June. Well, between June and July. It  
9           was between June and July."

10:14:24 10          Do you recall telling the witness -- the interviewer that  
11          it was between June and July?

12          A. I never said July. It was in April. It was in April.

13          Q. How many people were killed in Yiffin?

14          A. About 60.

10:14:54 15          Q. Did you count them?

16          A. Well, seeing the bodies lying on the ground, I just gave a  
17          rough estimate. It was an approximation. I didn't go and head  
18          count. But from the number of people you see you can give an  
19          approximation.

10:15:20 20          Q. Did you see rapes in Yiffin?

21          A. They were carried out, yes.

22          Q. Did you see?

23          A. Yes.

24          Q. How many rapes did you see in Yiffin?

10:15:30 25          A. I cannot give a figure.

26          Q. Well, can you describe one such incident, please?

27          A. Yes.

28          Q. Describe it then.

29          A. Women were raped by the fighters in the houses, inside the



1 houses, from the screaming of them. So one I noticed that these  
2 guys were -- the fighters were raping. Then I saw one lady who  
3 ran out from the house and there was blood all over her dress.

4 Q. How many ladies did you see -- how many screams did you  
10:16:14 5 hear?

6 A. Well, I cannot tell the number of screams.

7 Q. Yesterday, Mr Witness, you were asked this question in  
8 examination-in-chief, and you said:

9 "A. The town was attacked, civilians were killed through  
10:16:39 10 the orders of Gullit to his fighters. There were rapes. I  
11 know this from the screaming of the ladies from their  
12 bedrooms."

13 Now, how many ladies's bedrooms were you sufficiently close  
14 to for you to know that they were being raped?

10:16:54 15 A. I cannot give you a figure.

16 Q. Were you close to more than one bedroom?

17 A. I cannot give a figure.

18 Q. Mr Witness, let's do it this way. Whilst this was going  
19 on, where were you?

10:17:16 20 A. I was in the town, the town attacked.

21 Q. Yes. Exactly where in the town were you?

22 A. Where the attack took place, the entire township.

23 Q. Were you standing in the centre of the town, were you  
24 standing close to somebody's house, near a stream, a road, where?

10:17:39 25 A. The houses are very close together, you see. On the road  
26 they are close together. It's a built-up area.

27 Q. And you were standing where?

28 A. At the town itself. It's a built-up area. Close to  
29 houses.



1 Q. Yes, I know you were in the town. Every town has a  
2 landmark or a little path or something or a road; not so?  
3 A. Well, according to you, yes.  
4 Q. No, not according to me. It's whether you agree or you do  
10:18:15 5 not agree with me.  
6 A. That is true.  
7 Q. Yes. So you say this town is a built-up area.  
8 A. Yes.  
9 Q. How many houses were near where you were standing?  
10:18:24 10 A. About four houses very close together.  
11 Q. And in relation to these four houses which were very close  
12 together, where were you standing? Sorry, let me ask you this.  
13 Were all these houses facing the same direction?  
14 A. They were on one line.  
10:18:47 15 Q. Okay, facing the same direction then?  
16 A. Yes.  
17 Q. In relation to them - let's say they were all facing the  
18 front - where were you?  
19 A. I was just -- let me say around the middle of the four  
10:19:10 20 houses.  
21 Q. When you say "the middle," there is a space between two and  
22 two?  
23 A. They are a bit like this in line. One, two, three, four,  
24 like this. In a straight line. They are in a row, you see.  
25 Q. And where were you?  
26 A. I was in between.  
27 Q. In between which?  
28 A. The four houses where I heard the screaming.  
29 Q. Now, how many of these houses did you hear screaming from?



1 A. From between those four houses.

2 Q. Did you hear screaming from all the four houses?

3 A. Not all, but I heard screaming.

4 Q. One scream?

10:19:46 5 A. No. I heard voices screaming, ladies -- voices of ladies

6 screaming.

7 Q. Two?

8 A. Well, I cannot tell you the number.

9 Q. How do you know they were screaming from their bedrooms?

10:20:01 10 A. Because the fighters were in there. Any town where the

11 fighters attack, they enter houses. They enter into the houses,

12 you see.

13 Q. And you, not having entered, standing outside, knew they

14 were screaming from their bedrooms?

10:20:21 15 A. Yes

16 Q. Did you take a tour of these houses at any time?

17 A. No.

18 Q. How many women did you see come out with bloodstained

19 clothes?

10:20:30 20 A. I saw one.

21 Q. And how did you know that that bloodstain was as a result

22 of rape?

23 A. Well, the way I saw her -- because the blood was from

24 her -- running from her private parts.

10:20:56 25 Q. Did you lift up her clothes to see that it was running from

26 her private parts?

27 A. No, I didn't have that the time to do that.

28 Q. So how did you know it was running from the private parts?

29 A. Well, it was there I saw the impression.





1 Q. Could the blood have come from a stab wound?

2 A. Well, I cannot tell. If it had been a stab wound she

3 wouldn't have been able to be moving around.

4 Q. Now let me read your interview again to you, page 9917 line

10:21:39 5 10 to 12:

6 "Q. Apart from the people you saw being killed did you see

7 any other atrocity committed at Yiffin?

8 "A. No, no, no, no."

9 Mr Witness, did you say that?

10:22:04 10 A. No.

11 Q. You didn't?

12 A. I didn't.

13 Q. You didn't say "no" four times to the interviewer?

14 A. I didn't.

10:22:27 15 Q. Mr Witness, if you didn't say this to the interviewer did

16 you at any point describe any rape to the interviewer?

17 A. Well, they never asked me to describe rape to them.

18 MS THOMPSON: Page 9885, Your Honours.

19 Q. They didn't ask you to describe rape to them. Reading from

10:23:03 20 line 8 to 22:

21 "Q. And we go to Yiffin. You also talked about Yiffin.

22 "A. Yes.

23 "Q. What exactly happened in Yiffin when you were

24 there?

10:23:18 25 "A. The same thing happened. The village was

26 attacked. Civilians suffered a lot. Civilians were

27 killed, you see. The same thing; any village or

28 town, the same atrocities continued.

29 "Q. Yes, but that's general. I want you to be



1 specific, yes. Say, like, for instance: When you went to  
2 Yiffin this is what happened to you. Just specifics:  
3 "A. Civilians were killed, shot dead. Some were  
4 chopped by machetes, you see. So it happened.  
10:23:54 5 "Q. You said women were raped --  
6 "A. All the negative things the guys used, in any  
7 village or town the same thing happened."  
8 Mr Witness, do you remember that dialogue between you and  
9 the interviewer?  
10:24:10 10 A. Yes.  
11 Q. You remember he was asking you to be specific about what  
12 happened at Yiffin?  
13 A. Yes.  
14 Q. And you were asked specifically about rape of women; not  
10:24:22 15 so?  
16 A. I don't remember. I cannot recall.  
17 Q. Did you give an answer describing or being specific about  
18 any rape at Yiffin?  
19 A. I don't recall for now.  
10:24:32 20 Q. I'll move on. Have you ever heard the name Komba Gbundema?  
21 A. Komba Gbundema. Yes, I know him. I know he was an RUF.  
22 Q. Superman. Have you ever heard that name?  
23 A. Yes.  
24 Q. Did you know that Superman was the commander for RUF in  
10:25:09 25 Koidu Town?  
26 A. Yes.  
27 Q. Did you meet him?  
28 A. Yes. When we went on food finding there we saw him and he  
29 used to come to Tombodu also.



1 Q. Did you meet Johnny Paul Koroma in Kono?

2 A. No.

3 Q. Did you ever see him during the time you were in captivity?

4 A. No, no.

10:25:27 5 Q. Now, did you stay with xxxxxxxx at xxxxxxxx

6 A. Yes.

7 Q. During the time that you were in captivity were you always

8 with xxxxxxxxxxxx

9 A. Yes.

10:25:46 10 Q. In the same house every time?

11 A. Yes.

12 Q. Were there others with you?

13 A. There were other fighters and abductees.

14 Q. Staying in the same house --

10:25:59 15 A. Yes.

16 Q. -- with you?

17 A. Yes.

18 Q. Do you recall a Captain Osman Sesay?

19 A. No, no.

10:26:09 20 Q. Do you recall a boy, a xxxxxxxx

21 A. xxxxxxxx, yes.

22 Q. He was with you where?

23 A. In Tombodu up to -- it was in Tombodu up to the time when

24 ECOMOG took over Tombodu.

10:26:29 25 Q. When was the first time you saw Junior Lion?

26 A. Junior Lion?

27 Q. Yes.

28 A. It was in Kono.

29 Q. Around what time?



1 A. It was in '98 in Kono.

2 Q. Can you remember a month?

3 A. No.

4 Q. Are you aware of a dispute between Tamba Brima and

10:27:14 5 Junior Lion, or were you aware of a dispute between Tamba Brima

6 and Junior Lion?

7 A. No.

8 Q. But you were always with the person you say was Tamba Brima

9 and is Gullit?

10:27:30 10 A. Well, we were always together.

11 Q. Did you ever become a commander?

12 A. Myself?

13 Q. Did you ever become a commander?

14 A. Me?

10:27:47 15 Q. Yes.

16 A. No.

17 Q. Page 9934, starting from line 2 to 13:

18 "Q. You said a lot of things. What do you mean when

19 you said complaints were made to senior colleagues about

10:28:22 20 rape committed by subordinates?

21 "A. Say that again.

22 "Q. You said that complaints were made to colleague

23 commanders on rapes committed.

24 "A. Did I say colleague commanders?

10:28:37 25 "Q. Yes.

26 "A. This is [indiscernible] -- colleague --

27 commanders.

28 "Q. I think I heard something like that. I wanted you to

29 really clarify.





1 "A. I was never a commander by then."

2 Mr Witness, when did you become a commander?

3 A. I was never a commander.

4 Q. Why did you tell the interviewer that you were not a  
10:29:06 5 commander by then, by that period the interview --

6 A. Well, I don't know how that word then appeared in it. I  
7 was never a commander.

8 Q. You said yesterday that Tamba Brima made a speech in April  
9 1998 in Yaya?

10:29:37 10 A. Yes.

11 Q. And you said that he said: "You all know what befell on us  
12 when ECOMOG forces removed us from Freetown"?

13 A. Yes.

14 Q. "Our colleague soldiers, relatives, sympathisers were  
10:29:54 15 killed by ECOMOG"?

16 A. Yes.

17 Q. "So for that reason we are going back to Freetown"?

18 A. Yes.

19 Q. "We are not going to spare any civilian, only those we  
10:30:06 20 desire to be with us"?

21 A. Yes.

22 Q. "Any town or village, you should kill, maim or amputate"?

23 A. Yes.

24 Q. You recalling saying that. Sorry, I can't read my  
10:30:23 25 handwriting. Then you went on to say young women -- young girls  
26 and women were free to satisfy your sexual desire?

27 A. Yes.

28 Q. "This is Operation Spare No Soul"?

29 A. Yes.



1 Q. Were those the exact words of Tamba Brima?

2 A. Yes.

3 Q. Given that you had said you were one of the AFRC

4 sympathisers and that poor SLPP people were about to -- you felt

10:30:48 5 threatened by poor SLPP people, that's why you ran away with the

6 AFRC, you must have been very happy when he said that, were you

7 not?

8 A. No.

9 Q. You were not?

10:30:58 10 A. No.

11 Q. Mr Witness, I put it to you that at no time was Tamba Brima

12 in Yaya nor did he make a speech in Yaya.

13 A. He did.

14 PRESIDING JUDGE: Ms Thompson, you've really got two

10:31:40 15 questions there.

16 MS THOMPSON: I just realised that, Your Honour.

17 Q. At no time was Tamba Brima in Yaya?

18 A. He was there.

19 Q. And he did not make a speech of that nature in Yaya?

10:31:56 20 A. He did. Yes, he did.

21 Q. Mr Witness, how many versions of that speech have you given

22 to the Prosecutor?

23 A. Well, I don't remember.

24 Q. But you've been asked about it several times, not so?

10:32:41 25 A. I don't remember being asked about it several times.

26 Q. You don't remember. I'll come back to that, but let's deal

27 with the issue of Operation Spare No Soul. Did those words come

28 out of Tamba Brima's mouth?

29 A. Yes.



1 Q. Was that the first time you've heard about Operation Spare  
2 No Soul?  
3 A. For me, yes.  
4 Q. Did you hear about it ever again?  
10:33:09 5 A. That was the only time.  
6 Q. You are an avid listener to the xxx; not so? You told us  
7 that yesterday?  
8 A. Yes.  
9 Q. And in fact Tamba Brima liked you because you used to tell  
10:33:29 10 him what was going on in the xxxxxx xxxxx from the  
11 xxxxxxxxxxxx; not so?  
12 A. Yes, during that time.  
13 Q. Yes, and you always had your xxxxx in your pocket?  
14 A. Yes.  
10:33:41 15 Q. In August were you with them still?  
16 A. In August, yes.  
17 PRESIDING JUDGE: Who's them, Ms Thompson?  
18 MS THOMPSON: Sorry.  
19 Q. Your captors?  
10:33:54 20 A. Yes.  
21 Q. Tamba Brima and everybody else that you've mentioned?  
22 A. Yes.  
23 Q. And whilst you were with them you still had your xxxxx in  
24 your pocket, your little xxxxxxxxxxxx?  
10:34:03 25 A. Yes.  
26 Q. And during that time you were still telling Tamba Brima  
27 what was happening over the xxx?  
28 A. Only -- not only -- often, very often.  
29 Q. Often, but even when you didn't tell him you were still



1 listening to it?

2 A. Yes, I always listened to the xxxx, you see.

3 Q. And especially those programs having to do with Africa and

4 Sierra Leone?

10:34:27 5 A. International xxxx in general.

6 Q. Yes. Did you listen to programs like Focus on Africa?

7 A. Focus on Africa, Network Africa, yes.

8 Q. Did you say you heard an interview with Robin White or

9 something?

10:34:43 10 A. Me?

11 Q. Did you say that or is it my mistake?

12 A. Me, I haven't --

13 Q. No, not you. You heard it over the BBC. Somebody was

14 talking to Robin White. Did you say that?

10:34:56 15 A. [Indiscernible].

16 Q. Okay, you didn't. But anyway you were listening to Network

17 Africa and Focus and all of those?

18 A. Yes.

19 Q. Did you hear on 17th August Eldred Collins over the BBC

10:35:10 20 saying that if the government did not release Corporal Foday

21 Sankoh the RUF was going to launch Operation Spare No Soul?

22 A. Well, I was not fortunate to listen to that particular

23 news.

24 Q. Mr Witness, I put it to you that you heard it and in fact

10:35:27 25 that's the only time you've heard Operation Spare No Soul?

26 A. No.

27 Q. Eldred Collins said it and it was over the BBC.

28 A. No, me personally never heard that. Me personally.

29 Q. And I also put it to you that in fact Operation Spare No





1     Soul was an RUF objective, nothing to do with the AFRC or the  
2     SLA?  
3     A.    No idea.  
4     Q.    Now, you've described yourself as an abductee?  
10:36:07 5     A.    Yes.  
6     Q.    And you've also said there were female abductees?  
7     A.    Yes.  
8     Q.    Was there usually what was is termed as a mamie queen?  
9     A.    No idea.  
10:36:19 10    Q.    Have you ever heard of Colonel Eddie Town?  
11    A.    No idea.  
12    Q.    No idea if you've heard about it or no idea about Colonel  
13    Eddie Town?  
14    A.    No idea.  
10:36:40 15    Q.    No idea to what?  
16    A.    I've got no idea about it.  
17                               [TB120705B-SGH]  
18    Q.    Have you heard of the term before, Colonel Eddie Town?  
19    Have you ever heard it?  
10:36:21 20    A.    No, no.  
21    Q.    As an abductee, which you say you were, did anyone take  
22    down your details? For example, name, which village you came  
23    from?  
24    A.    No, nobody.  
10:36:48 25    Q.    Now, you said you were present when SAJ Musa died?  
26    A.    Yes.  
27    Q.    Can you tell us what happened after he died?  
28    A.    He was taken to Koba Town village in the east. There he  
29    was buried.



1 Q. Okay. Now, immediately after he died, can you describe  
2 what happened?  
3 A. He was taken for burial. He was taken at Koba Town.  
4 Q. Okay. Let's do it step by step. Now, you said there was  
10:37:22 5 an explosion in a house in a building?  
6 A. Yes.  
7 Q. And he died?  
8 A. Yes.  
9 Q. How far were you from this explosion?  
10:37:26 10 A. When the explosion took place I was about 200 yards from  
11 the block where the explosion took place.  
12 Q. So you saw it happen?  
13 A. Yes.  
14 Q. Okay. Now, when did you realise that SAJ Musa had died?  
10:37:42 15 A. When did I realise he had died?  
16 Q. Yes.  
17 A. Hours later.  
18 Q. Hours later?  
19 A. Yes, because he didn't die on the spot.  
10:37:56 20 Q. Okay.  
21 A. But let me say he was in coma. Hours later he died.  
22 Q. Okay. Did you see him when he was in that coma which you  
23 say?  
24 A. Yes.  
10:38:09 25 Q. Can you tell us what happened immediately after the  
26 explosion? Did he fall? What happened?  
27 A. He fell.  
28 Q. He fell?  
29 A. Yes.



1 Q. And then what happened?

2 A. Then he was unconscious.

3 Q. Yes. And then what happened?

4 A. He was carried. He was carried by the fighters and they

10:38:26 5 were trying to revive him, but to no avail. In the end he died.

6 Q. Which fighters?

7 A. The AFRC fighters.

8 Q. Who? Do you have a name?

9 A. No, I don't remember the names.

10:38:38 10 Q. Did you go there?

11 A. Yes, you know the place was so crowded, you see, because

12 when they heard that that thing has happened to SAJ Musa, it was

13 every fighter's concerned. Everybody was concerned. Abductees,

14 fighters, everybody.

10:38:51 15 Q. So you went there?

16 A. Yes, we -- everybody was trying to have a glimpse, you see.

17 So the place was so crowded.

18 Q. Did they carry him somewhere else?

19 A. They took him to Koba Town.

10:39:04 20 Q. No, no, no, that was when he was dead. Before he died,

21 what happened?

22 A. Well, after that, you know, the only time -- just now, I

23 knew they took him to the village Koba Town. Because we are so

24 many. So it was very difficult for you to get closer, you see.

10:39:23 25 Q. Did you see them move him?

26 A. He was moved, yes. He was moved. When finally he died he

27 was moved to Koba Town.

28 Q. Let's go back. When this explosion happened, presumably

29 this building was on fire?



1 A. Yes.

2 Q. Okay. How far was SAJ Musa from this building?

3 A. He was -- he was -- he was standing very close to the  
4 building.

10:39:47 5 Q. Is that where the soldiers tried to revive him or did they  
6 move him elsewhere?

7 A. Well, they took him from that point. They took him some --  
8 some few yards from where he fell. Then they took him a few  
9 yards from where he fell. They started -- they tried to revive  
10:40:06 10 him.

11 Q. Were any commanders present?

12 A. Yes, Gullit was present. All of them. Gullit. Yes,  
13 Gullit was present.

14 Q. This person you say is Gullit, did you see him do anything  
10:40:26 15 to SAJ Musa?

16 A. Well, the place was so crowded so it was -- in fact, even  
17 myself I became dispirited over the kind of condition he was. So  
18 I was -- I was confused. I was confused. I didn't go to observe  
19 who was doing this, who was doing this, who was doing that, you  
10:40:49 20 see. The accident made me to, you know, almost lost my senses.

21 Q. So you don't know what happened to him after that  
22 happened --

23 A. Yes.

24 Q. -- because you almost lost your senses?

10:40:55 25 A. Yes.

26 PRESIDING JUDGE: Ms Thompson, have you more questions on  
27 this particular part of the cross-examination, or are you moving  
28 into a new subject?

29 MS THOMPSON: I am moving into a new area, Your Honour.





1 This is a convenient time to stop.

2 PRESIDING JUDGE: Thank you. We will do that in that case.

3 Mr Court Attendant, we will have a 15 minute adjournment, please.

4 [Break taken at 10.38 a.m.]

10:41:18 5 [On resuming at 11.00 a.m.]

6 PRESIDING JUDGE: Ms Thompson, please proceed.

7 MS THOMPSON: Thank you, Your Honour.

8 Q. Mr Witness, before the break we had just talked about

9 SAJ Musa's death?

11:03:25 10 A. Yes.

11 Q. After SAJ Musa died, did you hear anything about the change

12 in command structure of the troops?

13 A. Well, immediately Gullit was in full control again.

14 Q. What about the people close to Gullit?

11:03:57 15 A. They were his henchmen.

16 Q. Were they given specific roles?

17 A. No idea.

18 Q. No idea as to whether they were given specific roles?

19 A. Yes.

11:04:12 20 Q. These people you say were his henchmen, Who were they?

21 A. Bazzy, Five-Five, Bioh, Abdul Sesay, Papah. Those are the

22 people. I can't -- Even Franklyn Conteh, Woyo.

23 Q. All right, you have named them. Can you name the specific

24 posts they were assigned to do?

11:04:36 25 A. No, I don't remember.

26 Q. Do you know if they were assigned specific -- if they were

27 assigned specific posts?

28 A. I don't remember that.

29 Q. Okay, you may not remember what specifically each man was



1 asked to do, but do you remember whether these men that you have  
2 named were assigned specific posts? Do you remember that?  
3 A. I don't remember.  
4 Q. Okay. Now yesterday, in answer to questions from my  
11:05:15 5 learned friend, you said 2,800 men attacked Mange Bureh.  
6 A. One group.  
7 Q. And the total was 2,800 when we did some calculations here?  
8 A. Okay.  
9 Q. You remember that yesterday?  
11:05:31 10 A. Yes.  
11 Q. How many would you say attacked Freetown? Came to Freetown  
12 on January 6th?  
13 A. Well, as we roved along, abductions were also made. So  
14 about -- about 3,000 to 3,500.  
11:05:59 15 Q. Okay. Set off for Freetown in January 6th and it was all  
16 of these men that arrived in Freetown January 6th?  
17 A. It was an approximation. About that number.  
18 Q. Yes, about that number. Okay. Now, Mr Witness, you  
19 remember early on you told us that all the time you were in  
11:06:34 20 captivity there was a communications set?  
21 A. Yes.  
22 Q. Was it the same communication set that they used at all  
23 times? The same one that you had when you were in Tombodu. Was  
24 it the same one you used when you came to Freetown?  
11:06:52 25 A. The same model.  
26 Q. No, the same one, not necessarily the model or the make.  
27 The same set.  
28 A. The radio communication set.  
29 Q. And was it just one?



1 A. No, I don't remember the number.

2 Q. Did you see more than one radio communication set?

3 A. I think so, yes. No precise number of radio communication  
4 sets.

11:07:25 5 Q. When did you first see more than one radio communication  
6 set?

7 A. I don't remember. I don't remember. I remember SAJ also  
8 came with communication sets. O-Five also came with his  
9 communication set. If you combine that together about three.

11:07:43 10 Q. About three?

11 A. Yes.

12 Q. When you were at Benguema, how many communication sets were  
13 there?

14 A. Well, SAJ set, O-Five set he came with plus the set that  
11:08:05 15 was Gullit. Still that number, I can only remember the three  
16 sets.

17 Q. Do you recall telling the interviewer that in Benguema they  
18 captured some sets, communication sets?

19 A. No, I didn't say they captured communication sets.

11:08:18 20 MS THOMPSON: Your Honours, page 9934.

21 THE WITNESS: I didn't say that.

22 MS THOMPSON: Line 18 to 22.

23 Q. "Q. Okay, we come to Freetown now. How do you know that  
24 before leaving Benguema for Freetown that SAJ Musa  
11:08:32 25 communicated with Maxwell Khobe?

26 "A. I was around. At Benguema they captured some sets.  
27 Communication sets. They used that to communicate to  
28 Maxwell Khobe."

29 Do you recall saying that?



1 A. No, I don't recall. The sets he was -- I don't recall  
2 that. I don't recall that. But he spoke -- he communicated to  
3 him and through a communication because there was already a  
4 communication set with him. But really I don't recall saying  
11:09:06 5 that.  
6 Q. Do you recall whether they captured communication sets in  
7 Benguema or not?  
8 A. No, I don't. I don't recall.  
9 Q. Now, the person you have described to this Court as Gullit,  
11:09:23 10 you say you were close to him. Always close to him?  
11 A. Yes.  
12 Q. Yes. And your task was to give him xxxx from the  
13 international xxxx?  
14 A. Yes.  
11:09:37 15 Q. Is this person an illiterate?  
16 A. He went to school.  
17 Q. Yes. And he can -- do you know whether he can understand  
18 English?  
19 A. Yes.  
11:09:44 20 Q. So he could have understood what was being said on the  
21 xxxxx?  
22 A. Yes.  
23 Q. Did you know him before you went to captivity?  
24 A. It was at the jungle I got to know him.  
11:10:03 25 Q. You had never met him before?  
26 A. In person.  
27 Q. Yes.  
28 A. I saw him during the days of the AFRC, but I never -- I was  
29 never close to him. It was only in xxxxxxx that I had to be very





1 close to him.

2 Q. When you say you saw him during the days of the AFRC, where  
3 did you see him?

4 A. He was in Freetown here.

11:10:23 5 Q. Yes, but Freetown is a big city, Mr Witness. Specifically  
6 where did you see him?

7 A. Around State House Avenue.

8 Q. You saw him walking there?

9 A. Yes. Even during -- during -- during -- in public rallies.

11:10:38 10 He used to show up. He used to move around in motorcades. At  
11 that time they were dictating the pace, you see, in Freetown  
12 because those were the days of the AFRC. So they were all over  
13 the places.

14 Q. So --

11:10:54 15 A. People glare at them. They were glared, then they pass  
16 that along. So we saw them on radio and on televisions, you see.

17 Q. How do you know that the person you saw at rallies and  
18 State Avenue was the person you saw was the person you called  
19 Gullit?

11:11:09 20 A. Well, we know them by their names, you know, they read out  
21 their names to us and we see their photos are displayed. We  
22 heard about them on newspapers you can see the names and in the  
23 newspaper you can see their photo against their names written  
24 underneath, you see.

11:11:33 25 Q. And you knew that he was PL03?

26 A. Yes.

27 Q. And you said PLO stands for public -- did you say public  
28 liaison officer?

29 A. That was what -- I think not the correct one, not public



1 but principal. Principal liaison officer.

2 Q. When did you find out that public was not principal,  
3 because yesterday you told us public.

4 A. Yes, you know, I need to -- I refreshed my memory.

11:11:59 5 Q. Using what?

6 A. I tried to -- I'm human being, you can't -- I am liable to  
7 forget and recollect, you see.

8 Q. You said you refreshed your memory. What did you use to  
9 refresh your memory? Did you speak to somebody?

11:12:11 10 A. Nobody.

11 Q. So what did you use to refresh your memory?

12 A. Well, I was just reminiscing over what I have said here  
13 yesterday.

14 Q. And when did it come back to you that you had said public  
11:12:29 15 in instead of principal?

16 A. During my period of reminiscing.

17 Q. Now, on your way to Freetown, we are talking about between  
18 5th January coming up to 6th January now.

19 A. Yes.

11:12:47 20 Q. Did you go through Macdonald?

21 A. Macdonald?

22 Q. Yes.

23 A. I've no idea about Macdonald.

24 Q. I am not asking anything specific about the village of  
11:13:09 25 Macdonald. I am asking whether you went through Macdonald?

26 A. No idea. No idea. It was a big crowd moving. Maybe some  
27 people may pass through that way, but I have no idea of passing  
28 through Macdonald.

29 Q. York?



1 A. York?

2 Q. Yes.

3 A. No idea.

4 Q. Waterloo?

11:13:26 5 A. Yes.

6 Q. Did you stop at Waterloo?

7 A. Yes. That was the route to come over to Benguema.

8 Q. What happened at Waterloo?

9 A. Well, at Waterloo there were some -- you know, some

11:13:54 10 fighters went on the rampage. They tried to infiltrate into the

11 town, you see. But they were -- they were told again not to

12 vary, to focus their concentration in going to Benguema.

13 Q. When you say some fighters tried to infiltrate Waterloo,

14 what do you mean?

11:14:20 15 A. You know, arriving at Waterloo they wanted to take

16 advantage of being at Waterloo at that moment. They wanted to

17 enter into the town. They wanted to go everywhere in the town.

18 But Gullit and SAJ put it soundly to them that they should not do

19 that, they should focus their attention to go to Benguema.

11:14:42 20 Q. How do you know this?

21 A. I was around.

22 Q. Around where?

23 A. I was with the group.

24 Q. Which group?

25 A. The entire group.

26 Q. In the group of 2,000 -- 3,000 to 3,500 people?

27 A. Yes.

28 Q. And where did they stand? Where did Gullit and SAJ Musa

29 stand when they were making this announcement?



1 A. Amongst us. Among the group.

2 Q. Did they use a microphone?

3 A. We never had a microphone before.

4 Q. So they spoke with their naked voice?

5 A. Yes.

6 Q. And what did they say?

7 A. They said that everybody should head for Benguema.

8 Q. No, sorry, I want the exact words used.

9 A. Everybody should head for Benguema.

11:15:38 10 Q. Who said that?

11 A. It was Gullit himself.

12 Q. He said everybody should head for Benguema?

13 A. Yes.

14 Q. In relation to this 3,000-odd, 3,000 strong crowd, where

11:15:48 15 exactly was Gullit standing?

16 A. Among -- among everybody, you see.

17 Q. In the middle?

18 A. Because he was at the helm of affairs, everybody was -- all

19 the attention was on him and SAJ at that moment.

11:16:18 20 Q. So he was standing -- he was standing -- when you say

21 among, let's say in the middle. Would that be right if I say in

22 the middle of this 3,000 strong group?

23 A. He was with the group. Everybody was focusing their

24 attention on SAJ and Gullit. So they were dictating the pace.

11:16:37 25 When they say go this way, everybody has to abide by that order.

26 Q. All 3,000?

27 A. Yes, all along. All along.

28 Q. And this 3,000, they were -- that included fighters?

29 A. Fighters, yes.





1 Q. The people you have named as abductees?  
2 A. Yes.  
3 Q. Children?  
4 A. Children were among, yes.  
11:16:59 5 Q. Women?  
6 A. All categories of people.  
7 Q. Crying children?  
8 A. What do you mean?  
9 Q. Young children.  
11:17:10 10 A. I have no knowledge, no knowledge. You mean babies?  
11 Q. Yes.  
12 A. I have no knowledge of babies.  
13 Q. What about toddlers?  
14 A. No knowledge of them.  
11:17:19 15 Q. Sorry. Carry on.  
16 A. I mean, children walk on their own. Not babies who are  
17 toddlers or babies who are taking the breast of their mother.  
18 Q. Okay. So when Gullit spoke, all 3,000 were quiet?  
19 A. Well, his -- all respect was given to him and SAJ because  
11:17:47 20 SAJ was --  
21 Q. The question -- sorry, Mr Witness, please. This is  
22 important. Specific question. When Gullit spoke, all 3,000  
23 people went quiet?  
24 A. Yes.  
11:18:01 25 Q. Now, you remember you told us that they were divided  
26 into -- well, now you say companies, but before in your statement  
27 you had used the word battalions?  
28 A. Yes.  
29 Q. You said, "They were divided into companies and they were



1 all 5 miles apart. They were all miles apart."  
2 A. Did I say that? I don't remember saying that.  
3 Q. Well, okay. Let's deal with that. When they were divided  
4 into companies, you remember you said they were divided into  
11:18:29 5 companies?  
6 A. Yes.  
7 Q. Were these companies always together?  
8 A. Yes. Always together, yes.  
9 Q. They all use the same base?  
11:18:41 10 A. The same base. We all had the same base.  
11 Q. And these -- there were about five companies that you have?  
12 A. Four.  
13 Q. Four companies that you have. These four companies that  
14 you have were part of this 3,000 strong. Sorry?  
11:19:00 15 A. What?  
16 Q. These three companies that you have mentioned, were they  
17 part of -- four companies that you have mentioned, were they part  
18 of this 3,000 strong crowd?  
19 A. I am referring to the armed men. Not civilians or  
11:19:27 20 abductees. I am referring -- when I say company, I am referring  
21 to the fighters. The armed men.  
22 Q. Were they part of this 3,000 that you have given us here?  
23 Were they included? Did you include them in this 3,000?  
24 A. Included the civilians?  
11:19:39 25 Q. Yes.  
26 A. Yes, we are among that number.  
27 Q. Okay. So the companies are in here?  
28 A. Yes.  
29 Q. Okay. Now you recall I put a statement to you at page --



1 MS THOMPSON: Your Honours at page 9855.

2 Q. When I read to you, I was talking to you or asking  
3 questions about you having used the word battalion before?

4 A. Yes.

11:20:08 5 Q. Okay. And you denied having used the word battalion. Now  
6 I want to put that same statement to you, but regarding something  
7 else, not the word battalion. Okay?

8 A. Okay.

9 Q. So if you just listen and bear with me for one minute, I  
11:20:21 10 will put it to you but I will ask you the question at the end.

11 A. Okay.

12 MS THOMPSON: Your Honours, page 9855. And reading again  
13 the same passage from line 10 to 24.

14 Q. "A. As I said early on, those things happened in we just  
11:20:38 15 get information like that and so and so happened because of  
16 so and so. They had the jungle laws, you see, they had  
17 their jungle laws. If you rape, you get executed. You  
18 will be given 100 lashes and so on and so forth. They had  
19 jungle laws, you see. If you violate any one of those  
11:20:55 20 laws, you see, there is a penalty for that, you see. There  
21 are certain times groups had to settle in certain locations  
22 for a week or two resting, you see. So during that, those  
23 times, the troops are, let me say, 4 or 5 miles apart.  
24 Battalion A will be about 5 miles away from battalion B;  
11:21:15 25 Battalion B will also be like 5 miles away from Battalion  
26 A, you see. So if anything happened with Battalion A,  
27 Battalion B and you are at Battalion C, may be the distance  
28 will be 5 miles away. You can just get information at  
29 Battalion B, somebody rapes a certain lady and that person



1           has been summarily executed as part of the jungle justice  
2           laws you have, you see."  
3           Now the question I want to ask is about the distance of  
4           these different battalions. For argument's sake now we will call  
11:21:48 5           them companies, which you say -- is what you said now?  
6           A.    Mm-hmm.  
7           Q.    Okay. These different facts, were they at different  
8           locations?  
9           A.    Well, at the same setting, you see. But they are  
11:22:07 10          separated, but they live at the same set up, the same company.  
11          Q.    Did you say to the person interviewing you that they are  
12          about 5 miles away. They would be about 5 miles away from each  
13          other?  
14          A.    Not nearly 5 miles, But they are some distance apart. But  
11:22:25 15          not nearly 5 miles.  
16          Q.    On coming down to Freetown when did they all get together  
17          to form this 3,000?  
18          A.    The message is passed, Gullit will tell everybody to come  
19          together to move.  
11:22:51 20          Q.    Considering they were not in the same place, how would  
21          Gullit send that message?  
22          A.    The message is sent. He would send other AFRC fighters  
23          that are at the headquarter, because where Gullit and henchmen  
24          are, that is where they call the headquarter. So they will send  
11:23:08 25          emissaries to go and call the -- order company commanders, with  
26          their men, to come because the movement -- they are ready now to  
27          move to certain location or the roving -- if the roving is to  
28          start, everybody -- they send message for people to go and inform  
29          all the other company commanders to come together to the





1 headquarter where Gullit and henchmen are for everybody to move.

2 Q. Can you give us the names of these different headquarters?

3 A. Well, I don't -- I only remember that Gberemantmatank was  
4 the main headquarter before we left for -- when SAJ Musa was with  
11:23:53 5 us that was what it was named, Gberemantmatank. That is the name  
6 of the place. The other surrounding villages close to  
7 Gberemantmatank -- because of the population Gberemantmatank  
8 could not take that big number, that big size. So the other  
9 small villages around, you see, with names -- I can recall the  
11:24:19 10 village by the name of Rotain which is close to Gberemantmatank  
11 also. That is the name I could recall.

12 Q. Were there other headquarters as you were leaving --

13 A. No other. No other headquarters. The headquarter is where  
14 Gullit is going -- subordinate commanders there who are in charge  
11:24:38 15 of companies are deployed to villages close to the headquarter  
16 town Gberemantmatank like Rotain. Rotain was where -- was  
17 another village which we were and Junior Lion was with his  
18 company, D Company.

19 Q. Can you spell -- is it Rotain?

11:25:02 20 A. Rotain.

21 Q. Can you spell that for us, please?

22 A. R-O-T-A-I-N.

23 Q. And whereabouts is that? What district?

24 A. It is in Port Loko District.

11:25:17 25 Q. That's the Northern Province?

26 A. Yes.

27 Q. Now, the question I was going to ask you before you started  
28 answering was moving from the east -- we agree that Kono District  
29 is in the east, the Eastern Province?



1 A. Yes.

2 Q. And you said that is where you started your journey?

3 A. Yes.

4 Q. To Freetown?

11:25:29 5 A. Yes.

6 Q. Moving from the east, apart from Gberemantmatank which you  
7 have told us, was there any other headquarter town or  
8 headquarter, sorry. Was there any other headquarter?

9 A. After Rosos -- we had Rosos. After the meeting at Yaya --  
11:25:55 10 because at Yaya is a big town, a Gullit town. So all the troops  
11 were there where they were split into companies. Everybody was  
12 in Yaya Town, you see. From there the next headquarter town was  
13 Rosos. From Rosos to Gberemantmatank. Those were the three.

14 Q. Okay. I have to come back to Yaya since you mentioned it,  
11:26:25 15 but any way I will go back to where I was. Did go through Calaba  
16 Town?

17 A. In Freetown?

18 Q. Yes.

19 A. Yes.

11:26:34 20 Q. Yesterday you said that on your way back when the troops  
21 were retreating from Freetown after January 6 --

22 A. Yes.

23 Q. -- You went through Calaba Town and you got to your own  
24 community and that's when you decided to leave them and go?

11:26:49 25 A. Yes.

26 Q. Because you remember when you were going -- when you were  
27 coming into Freetown had gone through Calaba Town.

28 A. Yes.

29 Q. Yes. Why didn't you stop there?



1 A. No, Calaba Town is not my community.  
2 Q. Did you go through your community?  
3 A. I said it was there I dodged, I escaped from them and went  
4 back to my community. My community -- I did not disclose the  
11:27:18 5 name of my community yesterday.  
6 Q. Okay. Who told you that Yaya is the home village of  
7 Tamba Brima?  
8 A. He said it. Gullit himself said it.  
9 Q. To your face?  
11:27:48 10 A. Yes. And in fact during the jungle he named himself after  
11 his village, Tamba Alex Brima Yaya.  
12 Q. When did he do that?  
13 A. He was called that way. There was a radio broadcast the  
14 day we arrived at State House. The day that -- and the  
11:28:08 15 interview was conducted by Robin White and Gullit instructed FAT  
16 Sesay -- one colonel FAT Sesay, that was his bush rank but he was  
17 a regular officer, a lieutenant in the army. And the  
18 interview -- Robin White was wanting to know who led the troops  
19 to Freetown and in the reply Sesay said that it was Brigadier TAB  
11:28:38 20 Yaya. That's Gullit.  
21 Q. Are you absolutely sure about that?  
22 A. Yes. That was on 6th January.  
23 Q. And you heard that on your little radio in your pocket?  
24 A. Yes.  
11:28:50 25 Q. Now let's go to the meeting at Yaya. Was it a big meeting?  
26 A. The Yaya meeting, yes, it was a big meeting.  
27 Q. How many people would you say were there?  
28 A. Over 1,000.  
29 Q. Did Gullit have a microphone?



1 A. He never had. He never had a microphone.  
2 Q. Was it in the open air?  
3 A. In the open, yes.  
4 Q. How big is this village?  
11:29:24 5 A. It's over. The village is over. It's over. It's about  
6 200 houses. About that. It could be more than that, less than  
7 that. It's an approximation.  
8 Q. It might be less than 200 houses?  
9 A. That's an approximation.  
11:29:47 10 Q. Okay. And you stayed in this village for a while, did you?  
11 A. Yes, for some days.  
12 Q. How long?  
13 A. I don't remember the number of days.  
14 Q. Weeks? A week?  
11:30:02 15 A. No, I don't remember. I can't tell you the exact time, but  
16 it was not up to two weeks.  
17 Q. What month was this in?  
18 A. It was in April.  
19 Q. And I think yesterday you said that it was at Yaya that you  
11:30:19 20 began to feel comfortable?  
21 A. Not -- I didn't say that.  
22 Q. Did you not?  
23 A. No.  
24 Q. Just a minute, let me check the transcript. I will come to  
11:30:42 25 that later, we are checking the transcript. But anyway, this was  
26 the first big speech you heard after running away from SLPP's  
27 mob; is that right?  
28 A. Which one?  
29 Q. This speech at Yaya?





1 A. Yes.

2 Q. It was the first big speech?

3 A. Yes.

4 Q. And you told us yesterday it was because of pro-government  
11:31:13 5 people that you ran away?

6 A. Yes.

7 Q. And do you recall earlier today I asked you whether you  
8 were happy when they said they were going to seek revenge against  
9 those people --

11:31:25 10 A. No, no, no.

11 Q. -- to move them out?

12 A. No, no, no.

13 Q. You said no?

14 A. No. I am a God fearing person. I have respect for human  
11:31:41 15 rights. That is why I am alive today.

16 Q. I am going to ask you the same question -- I am going to  
17 read something to you and ask you this question because I didn't  
18 ask you.

19 MS THOMPSON: Page 9904, Your Honours, and line 3 to 20.

11:32:01 20 Q. "Q. What was the topic that was discussed in that meeting?

21 "A. Well, as these guys that I have just mentioned, Gullit  
22 and others, who were the coupists of the May 25 event of  
23 1997, so after they have been chased out of power again,  
24 some time in the early days of 1998. So in the jungle they  
11:32:23 25 decided to fight back, to unseat the democratically elected  
26 government. So it was discussed in that meeting that  
27 atrocities must be meted out on civilians because they  
28 aided and abetted the government. As per them, as per  
29 Gullit, as to what Gullit said, civilians aided and abetted



1 the government to kick them out of power. And when that  
2 was -- when the government succeeded in kicking out the  
3 junta from power, civilians went on the rampage by killing  
4 those they branded as collaborators to the junta. And even  
11:32:56 5 the relatives of soldiers were also killed by hanging tyres  
6 on them. Tyres were hung on them and fire set on them and  
7 they burnt to death by irate pro-government supporters. So  
8 by doing so, by that action, Gullit and colleague decided  
9 to take revenge. So that meeting was purposely to take  
11:33:16 10 revenge on civilians and to unseat the democratically  
11 elected government of President Ahmad Tejan Kabbah."  
12 Do you recall saying that?  
13 A. Yes.  
14 Q. Now, given that it was this pro-government supporters who  
11:33:31 15 drive you out, isn't that the reason this -- what I have just  
16 read out to you, isn't this the reason why you joined them and I  
17 say you took up arms?  
18 A. No, no, no.  
19 Q. What time did you arrive at State House?  
11:33:59 20 A. January 6th.  
21 Q. Yes, what time?  
22 A. Around 6.00 in the morning. Between 6.00 to 6.30.  
23 Q. Were people already there at State House?  
24 A. ECOMOG personnel were there.  
11:34:35 25 Q. And was there fighting to take over State House?  
26 A. Yes. Yes.  
27 Q. Did you sleep there?  
28 A. At State House?  
29 Q. Yes.



1 A. Yes.

2 Q. You, yourself, personally?

3 A. Yes.

4 Q. Where? What part of State House did you sleep?

11:34:48 5 A. There is a another building at State House. Because you  
6 had -- the State House is a tall building. There is another  
7 small building in the compound. So I slept in that house.

8 Q. Was the compound crowded?

9 A. Overcrowded. It was -- the compound did not contain  
11:35:15 10 everybody, all of us. There are some fighters and abductees who  
11 then slept outside the street.

12 Q. Did you see any atrocity being committed in State House?

13 A. Yes.

14 Q. What did you see?

11:35:36 15 A. Many Nigerians were brought there and they were killed.  
16 Even civilians.

17 Q. Did you see that with your own eyes?

18 A. Yes.

19 Q. Can you describe it?

11:35:49 20 A. They were shot at. They were hacked.

21 Q. By whom?

22 A. By the AFRC fighters.

23 Q. Which ones? Who in particular?

24 A. The fighters. A big crowd. There were many. Many, many  
11:36:00 25 fighters who were on the rampage.

26 Q. The burning of CID, did that take place before or after you  
27 got to State House?

28 A. The day we arrived at State House they burned CID.

29 Q. Did you go to the CID burning?



1 A. I was standing around that State House when the fighters  
2 went and set it on fire. You see, it is a clear vicinity.  
3 Q. So you were free to move?  
4 A. We are together. You see, from the time we started we  
11:36:32 5 moved together.  
6 Q. Yes. So you had gone into State House compound?  
7 A. Yes.  
8 Q. And you came outside?  
9 A. Yes.  
11:36:40 10 Q. You stand around State Avenue?  
11 A. No, the rest of the other fighters and abductees.  
12 Q. So all of you, all 3,000 of you, moved outside the State  
13 House?  
14 A. Yes, in that vicinity.  
11:36:57 15 Q. Yes. You abandoned State House, moved to State Avenue to  
16 watch the burning of CID?  
17 A. Not to watch. You can -- State Avenue, the entire vicinity  
18 is very close to State House, you see.  
19 Q. Did you leave the compound of State House?  
11:37:23 20 A. After the orders were given for us to move again to  
21 Pademba.  
22 Q. I am asking about the burning of CID. Did you leave the  
23 compound --  
24 A. I was sitting -- I was standing outside when the State  
11:37:42 25 House was -- the CID was set on fire by the fighters. It was an  
26 order given to them by Gullit.  
27 Q. Within the compound of State House or outside?  
28 A. Outside. Outside.  
29 Q. So you left the compound?





1 A. Yes. I was outside.

2 Q. This order that you say was given to Gullit, were you  
3 present when this order was being given?

4 A. Yes. Yes.

11:37:59 5 Q. What were his exact words?

6 A. He said they should burn -- he instructed them to go and  
7 burn the CID headquarter.

8 Q. How did he say it? Did he say, "I, Gullit, being commander  
9 in chief" --

11:38:20 10 A. He said, "Go and burn that CID headquarters" because they  
11 are against any police structure, you see.

12 Q. Who did he said it to?

13 A. To his fighters. I mean, the fighters were all the places.  
14 It is just a command. He said, "You, you go, go and burn the  
11:38:34 15 place" and they went.

16 Q. He said, "You, you go "?

17 A. He said, "Go, you fighters." He just said go and burn the  
18 place. It's just a word of command and they were on their toes.

19 Q. How many of them were there?

11:38:44 20 A. I couldn't give you an exact number.

21 Q. Were they with your 3,000 strong group?

22 A. There were fighters in the group.

23 Q. And all 3,000 --

24 A. Not all of them. Not all of them. Some went to -- not all  
11:38:58 25 went to the place. It is big crowd for -- to set fire on the  
26 place.

27 Q. So how many did you see go to CID?

28 A. Well, I cannot give you the correct figure. But

29 Approximately about 20 of them -- about 20 of them went to set



1 fire on the place. It was just to set fire, not to beat -- he  
2 didn't give them axes or clubs to go and beat down the building.  
3 He said, "Go and set fire. Set the fire on the places". Not to  
4 involve everybody, you see.

11:39:37 5 Q. I am looking for the exact words you said Gullit uttered?

6 A. He said they should set fire -- burn down the building,  
7 CID, as similar things were done to the Kissy Mess Mess police  
8 station.

9 Q. Mr Witness, did he refer to himself in the third person?

11:40:07 10 A. Madam, Gullit is always at the helm of affairs and  
11 everybody was answerable to him. When he -- everybody worked in  
12 accordance to his orders. He was in control of the entire troop  
13 after SAJ.

14 Q. Let me try again. Did you understand the question?

11:40:25 15 A. Repeat your question.

16 Q. What exactly did Gullit say to his fighters? You say he  
17 commanded his fighter to burn the CID.

18 A. Yes, to set fire.

19 Q. Hang on minute, please. Hang on. Just listen to the  
11:40:33 20 question carefully. What exactly did he say?

21 A. He said, "Go and burn the CID building".

22 Q. Just like that?

23 A. Yes.

24 Q. Did you go to Brookfields?

11:40:51 25 A. Me?

26 Q. Yes, you.

27 A. Brookfields?

28 Q. Yes.

29 A. No idea.



1 Q. Do you know where Brookfields is?  
2 A. I know where Brookfields is in town.  
3 Q. And you have no idea as to whether you went to Brookfields  
4 or not?  
11:41:15 5 A. Yes.  
6 Q. Did you go to the national stadium?  
7 A. National stadium?  
8 Q. Yes.  
9 A. Yes.  
11:41:22 10 Q. What did you go to do there?  
11 A. At national stadium?  
12 Q. Yes?  
13 A. Well, the troops went up to that point. So I was around  
14 that place.  
11:41:36 15 Q. What did you go to do there?  
16 A. I don't remember. I went because troops were -- because  
17 all those areas, the troops were sent up to those areas. I  
18 didn't go inside the national stadium. I was at the outskirts of  
19 the stadium and I remember arriving at that point.  
11:41:56 20 Q. So you remember arriving at that point?  
21 A. Yes.  
22 Q. You remember you actually did not go into the stadium?  
23 A. Yes.  
24 Q. You remember that you were on the outskirts of the stadium?  
11:42:03 25 A. Yes.  
26 Q. What did you do?  
27 A. Well, I don't remember doing anything there.  
28 Q. You were just standing there?  
29 A. Yes.



1 Q. These commanders that you mentioned, did you see them with  
2 any bodyguards?

3 A. Who?

4 Q. The commanders that you have mentioned earlier. You have  
11:42:45 5 mentioned quite a few commanders, the people you say were  
6 commanders. Did you see them with any bodyguards?

7 A. Well, the entire armed men they had were as bodyguards to  
8 them. They are all answerable to them. The armed men, the  
9 fighters.

11:43:08 10 Q. They were answerable to all the commanders?

11 A. Yes.

12 Q. Whilst you were listening to the BBC did you hear about a  
13 letter written by Johnny Paul Koroma, Mosquito and Rogers from  
14 Kailahun?

11:43:24 15 A. No, no, no.

16 Q. Can you wait for my question, please. To Kofi Annan  
17 blaming ECOMOG for the atrocities? For certain atrocities?

18 A. No.

19 Q. You did not?

11:43:40 20 A. No.

21 Q. That was not announced over the BBC?

22 A. I didn't get that.

23 MS THOMPSON: Your Honour, at this point there are certain  
24 questions I would like to put to this witness which may  
11:44:07 25 necessarily go into issues of his identity. I am respectfully  
26 applying for this Court to go into a closed session pursuant to  
27 Rule 79(A)(ii).

28 MS ALAGENDRA: Your Honour, we have no objections to that.

29 PRESIDING JUDGE: We have noted the application and the





1 fact that there is no objection to the matter going to a closed  
2 session. For purposes of protecting the witness and his identity  
3 we will allow a closed session for the next series of questions  
4 and answers. Mr Court Attendant, please implement that.

11:45:30 5 [At this point in the proceedings, a portion of the  
6 transcript, pages 67 to 73, was extracted and sealed under  
7 separate cover, as the session was heard in camera.]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29



1 [Open session]

2 MR WALKER: Court is now back in open session, Your Honour.

3 PRESIDING JUDGE: Thank you. Mr Fofanah, please let us  
4 have your cross-examination.

12:02:11 5 CROSS-EXAMINED BY MR FOFANAH:

6 MR FOFANAH: Thank you.

7 Q. Good morning, Mr Witness.

8 A. Good morning, sir.

9 Q. I'm going to put some questions to you and just try to  
12:02:24 10 answer them so that we get over this thing as soon as we can.

11 A. Okay.

12 Q. Remember saying that you are a high school graduate?

13 A. Yes.

14 Q. To quote you exactly.

12:02:40 15 A. Yes.

16 Q. By that do you mean you left school at 5th Form level?

17 A. Yes, yes.

18 Q. How old were you when you left school?

19 A. I was born in 1959 and left school in 1981.

12:03:10 20 Q. So how old were you?

21 A. '59 to '81, just check it.

22 Q. I take it you were 22 years old?

23 A. Okay.

24 Q. When did you start attending school? What age?

12:03:39 25 A. Small boy, I was a small boy when I started attending  
26 school.

27 Q. But you don't the age; not so?

28 A. I don't remember. I was a small boy.

29 Q. Okay, we will leave that and then come to the issues. You



1 said you left Freetown in February of 1998, the second week of  
2 February 1998. You left with a group of about 300 people; not  
3 so?

4 A. Yes, we are on the roving. Yes, I was with a crowd.

12:04:16 5 Q. Did that group include AFRC men and women?

6 A. Well, at that time everybody was -- I was -- I was  
7 traumatised you see. Everybody was on the running. So I could  
8 not -- it isn't my position to identify anybody at that time.

9 Q. Did you see armed AFRC men and women in your midst?

12:04:48 10 A. I don't remember.

11 Q. Did you go into the jungle after leaving Freetown in  
12 February 1998?

13 A. I got abducted. My intention was not to go to the jungle.  
14 My intention was to go to Guinea for the safety of my life.

12:05:17 15 Q. And you subsequently had to stay with the AFRC; not so?

16 A. Yes.

17 Q. And to the best of your knowledge, these AFRC men were  
18 soldiers --

19 A. Yes.

12:05:28 20 Q. -- were they?

21 A. They were.

22 Q. I am putting it to you, Mr Witness, that when you first ran  
23 away from Freetown in February 1998, you went with a group of  
24 AFRC people and you went to the jungle with them.

12:05:53 25 A. No, no. No.

26 Q. Do you recall making a statement on 29th August 2002 to  
27 statement takers of the Special Court?

28 A. No, no, no. What statement takers?

29 Q. In August 2002 --



1 A. Yes.

2 Q. -- did anyone approach you from the Special Court to take  
3 statements from you --

4 A. Yes.

12:06:23 5 Q. -- regarding what happened to you during that period --  
6 during the period under review?

7 A. Yes.

8 MR FOFANAH: In that case, Your Honours, I will refer to  
9 page 9835 of the records. It's the second paragraph.

12:06:52 10 Q. I am reading what was given as your statement and tell me  
11 if you recall making it or not.

12 "When finally the ECOMOG intervention took place in  
13 February 1998, President Kabbah supporters resorted to mob  
14 justice against AFRC supporters. I became afraid and ran away  
12:07:16 15 with the AFRC group to the jungle, with intention to leave the  
16 country for the safety of my life. I did not succeed in leaving  
17 the country so I had to stay with the AFRC boys in the jungle. I  
18 was in Kono District in the eastern region of Sierra Leone."

19 Did you say that to statement takers?

12:07:40 20 A. Not exactly. Those were not my exact words.

21 Q. What were your exact words?

22 A. I went -- I was -- I learned that AFRC sympathisers were  
23 being chased by pro-government supporters. That was why I left  
24 and I was on my way to Guinea when finally I was abducted in  
12:08:09 25 Tombodu Town.

26 Q. So you never said that you went away AFRC group to the  
27 jungle?

28 A. I went with a group. Not AFRC group, but a group of  
29 civilians -- we are civilians, a group of civilians. Nobody was





1 armed among that group. I did not see AFRC supporters or AFRC  
2 fighters. I did not say that.

3 Q. And you did not say you went to the jungle?

4 A. No, not to the jungle.

12:08:35 5 Q. Mr Witness, I have just told you that you made this  
6 statement on 29th August 2002. You agree with me that this  
7 period in time events that you are now testifying to were very  
8 fresh in your memory; not so?

9 A. Yes.

12:08:53 10 Q. And you say you did not say this at all to this --

11 A. I don't remember saying that. I don't remember saying  
12 that.

13 Q. Okay, we'll move forward, thank you. Yiffin.

14 A. Yes.

12:09:09 15 Q. Do you recall saying that that was the very first time you  
16 attacked after Yaya, in your testimony?

17 A. Yes.

18 Q. So what period in 1998 did you attack Yiffin?

19 A. It was in month of April.

12:09:28 20 Q. April 1998?

21 A. Yes.

22 Q. And you are absolutely sure about that; not so?

23 A. Yes, yes.

24 Q. Before I go further, I mean, I will again refer you to your  
12:09:55 25 statement and you tell me if you recall making the statement or  
26 not.

27 MR FOFANAH: Your Honours, in that case I am referring to  
28 page 9838 to 39. The last paragraph of page 9838 to the first  
29 paragraph of page 9839.



1 Q. Now, this is what you told the statement takers.  
2 "Before the northern jungle went to Kambia District, in  
3 June 1998 they went to Koinadugu District and raided there. They  
4 attacked the towns of Sama Bendugu and Yiffin and meted out  
12:10:44 5 similar atrocities such as maiming, hacking to death, burning of  
6 people in houses, raping of women and so forth."  
7 Let me stop there for now. Do you recall making this  
8 statement?  
9 A. Part of it.  
12:10:59 10 Q. What part did you make?  
11 A. Not burning of people.  
12 Q. So you actually said that in June 1998 --  
13 A. Not June 1998. April 1998.  
14 Q. You did not say that, I mean, it was in June 1998?  
12:11:19 15 A. No, no.  
16 Q. Okay, no problem. And you said all other things happened  
17 except burning of people in houses at Yiffin?  
18 A. Nobody was burnt in houses.  
19 Q. What district is Yiffin?  
12:11:39 20 A. Koinadugu District.  
21 Q. Did you first go to Yiffin or Sama Bendugu?  
22 A. Yiffin first.  
23 Q. And after Yiffin where did you go?  
24 A. Sama Bendugu.  
12:11:59 25 Q. You said people were killed at Yiffin; not so?  
26 A. Yes.  
27 Q. How many people were killed?  
28 A. I said 60.  
29 Q. Were people killed at Sama Bendugu?



1 A. Yes.

2 Q. How many?

3 A. About 40 also.

4 Q. About 40. So roughly 100 people were killed in the two?

12:12:20 5 A. Yeah, about that, yes.

6 Q. About that; not so?

7 A. Yes.

8 Q. Okay, so listen to this again and tell me if you recall

9 making this statement when you first had the opportunity of

12:12:31 10 telling your story to the statements takers.

11 MR FOFANAH: Your Honours, I am reading from the first

12 paragraph of page 9839. The last sentence which I reserved for

13 this question.

14 Q. It says, "The number of people killed in those two towns

12:12:52 15 totalled more than 150." And you were referring to Sama Bendugu

16 and Yiffin. Did you say that?

17 A. No, I don't remember saying that.

18 Q. So you did not say it?

19 A. I don't remember saying that.

12:13:13 20 Q. I also refer you to your interview. You had interviews

21 with people -- investigators from the Special Court; not so?

22 A. Yes, yes.

23 Q. You have just said that 60 civilians were killed in Yiffin;

24 not so?

12:13:30 25 A. Yes.

26 Q. You are very sure about that number?

27 A. About that number, yes.

28 MR FOFANAH: Your Honours, I am referring you to page 9916.

29 Line 17 to 20.



1 Q. The question was: "How many people were killed in Yiffin  
2 attack?" And you answer:  
3 "There were not many. Around 40 to 50 people.  
4 "Q. Were people abducted as well at Yiffin?  
12:14:20 5 "A. No, no, no."  
6 So how many people, really, to the best of your knowledge?  
7 Was it 40 to 50?  
8 A. About 60.  
9 Q. So we are now going to the other two towns, Bonoya and  
12:14:50 10 Karina. You recall mentioning those towns in your testimony; not  
11 so?  
12 A. Yes.  
13 Q. Do you recall saying that civilians were killed in both  
14 towns of Bonoya and Karina?  
12:15:00 15 A. Yes.  
16 Q. Do you specifically recall how many civilians were killed  
17 at Karina?  
18 A. At Karina?  
19 Q. Yes.  
12:15:10 20 A. At Karina about 250.  
21 Q. Were killed?  
22 A. Yes. It's an approximation anyway.  
23 Q. And when you are approximating, is it below -- is it  
24 possible that the number was below?  
12:15:22 25 A. Below or above. That is what I believe what -- in my own  
26 way what an approximation is. Below or above.  
27 Q. When you say above -- when you say above, what is your  
28 maximum?  
29 A. About 250. Maybe up to 300 or down to 200.





1 Q. Okay. Did you also see amputees at Karina?  
2 A. Yes.  
3 Q. Do you know how many of them you saw?  
4 A. Yes.  
12:15:59 5 Q. How many?  
6 A. About 200 or more.  
7 Q. 200 or more amputees?  
8 A. Yes.  
9 Q. What about Bonoya, did you see corpses, dead people?  
12:16:14 10 A. Yes.  
11 Q. How many did you see at Bonoya?  
12 A. Also about 250. About that.  
13 Q. So we're talking about 500 corpses at both Bonoya and  
14 Karina?  
12:16:30 15 A. Yes.  
16 JUDGE SEBUTINDE: I'm sorry, Mr Fofanah, I thought your  
17 question regarding Karina was for amputees and the answer of over  
18 200 referred to amputees. Am I wrong?  
19 MR FOFANAH: Yes. You're not wrong, Your Honour.  
12:16:51 20 JUDGE SEBUTINDE: And your question regarding the total  
21 number of deaths as being 450 would combine the amputees at  
22 Karina and the deaths at Bonoya.  
23 MR FOFANAH: No, Your Honour, I am saying that he had said  
24 about 250 people. He said his maximum would be 300 of people  
12:17:15 25 killed at Karina. But he said it was about 250 people killed and  
26 about 250 people also killed at Bonoya. So I am saying in total  
27 there were about 500 people who were dead at both towns.  
28 Q. Am I right, Mr Witness?  
29 A. Yes, sir, about that.



1 Q. Did you see amputees at Bonoya?

2 A. Yes.

3 Q. How many?

4 A. Between about 150 to 200 also.

12:17:47 5 Q. About 150 to 200. So can we roughly say that -- I mean, I

6 am not talking about minimum, because you said you saw about 250

7 amputees at Karina?

8 A. Yes.

9 Q. And now you are saying about 150 to 200 at Bonoya?

12:18:06 10 A. Yes.

11 Q. Am I right in saying that you saw between 400 to 450

12 amputees in both towns?

13 A. In approximation, yes.

14 Q. Was it below 400, to the best of your knowledge?

12:18:22 15 A. Well, that's an approximation.

16 Q. Was it below 350?

17 A. Well, I cannot give you a precise figure, you see, but it

18 ranges between those figures.

19 Q. Between what figures? I mean, let's have the specific

12:18:38 20 figures since you approximate.

21 A. From 300 up to 400.

22 Q. In both towns?

23 A. Yes.

24 Q. Okay. You also said that you saw women abducted and

12:19:01 25 stripped naked at Karina?

26 A. Yes, yes.

27 Q. How many of these women did you see?

28 A. About 200.

29 Q. These figures that you have given, although you said you



1 were merely approximating, how did you actually come by them?  
2 A. You can see the large number of people, you see. There  
3 were a large number of corpses, large number of amputees, large  
4 number of -- you know, a big number. So you can approximate, you  
12:19:34 5 see.  
6 Q. Do you recall telling the Court that you came to Karina in  
7 the early hours of the morning?  
8 A. Yes.  
9 Q. Around what time was that?  
12:19:46 10 A. Around 6.00.  
11 Q. When did you leave Karina?  
12 A. After two to three hours. About that.  
13 Q. So you left around 9.00 a.m. in the morning?  
14 A. About that.  
12:20:04 15 Q. And you saw all of these corpses?  
16 A. Yes.  
17 Q. When did you attack Bonoya?  
18 A. Bonoya. Around -- between 5.00 to 5.30.  
19 Q. When did you leave Bonoya?  
12:20:21 20 A. Bonoya? Around -- between 30 minutes time. I went over to  
21 Karina.  
22 Q. So you were at Bonoya between 5.30 to 6.00 in the morning?  
23 A. Yes.  
24 Q. Was it dark? Was it still dark?  
12:20:41 25 A. The place was clear.  
26 Q. Was it clear enough to count corpses?  
27 A. Yes, clear enough to see things.  
28 Q. Did you go around these two towns, Bonoya and Karina?  
29 A. They're big towns. I never went round the town. They were



1 pretty big towns.

2 Q. So how did you come to the conclusion that at Karina alone  
3 about 250 corpses were there in total?

4 A. What I saw with my physical eyes.

12:21:20 5 Q. I will move on. We are going to Mandaya, which is the  
6 other place you stated you went to.

7 A. Yes.

8 Q. How many days did you spend at this location?

9 A. Three.

12:21:37 10 Q. Three days?

11 A. Yes.

12 Q. And you're absolutely sure about that?

13 A. Yes, three.

14 Q. Let me read out your interview notes and tell me if you  
12:21:51 15 recall making it.

16 MR FOFANAH: Your Honours, I am referring in that case to  
17 page 9912. Lines 20 to 24 or 19 to 24 at page 9912.

18 Q. This was the question: "What happened there?" Your  
19 answer was: "Well, at Mandaya, I think we spent about four days  
12:22:35 20 there, as a temporary base. Later, that location was left.

21 After four days, we left there to find a permanent -- a permanent  
22 -- let me say -- when I say 'permanent base'".

23 Did you say you spent four days at Mandaya?

24 A. I remember we stayed there for three days. I don't  
12:23:08 25 remember saying four days. But I remember staying at Mandaya for  
26 three days, about three days.

27 Q. You also do not remember saying you left Mandaya after  
28 four days?

29 A. No, I don't remember saying that, but I believe it was





1 between three days. We spent about three days at Mandaya before  
2 we left.

3 Q. It's now about three days or three days?

4 A. Three days.

12:23:36 5 Q. Now, you said some CDFs were captured at Mandaya; do you  
6 recall?

7 A. I didn't say captured. Were killed.

8 Q. They were never captured, they were just killed?

9 A. Yes, they attacked. They surprisingly attacked us at  
12:23:54 10 Mandaya. The attack was quickly repelled by the AFRC fighters.  
11 So four CDF fighters were killed in the process.

12 Q. Were these CDF fighters Kamajors?

13 A. They were in Kamajor clothings.

14 Q. Were they Kamajors?

12:24:11 15 A. Well, they dressed the way Kamajors used to dress, so I  
16 referred to them as -- but they are CDF fighters, Civil Defence  
17 Forces. They belong to the Civil Defence Forces and that is the  
18 way they were clothed.

19 Q. Did you refer to them as Kamajors?

12:24:33 20 A. Well, I don't remember referring to them as Kamajors. I  
21 don't remember again. But they were dressed in Kamajor clothing.

22 Q. And do you remember at least in your interview calling them  
23 Kamajors in the interview?

24 A. Precisely no.

12:24:48 25 Q. And you said three of them were killed?

26 A. About four of them, four of them.

27 Q. But you just said three?

28 A. Did I say three? No, four were killed.

29 Q. Oh, four.



1 A. Four.

2 Q. You said four of them were killed?

3 A. Yes.

4 MR FOFANAH: In that case, Your Honours, I am referring you  
12:25:09 5 to page 9913 of the interview. 9913. Your Honours, I am reading  
6 from lines 1 to 8.

7 Q. It says: "Yes. Before -- the day we are leaving that  
8 village, the entire village was burned down. That happened. In  
9 fact -- okay. I don't think I mentioned that the last time.

12:25:53 10 When we were at Mandaya, very early in the morning we are  
11 attacked by Kamajors and other fighting forces, the other forces  
12 fighting for the government. So we were attacked that early  
13 morning. One early morning we were attacked, you see, but the  
14 attack was repelled. About three or -- three Kamajors were  
12:26:20 15 captured alive and they were killed."

16 Did you say that to the --

17 A. Well, I don't remember saying that, but three -- four of  
18 them were killed. Four. I remember, four killed.

19 Q. Four of whom, Kamajors?

12:26:35 20 A. Well, they were dressed in -- four CDF fighters, but they  
21 were cladded in Kamajor attire.

22 Q. So, firstly, you have said you never recall mentioning  
23 Kamajors to the interviewers; not so?

24 A. Yes, I don't recall.

12:26:51 25 Q. And also you did not tell them that three Kamajors were  
26 killed?

27 A. I don't recall that number at all. Precisely it was four.

28 Q. Okay, no problem, we'll move on. We're coming now to  
29 Rosos. How many AFRC fighters roughly in approximation went to



1 Rosos?

2 A. 400.

3 Q. 400 or about 400?

4 A. About 400.

12:27:25 5 Q. 400. Did you enter Rosos with civilians?

6 A. Yes.

7 Q. How many of them?

8 A. About 700.

9 Q. 700?

12:27:32 10 A. No. 700 plus the abductees from Karina and Bonoya.

11 About -- in all about 900.

12 Q. 900 civilians?

13 A. Yes.

14 Q. And then you had about 400 fighters?

12:27:54 15 A. Yes.

16 Q. So that is a total of 1,300?

17 A. Yes.

18 Q. And all of you were at Rosos?

19 A. At Rosos, yes.

12:28:07 20 Q. For how long were all of you at Rosos?

21 A. From June to August.

22 Q. And in August all of you left Rosos; not so?

23 A. Yes.

24 Q. All 1,300 of you; not so?

12:28:23 25 A. Yes.

26 Q. You're absolutely sure about that?

27 A. Well, a fighter died there the day we were leaving, one

28 Bah, and --

29 Q. So can we say about 1,299?



1 A. Plus, plus, plus, when Five-Five was assigned to attack  
2 Gbinti, when he returned back, he reported that three fighters  
3 drowned in the river. The mostly know one I could recall was  
4 called Oga. So you can reduce that number from the total number  
12:29:07 5 of fighters.  
6 Q. So will you agree with me if I say about 1,296 of you left  
7 Rosos in August 1998?  
8 A. Okay.  
9 Q. And did all of you go to your next location?  
12:29:26 10 A. Yes.  
11 Q. Where was that?  
12 A. Gberemantmatank.  
13 Q. Mr Witness, didn't you tell this Court when you started  
14 testifying that all the civilians who were brought were killed on  
12:29:38 15 the orders of Gullit?  
16 A. No, no, no, no, no.  
17 Q. You did not say that?  
18 A. No.  
19 MR FOFANAH: Your Honours, I stand guided by the records.  
12:29:55 20 Q. Didn't you also say that the civilians who were sent on  
21 food search and who brought loot were also killed on the orders  
22 of Gullit?  
23 A. [Overlapping speakers] civilians sent for -- when the  
24 fighters go on food finding mission, the civilian they came in  
12:30:13 25 contact with, they abduct them for them to carry the loot for  
26 them for Rosos. So when they came to Rosos, immediately they  
27 deposited the food, the looted food, Gullit ordered them to kill  
28 those civilians that brought in the looted food with the  
29 fighters. They were not part and parcel of the group. These





1 were new civilians brought in with looted food from the  
2 surrounding of Rosos.

3 Q. So they were not part of this 1,300?

4 A. Yes.

12:30:46 5 Q. But in any case, the civilians who were brought, including  
6 those who were abducted from Karina and Bonoya, were not killed?

7 A. No.

8 Q. Did you meet people at Rosos?

9 A. Rosos?

12:30:59 10 Q. Yes.

11 A. I don't remember we met people at Rosos.

12 Q. Mr Witness, I am putting it to you that you told this Court  
13 yesterday when you were testifying, in fact when you were even  
14 cross-examined as well, that the civilians who were at Rosos were  
12:31:22 15 also killed on the orders of Gullit?

16 A. No, I said those who at food finding mission were brought  
17 in at Rosos. I talk -- don't say I talk killed at this place.  
18 It was at Gberemantmatank. Those we met at Gberemantmatank, we  
19 came in contact with at Gberemantmatank.

12:31:47 20 Q. Once again I am putting it to you, Mr Witness, that you  
21 told this Court that because Gullit did not want the location to  
22 be known to ECOMOG, that all the civilians who were firstly at  
23 Rosos as well as those civilians who were brought, and as well as  
24 the civilians who were brought on food search, were killed  
12:32:10 25 because Gullit did not want --

26 A. Those but the people I was talking about. But to say the  
27 day we entered Rosos we came in contact with civilians killed,  
28 no. After we had settled down at Rosos, when the food finding  
29 spree was conducted, civilian captured by fighters, who carried



1 food, were killed.

2 PRESIDING JUDGE: Mr Fofanah, you have twice referred to  
3 the record. Are you asking for the record?

4 MR FOFANAH: Yes, Your Honours.

12:32:46 5 PRESIDING JUDGE: Well, there was a fair bit of evidence  
6 yesterday, so perhaps it would be appropriate that we request  
7 that the record be found and we take an early lunch time  
8 adjournment to allow the people who have to search through the  
9 records and the transcript to give them an opportunity to find  
12:33:02 10 those two particular references that you have given us in  
11 cross-examination.

12 MR FOFANAH: I would be most grateful, Your Honour.

13 PRESIDING JUDGE: So in the circumstances, we will adjourn  
14 a little earlier and we will reconvene at the normal time. We  
12:33:15 15 will reconvene at 2.15. Mr Court Attendant, please adjourn  
16 court.

17 [Luncheon recess taken at 12.30 p.m.]

18 [TB120705D-SV]

19 [On resuming at 2.15 p.m.]

14:21:55 20 PRESIDING JUDGE: Mr Fofanah, you've had the transcripts of  
21 the particular questions in evidence-in-chief you were referring  
22 to?

23 MR FOFANAH: Yes, Your Honour.

24 PRESIDING JUDGE: Very well.

14:22:10 25 MR FOFANAH: Shall I proceed, in that case?

26 PRESIDING JUDGE: Yes, please.

27 MR HODES: I'm sorry, Your Honours. I rise only because I  
28 don't have a copy of it. I don't know if one was printed out.

29 PRESIDING JUDGE: This isn't good enough, Mr Hodes, we'll



1 have to get one for you right away. Just a moment.

2 MR HODES: Thank you.

3 MR FOFANAH:

4 Q. Good afternoon, Mr Witness.

14:23:20 5 A. Good afternoon.

6 Q. Mr Witness, when we left off you said you never told the  
7 Court that people whom you met at Rosos were ordered to be killed  
8 by Gullit. Do you recall that?

9 A. Yes.

14:23:37 10 Q. You also said that civilians who were brought were not  
11 killed by Gullit?

12 A. No.

13 Q. Were not ordered to be killed, sorry.

14 A. Which type of civilians?

14:23:49 15 Q. The ones who were brought to Rosos, the abducted civilians,  
16 according to you.

17 A. Those were my colleague civilians that I came with into  
18 Rosos you are referring to?

19 Q. Yes, civilians.

14:24:09 20 A. Well, when we were in the group up to the time of our  
21 arrival at Rosos, none of us was killed.

22 Q. Okay, Mr Witness, I am going to read to you transcripts of  
23 yesterday, 11th July. You listen as I go along and tell me if  
24 you recall saying that on oath to the Court.

14:24:36 25 MR FOFANAH: Your Honours, I'm referring to page 23 of the  
26 transcript of yesterday. It starts with line 15.

27 Q. "Q. What happened after Gullit gave his orders for his men  
28 to go on food finding missions?

29 "A. Before giving the orders -- before giving the orders



1           for the food finding missions, all these civilians we came  
2           in contact with at Rosos, Gullit ordered his fighters to  
3           kill all of them.  
4           "Q. How do you know Gullit ordered his fighters to kill  
14:25:17 5           the civilians?  
6           "A. I was present when he gave the orders and his reason  
7           for that was he did not want any civilian to escape from  
8           that camp and give information to ECOMOG that the AFRC  
9           fighters were present at Rosos."  
14:25:34 10          Did you not say that yesterday to the Court?  
11         A. If I did say, yes, I did say, but I will beg the Court I  
12         was referring to those civilians who were brought in during food  
13         finding mission. They were those that I was referring to.  
14         JUDGE SEBUTINDE: Mr Fofanah, are you not referring to the  
14:26:00 15         phrase where it says, "all these civilians we came in contact  
16         with at Rosos". Are those not different civilians from -- we  
17         came in contact with at Rosos, not we came with at Rosos? Isn't  
18         there a difference?  
19         MR FOFANAH: There is a difference, Your Honour. I started  
14:26:18 20         by saying that he firstly -- when I put it to him this morning as  
21         to whether civilians whom they met at Rosos were killed, he said  
22         they were not. He did not say that yesterday. Then I went  
23         further and said that he had even earlier said that even  
24         civilians they brought were also killed. So I'm talking about  
14:26:39 25         two sets of civilians in the context. In fact three, the third  
26         set was civilians who went on food search. I even put it to him  
27         just now that civilians who were at Rosos were killed and he said  
28         he did not say that. That is what he is also affirming. He did  
29         not say that the civilians he met at Rosos were ordered to be





1 killed by Gullit.

2 JUDGE SEBUTINDE: I was just wondering if there is not a  
3 communication gap between the two of you regarding this  
4 particular issue, because when I read the transcript, I wasn't  
14:27:17 5 here yesterday, but when I read the transcript I do not see an  
6 inconsistency with what the witness said to us just before the  
7 lunch break. I don't see the inconsistency myself because my  
8 record of what happened at the lunch break, he was asked -- and  
9 the answer I have recorded was, "I did not say that all the  
14:27:37 10 civilians who were brought by Gullit were killed on the orders of  
11 Gullit". Now to me that is the first category. The first  
12 category to which he belonged, to which the witness belonged.

13 MR FOFANAH: Yes.

14 JUDGE SEBUTINDE: And he's denying that any of them were  
14:27:57 15 killed. That is what he stated before lunch. Then he went on to  
16 explain that the civilians he meant who were killed were those  
17 that went on the food finding or that were brought from the food  
18 finding mission. Those civilians were the ones that were killed.  
19 When I look back on the transcript I don't see anything  
14:28:15 20 inconsistent between what he said before the lunch break and what  
21 is in this transcript.

22 MR FOFANAH: Just one added bit to what he said to the  
23 lunch break before we went off. He further went and said that --  
24 because I asked him about civilians who were at Rosos, whether  
14:28:32 25 they were killed when they arrived at Rosos, and he said no,  
26 those civilians were not killed and I put it to him that he had  
27 said yesterday that the civilians who were also -- whom they met  
28 at Rosos were killed because, according to him, Gullit did not  
29 want ECOMOG to know about their presence at Rosos. So, as a



1 matter of fact, we are actually talking about three sets of  
2 civilians. The civilians who were brought, including himself;  
3 the civilians whom they met at Rosos; and the civilians whom,  
4 according to him, were sent on food search. I will clarify it  
14:29:10 5 with him if Your Honour --

6 JUDGE SEBUTINDE: I'm reading the whole thing including the  
7 one overleaf. He is talking about an order to kill all civilians  
8 at Rosos and then he talks over the page of how that order was  
9 executed.

14:29:28 10 MR FOFANAH: As Your Honour pleases.

11 JUDGE SEBUTINDE: Now in the execution he says he saw the  
12 ones that carried food were the ones that were killed. That is  
13 overleaf on page 24.

14 MR FOFANAH: Yes. The leaf previous to that, Your Honour,  
14:29:46 15 which I have just read, is very clear on that, especially at  
16 lines 16 to 22 of page 23. The question was: What happened  
17 after Gullit gave his orders for his men to go on food finding  
18 missions? Then he said: Before giving the orders -- before  
19 giving the orders for the food finding missions - that is  
14:30:11 20 before - all these civilians we came in contact with at Rosos,  
21 Gullit ordered his fighters to kill all of them. So that is very  
22 clear enough.

23 JUDGE SEBUTINDE: Is giving orders the same as actually  
24 killing?

14:30:25 25 MR FOFANAH: Yes, I can go down a bit where he said he was  
26 there himself when the orders were given.

27 "Q. How do you know Gullit ordered his fighters to kill  
28 the civilians?

29 "A. I was present when he gave the orders and his reason



1           for that was he did not want any civilian to escape from  
2           that camp and give information to ECOMOG that the AFRC  
3           fighters were present at Rosos."  
4           Then it went further:  
14:30:48 5           "Q. Witness, how do you know that it was his reason for  
6           ordering the killings?"  
7           Then he said, "That is what he told every fighter in the  
8           entire group present."  
9           And the question further:  
14:30:58 10          "Q. Did you hear him say that?"  
11          "A. Yes."  
12          "Q. Witness, were Gullit's orders carried out?"  
13          "A. Yes, they were carried out. Yes."  
14          Then he goes on to the food finding missions.  
14:31:11 15          So I think that is very clear enough, because he said  
16          categorically that, "Before giving the orders for the food  
17          finding missions all these civilians we came in contact with at  
18          Rosos, Gullit ordered his fighters to kill all of them." That's  
19          very clear, except if Your Honour finds that a bit confusing.  
14:31:31 20          But I will put it to him.  
21          Q. Mr Witness, let me put this bit again to you and tell me if  
22          you recall actually saying that yesterday. The question was put  
23          to you from line 16 at page 23.  
24          "Q. Witness, what happened after Gullit gave his orders  
14:31:49 25          for his men to go on food finding missions?"  
26          "A. Before giving the orders, before giving the orders for  
27          the food finding missions all these civilians we came in  
28          contact with at Rosos, Gullit ordered his fighters to kill  
29          all of them."



1 Did you not --

2 A. I'm really confused over that. I was really referring to  
3 when the fighters were ordered to go in search of food. When  
4 they went in contact with civilians to carry the looted food back  
14:32:30 5 to the campus at Rosos, those civilians I was referring to, they  
6 were killed because Gullit did not want them to escape from the  
7 camp and disclose the presence of the troops, the AFRC troops, in  
8 that camp to ECOMOG. That was the reason why he ordered their  
9 killing, you see.

14:32:54 10 Q. Yes, Mr Witness, I'm going to read further to you because  
11 you even went further and referred to another group of civilians  
12 whom you said went on food search different from the civilians  
13 you met at Rosos. That is at page 24.

14 MR FOFANAH: Your Honours, I'm reading from line 4 to 12 of  
14:33:15 15 page 24.

16 Q. The question was: "Witness, were Gullit's orders carried  
17 out?" That was regarding those civilians at Rosos. And your  
18 answer was: "Yes, they were carried out. Yes." Then you went  
19 further: "On the food finding missions, when these fighters went  
14:33:33 20 to find food, when coming with abducted civilians to carry the  
21 loot for them, immediately they arrived back at Rosos, upon  
22 depositing the looted items from their head to the ground, Gullit  
23 also ordered" - "also" was the word you used - "also ordered his  
24 fighters to kill them. His reason was he did not want them to  
14:33:57 25 escape from the camp and go back elsewhere to report to ECOMOG  
26 that AFRC fighters were present at Rosos."

27 "Q. Witness, how do you know that Gullit ordered for the  
28 civilians who carried the food to be killed and his reason  
29 for doing that?"





1           You also said:

2           "A. I was present when he was giving the orders."

3           So we are now talking about two different categories of  
4   civilians, especially when you said "Gullit also ordered" his  
14:34:25 5   fighters to kill those who went on food search. So are they  
6   different or are they one and the same?

7   A.   Well, it's now that I am unable to understand what you are  
8   trying to say. But earlier on I was referring to civilians who  
9   were contacted by fighters when they went on food finding spree.  
14:34:53 10   But when we entered Rosos, I do not remember whether we came in  
11   contact of people living at Rosos at that time. I don't remember  
12   that. I'm sorry.

13   Q.   Okay, in that case I will still go further again to page 25  
14   and still put to you -- because you went further, you really  
14:35:20 15   harped a lot on that string. Tell me if you recall saying this,  
16   page 25 at line 5 to 14, as a further testimony which you gave  
17   yesterday. The question was: "After the food finding missions,"  
18   and then your answer:

19           "I said on the day we arrived at Rosos, the civilians  
14:35:41 20   that -- that we came in contact with at Rosos, that the people we  
21   came in contact with at Rosos -- Rosos is a town. People were  
22   living there. The people from the town were there. Immediately  
23   we arrived there, they were captured by the AFRC. Gullit ordered  
24   his fighters; the unfortunate ones were captured. After their  
14:36:06 25   capture, he ordered his fighters to kill them. He said because  
26   he didn't want them to escape from the place -- from the camp and  
27   go to ECOMOG and tell them about the presence of the AFRC at  
28   Rosos."

29           "Witness, then you have told the Court that after the food



1 finding missions other civilians were killed. Can you explain  
2 who were those civilians who were killed?"

3 Your answer was: "I didn't say after. The day we arrived  
4 at Rosos, the people of Rosos who were unfortunate to escape, who  
14:36:42 5 were captured at that juncture, at that juncture, Gullit ordered  
6 his fighters keep -- to eliminate all of them because they were  
7 not part and parcel of the group."

8 So, you see, it is very clear that you consistently said in  
9 your testimony of yesterday that you firstly met people at Rosos  
14:36:57 10 and those people were civilians, and, according to you, Gullit  
11 ordered that they be captured and, according to you, you said he  
12 ordered that they be killed. So are you now moving from that  
13 position?

14 A. Well, really, I don't remember well that that was the way I  
14:37:17 15 answered the question.

16 Q. You can't remember what you said yesterday - am I getting  
17 you right - under oath?

18 A. Yes, because I was -- I was referring to -- really I was  
19 referring to civilians captured during food finding mission. So  
14:37:38 20 I got this confused. I'm really sorry. It is confusing to me.

21 Q. Okay, no problem. I mean, I think the Court will take note  
22 of that. We'll move forward. Now, was Rosos a temporary base or  
23 a permanent base?

24 A. Well, it was a temporary base.

14:38:03 25 Q. And by temporary base what do you mean by that?

26 A. Well, according to Gullit, we only went there to wait  
27 for -- because of the rainy season, the rainy season was so  
28 heavy. So he said we should wait here. When the rain subsides,  
29 then we will continue roving again. So it was a temporary base.



1 Q. But you only left in August because of the bombardment by  
2 ECOMOG; not so?  
3 A. Yes.  
4 Q. We are going to Gberemantmatank. You recall saying that  
14:38:57 5 Gullit gave certain orders whilst at Gberemantmatank.  
6 A. Yes.  
7 Q. Now did you say Gullit sent one Abdul Sesay to attack Mange  
8 Bureh?  
9 A. Yes.  
14:39:02 10 Q. One of the fighters?  
11 A. Yes.  
12 Q. And did you say Abdul Sesay captured one Nigerian and one  
13 Guinean from Mange Bureh?  
14 A. Yes.  
14:39:15 15 Q. And that the Nigerian was called Lawal?  
16 A. Yes.  
17 Q. The Guinean was called Kondeh?  
18 A. Yes.  
19 Q. And they were all brought to Gberemantmatank; not so?  
14:39:24 20 A. Yes.  
21 Q. You're absolutely sure about that, that they were captured  
22 at Mange Bureh?  
23 A. Yes.  
24 MR FOFANAH: In that case, Your Honours, I will refer you  
14:39:34 25 to page 9985. That is interview notes taken of the witness on  
26 22nd March 2004 as well as on 24th March 2004. Your Honour, I'm  
27 reading from the fifth bullet point on that page, 9985.  
28 Q. The Prosecution took interview notes from you on 22nd March  
29 2004 as well as on 24th March 2004. Do you recall those dates?



1 A. Well, I've just been reminded of them.

2 Q. But at least there were interviews; not so?

3 A. Yes, there were interviews.

4 Q. And in that interview this is what you are recorded as

14:40:40 5 saying. You said: "After being forced to vacate Camp Rosos and

6 moving to Kagberi/Rotain, Kakuna was attacked on Gullit's orders

7 in September 1998. Abdul Sesay was assigned to lead the attack

8 and the objective was again to overwhelm the ECOMOG troops,

9 Guinean, Nigerian stationed there, capture arms and ammunition

14:41:07 10 and cause havoc within the civilian population. I was present

11 when Sesay reported back to Gullit that the objectives were

12 attained and that 200 civilians had been killed, at least 50

13 civilians were amputated and the township was partly burnt. On

14 this occasion the troop returned with one Guinean soldier,

14:41:31 15 Sergeant Condeh, and one Nigerian soldier Lawal mentioned in

16 earlier statements as captives."

17 Did you say that to the Prosecution?

18 A. No.

19 Q. You never did?

14:41:42 20 A. No. Not Kukuna, but Mange Bureh.

21 Q. I see?

22 A. And I did not give those figures of casualty meted out on

23 civilians.

24 Q. Okay, so we'll go next to SAJ Musa, SAJ Musa's coming to

14:42:15 25 Gberemantmatank. When did you say SAJ Musa joined you at

26 Gberemantmatank?

27 A. It was in the month of October.

28 Q. What year?

29 A. 1998.





1 Q. Was it at Gberemantmatank?  
2 A. Yes.  
3 Q. Are you sure about that?  
4 A. Yes.  
14:42:40 5 Q. Have you not said before that SAJ Musa met you at Rotain,  
6 R-O-T-A-I-N?  
7 A. I said it was Gberemantmatank.  
8 Q. Have you also not said before that SAJ Musa met at you at  
9 Kagberie, K-A-G-B-E-R-I-E?  
14:43:01 10 A. It was at Gberemantmatank. I remember what I said. That  
11 was Gberemantmatank. I don't remember saying that.  
12 Q. Have you also not said before that SAJ Musa in fact met  
13 your group for the first time at Rogbere, spelt R-O-G-B-E-R-E?  
14 A. I don't remember saying that.  
14:43:21 15 Q. Well, I will refer you to your own statements for each of  
16 these towns and you tell me if you recall making these  
17 statements.  
18 MR FOFANAH: The first one is at page 9984, Your Honours.  
19 I'm referring to the same interview notes made on 22nd March 2004  
14:43:52 20 and on 24th March 2004, the first bullet point.  
21 Q. "When SAJ Musa joined Gullit at Rogbere he thereafter  
22 acted in the position of advisor but had de facto control of the  
23 troops." Did you not say that to the Prosecutors?  
24 A. I don't remember saying that.  
14:44:20 25 Q. You did not say any of these words?  
26 A. I know when he arrived at Gberemantmatank they agreed to  
27 work in one accord. I know I said that, but I don't remember  
28 what you are saying right now in that statement.  
29 Q. Okay, we'll take it in bits. Did you say SAJ Musa joined



1 Gullit at Rogbere?

2 A. Gberemantmatank.

3 Q. Did you say SAJ Musa acted in the position of advisor?

4 A. I don't remember saying that.

14:44:58 5 Q. Did you also say that he had de facto control of the  
6 troops?

7 A. I don't remember saying that. They were working in one  
8 accord.

9 MR FOFANAH: We'll move further to page 9856 of the  
14:45:15 10 statement. Your Honour, I'm reading from line 6 to 7.

11 Q. The question was: "What place did SAJ Musa join the  
12 Northern Jungle? What place?" The answer: "A village called  
13 Rotain."

14 Now, firstly, what is Northern Jungle, Mr Witness?

14:46:03 15 A. I don't remember.

16 Q. You don't remember the word Northern Jungle?

17 A. I don't remember.

18 Q. Well, I will read a line previous to that, line 3. The  
19 question was: "Okay, then you said SAJ Musa joined Gullit's  
14:46:24 20 Northern Jungle later. " Did you make reference to the words  
21 "Gullit's Northern Jungle" in your interview?

22 A. No, I don't remember.

23 Q. But in answer to that question "Then you said Gullit joined  
24 SAJ Musa's Northern Jungle later", you said, "Yes"?

14:46:47 25 A. I don't remember that.

26 Q. And you also do not remember that you told the interviewers  
27 that SAJ Musa joined Gullit's Northern Jungle at Rotain?

28 A. No, I don't remember.

29 MR FOFANAH: Your Honours, I will move next to page 9857 at



1 lines 16 to 18.

2 Q. "Q. What is the name of the place you said SAJ Musa  
3 had joined Gullit's group?  
4 "A. A village called Rotain."  
14:47:31 5 It even went further:  
6 "Q. And what district is that?"  
7 "A. Rotain is supposed to be in the Port Loko District."  
8 Did you say that?  
9 A. I don't remember.

14:47:41 10 Q. You don't remember. Okay, so let's go to page 9870 again  
11 and please tell me if you can also not remember this, 9870.  
12 Hopefully you might be able to remember this. 9870 is from lines  
13 8 to 19:  
14 "Q. I want you to clarify one area for me wherein you  
14:48:18 15 told us that SAJ Musa had joined the Northern Jungle in a  
16 village called Rotain.  
17 A. Rotain, yes.  
18 Q. I want to know if there is any difference between  
19 Rotain and Kagberie. If there is any difference between  
14:48:38 20 Rotain and Kagberie?  
21 A. Kagberie, okay -- Kagberie and Rotain are in the same  
22 location. Let me say they are about two miles apart. You  
23 see, there is a deployment at Kagberie. Kagberie is the  
24 headquarters and Rotain is another deployment. It was  
14:49:01 25 under the command of Junior Lion. So they are very close.  
26 Kagberie and Rotain are very close areas. Those were --  
27 that location was under the control of Gullit.  
28 Q. In your statement you said SAJ Musa joined the Northern  
29 Jungle in Kagberie.



1 A. Yes.

2 Q. And now Rotain. So that is the reason I wanted to know  
3 if there is any difference between.

4 A. I said Kagberie, it's the same thing as saying Rotain."

14:49:37 5 So which is which, did you actually say this?

6 A. No, it was Gberemantmatank I was referring to.

7 Q. But did you say this?

8 A. No. I don't remember saying that.

9 Q. Okay. Anyway, we'll move forward. Our next point of call

14:49:59 10 will be Madina. You recall you mentioned this location when you  
11 said Gullit, according to you, instructed Papa Bangura to go on a  
12 mission to Madina and Kukuna?

13 A. Yes.

14 Q. Not so?

14:50:18 15 A. Yes.

16 Q. Now, did the troops you were with ever base at Madina?

17 A. No.

18 Q. Did they ever attack Madina?

19 A. They attempted.

14:50:32 20 Q. Yes, I know what is an attempt. Did they attack?

21 A. No.

22 Q. They did not; not so?

23 A. Yes.

24 Q. So as a matter of fact the troops never reached Madina, not

14:50:44 25 so?

26 A. They only stopped at Kukuna.

27 Q. They never reached Madina, not so?

28 A. Yes.

29 Q. Okay. Well, let's go to your statement which you had the





1 opportunity of making as early as 2002 when this thing was very  
2 fresh in your memory.

3 MR FOFANAH: Your Honours, in that case I'm referring to  
4 page 9838. That is a statement of the witness and I will read  
14:51:26 5 from the second paragraph downwards.

6 Q. Mr Witness, this is what you are recorded as saying as  
7 early as 2002, in August: "The group I have talked about headed  
8 by Alex Tamba Brima alias Gullit was code-named the Northern  
9 Jungle. The same group moved to Mange Bureh and Madina in the  
14:51:52 10 Kambia District in July 1998. Burnt houses there, killed people  
11 and abducted women for sexual purposes and they did in the other  
12 districts I have mentioned earlier. In these two towns over 50  
13 people were killed. One Nigerian ECOMOG soldier by the name of  
14 Lawal and a Guinean ECOMOG soldier by the name of Condeh were  
14:52:20 15 held as prisoners of war in Madina. These two soldiers were with  
16 the Northern Jungle fighters until Madina Town was attacked for  
17 the second time and another Guinean soldier also called Condeh,  
18 an officer in the Guinean army, was also abducted."

19 Didn't you say that to statement takers?  
14:52:41 20 A. I don't remember saying that.

21 Q. This was your statement, not just the interview. You did  
22 not say that at all?

23 A. No.

24 Q. Well, in that case we still have to move forward. We are  
14:52:58 25 now moving to Masiaka. Did you actually take part in the Masiaka  
26 attack as a combatant yourself?

27 A. No, I was not a combatant.

28 Q. But did you take part as human shield in the Masiaka  
29 attack?



1 A. No.

2 Q. You were not there?

3 A. At Masiaka attack?

4 Q. Yes.

14:53:18 5 A. No.

6 Q. So where were you when the Masiaka attack was going on?

7 A. We were at Madigba when the order was given to Baski, Papah

8 17 and Junior Lion to -- with a number of fighters to attack

9 Masiaka.

14:53:38 10 Q. But you knew the exact time that this attack started; not

11 so? The exact time of the day that the attack started?

12 A. Well, I don't remember.

13 Q. You don't recall? I mean, didn't you know the period in

14 time of that day that the attack happened?

14:54:04 15 A. Well, I didn't go to the place so I do not know the hour

16 the attack took place.

17 Q. Well, I will refresh your memory. Didn't you say the

18 attack took place at night, in the night hours around 2.00 a.m.

19 in the morning?

14:54:23 20 A. I don't remember saying that.

21 Q. Didn't you also recall saying that the attack lasted for

22 three hours from 2.00 a.m. precisely to 5.00 a.m. precisely?

23 A. I don't remember that.

24 Q. You don't. Well, I will refer you to what you said and

14:54:38 25 we'll see if you can now remember or not.

26 MR FOFANAH: Your Honour, in that case I'm referring to

27 page 9868 to 67 of the interview note. From 9868, line 16.

28 Q.

29 "Q. Then in your statement again you spoke about an attack



1 before coming to Freetown on Masiaka. Who ordered this  
2 attack?  
3 "A. The attack at Masiaka, Masiaka Town?  
4 "Q. Yes.  
14:55:32 5 "A. After SAJ has got knowledge that there is a large  
6 military deployment at Masiaka Town, so he advised Gullit  
7 and his men to attack there in order to get more arms and  
8 ammunition.  
9 "Q. Where were the civilians? Do you know anything about  
14:55:54 10 them, those civilians that were living in Masiaka?  
11 "A. Well, the attack took place at night. It was during  
12 night hours, you see, the attack took place. So during  
13 night hours, around 2.00 a.m. in the morning.  
14 "Q. Yes, what happened to the civilians?  
14:56:16 15 "A. Well, the attack the village was -- the attack was  
16 aimed at the military personnel that were deployed there.  
17 So the aim was to -- the AFRC was to go and get arms and  
18 ammunition from that place. They never focused their  
19 attack on civilians, but during the course of the battle,  
14:56:36 20 you know, civilians were caught in between, you see. So  
21 many civilians lost their lives during the battle, you  
22 see."  
23 Did you say that?  
24 A. No, not exactly what you read to me. It's in a different  
14:56:56 25 version. What I said here yesterday about the Masiaka attack is  
26 what -- a later version, but that other statement is new to me.  
27 Q. So what exactly did you say yesterday?  
28 A. SAJ Musa and Gullit agreed for the attack on Masiaka. They  
29 ordered 0-Five -- sorry, they ordered Papah 17, Junior Lion and



1 Baski, with fighters under their command, to attack Masiaka  
2 because there was a heavy deployment of ECOMOG in the town. And  
3 also their purpose was to obtain arms and ammunition. That was  
4 the task given to them.

14:57:51 5 Q. Well, I'll still put another one to you just to tell you  
6 that you consistently indicated the time and manner in which this  
7 thing happened.

8 MR FOFANAH: I'm referring to page 9889, Your Honours, and  
9 I'm reading from line 11 to 20.

14:58:24 10 Q. The question was:

11 "Q. Okay, how long does this battle at Masiaka last?

12 "A. It lasted for about three hours.

13 "Q. When did the battle start?

14 "A. It started around 2.00 in the morning.

14:58:45 15 "Q. And you said it lasted for about three hours?

16 "A. Three hours.

17 "Q. 2.00 --

18 "A. 2.00 to 5.00.

19 "Q. 2.00 to 5.00?

14:59:01 20 "A. Yes."

21 Did you say that.

22 A. I don't remember this.

23 Q. You don't also remember. Okay. You don't remember that at  
24 all; not so?

14:59:15 25 A. Yes.

26 Q. Well, you remember I also asked you a question if you  
27 actually took part in that fight and you said no; not so?

28 A. Yes.

29 Q. Well, listen to me again and tell me if you recall saying





1 that.

2 MR FOFANAH: Your Honours, this time I'm reading from line  
3 21 to line 3 of the other page.

4 Q. The question was:

14:59:35 5 "Q. How long were you at Masiaka after the firing ceased?

6 "A. After the firing ceased, the arms and ammunition we  
7 are taking to a village called Madigba. In fact, the  
8 attack on Masiaka was arranged or organised in Madigba  
9 village. Madigba is about -- is about -- it's about four  
14:59:58 10 to five miles from Masiaka. It is not on the highway. It  
11 is inside off Masiaka Highway. Madigba village, off  
12 Masiaka Highway, but five miles to Masiaka. So we had a  
13 temporary -- a temporary -- we took Madigba -- Madigba was  
14 a temporary base just for the attack on Masiaka."

15:00:23 15 So, Mr Witness, did you say that we took the arms and  
16 ammunition we captured to Madigba from Masiaka?

17 A. No, I don't remember saying that.

18 Q. You did not say that?

19 A. I don't remember saying that.

15:00:41 20 Q. And did the interviewers ask you if you were at Masiaka  
21 after the firing ceased?

22 A. I don't remember that.

23 Q. You don't, okay. Now, RDF camp. What month and year did  
24 you arrive at RDF camp?

15:01:07 25 A. December.

26 Q. What year?

27 A. 1998.

28 Q. Around what time of the day?

29 A. Well, I don't remember. I don't really remember the time



1 of day.

2 Q. Okay. And you said from the RDF camp you went to Masenk  
3 and Makabi; not so?

4 A. Makabi.

15:01:34 5 Q. Makabi; not so?

6 A. Yes.

7 Q. Now, did you spend up to three days at these bases Masenk  
8 and Makabi?

9 A. About three days.

15:01:43 10 Q. You took three days there; not so?

11 A. About three days.

12 Q. About three days. And from there you went to Madonkeh; not  
13 so?

14 A. Yes.

15:01:54 15 Q. And you spent a night at Madonkeh, didn't you?

16 A. No, only a day. We spent the whole day.

17 Q. You did not sleep at Madonkeh?

18 A. At Madonkeh, no.

19 Q. Remember. Did you sleep at Madonkeh?

15:02:13 20 A. No, I don't remember we slept at Madonkeh. We left  
21 Madonkeh at the evening hours. We spent the whole day there.

22 Q. Okay. Well, let's see what you said.

23 MR FOFANAH: Your Honours, I'm referring to page 9895. I'm  
24 reading from line 7 to 11.

15:02:50 25 Q. It says:

26 "Q. From there where did you go next?

27 "A. After we advanced from that point to Newton, the  
28 environs of Newton, in a village called Madonkeh, Madonkeh  
29 and its environs, we spent a night there before we advanced



1 to capture Benguema which is the military training centre  
2 on 2nd December 1998."  
3 Did you say that?  
4 A. No. I don't remember. I don't remember.  
15:03:25 5 Q. Well, let's go a bit to see what you said and what you did  
6 not say. So did you say you spent a night at Madonkeh?  
7 A. I don't remember saying that.  
8 Q. But did you say you advanced to capture Benguema from  
9 Madonkeh?  
15:03:43 10 A. Yes.  
11 Q. And did that advance take place on 2nd December 1998?  
12 A. Not the 2nd, 22nd.  
13 Q. 22nd.  
14 A. It was on the 21st.  
15:03:56 15 Q. Which is which?  
16 A. On the 21st.  
17 Q. Of what?  
18 A. Of December we left Madonkeh in the evening.  
19 Q. To go to where?  
15:04:05 20 A. To Benguema, for the attack on Benguema.  
21 Q. So you never in fact said it was on 2nd December 1998?  
22 A. No, no, no.  
23 Q. So where did this bit come from?  
24 A. Well, I don't know.  
15:04:51 25 MR FOFANAH: Sorry, Your Honours, I was just conferring.  
26 Q. Okay, so you said you went to Benguema on 21st December  
27 from Madonkeh. Around what time did you leave Madonkeh?  
28 A. Around 10.00.  
29 Q. Well, just before we move on to Madonkeh and Benguema I



1 will just draw your attention again to this Masiaka. My  
2 colleagues have just drawn my attention, because you've  
3 categorically stated that you were not there at all.

4 MR FOFANAH: Your Honours, I want to refer to page 9891 of  
15:05:31 5 the records. Your Honours, I'm reading from line 5 downwards.

6 Q. The question was:

7 "Q. Okay, how long was the group -- how long were you  
8 in Masiaka Town with the Northern Jungle group?

9 "A. Yes.

15:05:59 10 "Q. How long?

11 "A. Well, from that -- after the -- the fighting  
12 subsided around 5.00. So from that time, you see, to  
13 6.00 the entire group left Masiaka.

14 "Q. At what location were these people killed, these  
15:06:18 15 30 people?

16 "A. Around centre town of Masiaka because there the  
17 fight was so intensified because we returned to capture  
18 that ammunition store house, you see. So all the houses  
19 around that area, they suffered a lot. They were caught by  
15:06:38 20 stray bullets."

21 I believe this you can now remember; not so?

22 A. No, no, no. I don't remember saying all that.

23 Q. You also cannot remember saying that, okay.

24 A. [Indiscernible]

15:06:51 25 Q. Okay, so now we are moving to Madonkeh and Benguema. So  
26 you said you did not spend a night at Madonkeh.

27 A. Yes, I don't remember that.

28 Q. And you said SAJ Musa -- I mean, just something on SAJ

29 Musa. You've said that SAJ Musa joined you in October 1998; not





1 so?

2 A. Yes.

3 Q. Okay. I'm going to read a statement to you about SAJ Musa

4 and tell me if you recall making it.

15:07:28 5 MR FOFANAH: Your Honours, I'm reading from page 9856.

6 Now, it starts from line 10 to 21.

7 Q. The question was:

8 "Q. What role was SAJ Musa playing?

9 "A. Well, SAJ was an advisor at that time.

15:08:04 10 "Q. He was an advisor. Who was he advising and what

11 kind of advice was he giving?

12 "A. He gave positive advice, especially on the side of

13 atrocities. He told them to stop killing innocent

14 civilians. He was against that. Definitely he was against

15:08:24 15 that. He advised Gullit to tell his men to stop that.

16 "Q. What impact did his advice get?

17 "A. Well, when he was with us for only one month, only

18 a month before he met his death, but during his -- when he

19 was alive, for that short period he was with us, things

15:08:45 20 were under control."

21 Did you say that to the interviewers?

22 A. At the tail end of this statement saying that only one

23 month, I don't remember saying that.

24 Q. You did not say he was with you for only a month?

15:09:02 25 A. No, I don't remember saying that.

26 Q. What did you remember saying?

27 A. Well, he was with us up to -- from October he was with us

28 up to December 22nd when he died. That is what I could remember.

29 Q. So he was not with you for a month. You are very sure



1 about that?

2 A. From October to December 22nd when he died.

3 Q. So what time of the day did you arrive at Benguema?

4 A. In the morning hours.

15:09:42 5 Q. Around what time?

6 A. Around 5.00 in the morning.

7 Q. 5.00 a.m.?

8 A. Yes.

9 Q. And how long did you spend there?

15:09:55 10 A. Well, up to around the time SAJ Musa died.

11 Q. But I don't know that time, so around what time? You

12 arrived at 5.00 a.m. in the morning.

13 A. Just after he has finished with the communication with

14 Maxwell Khobe. Around -- let me say around 6.30 in the morning

15:10:22 15 to 7.00.

16 Q. You arrived at 5.00 and then SAJ Musa died around 6.30 in

17 the morning?

18 A. No, no. What I'm saying is after the communication between

19 SAJ Musa and Maxwell Khobe, it was around 6.00 to 6.30 the

15:10:46 20 explosion took place.

21 Q. 6.00 to 6.30, was it in the morning or the evening?

22 A. In the morning.

23 Q. So as a matter of fact you arrived at 5.00. Between 6.00

24 to 6.30 SAJ Musa heard the communication?

15:10:59 25 A. Yes.

26 Q. And it was during that period that he died?

27 A. No, after -- around -- after the communication it took some

28 time before the explosion took place.

29 Q. So were you at Benguema at 7.00 a.m. in the morning?



1 A. Up to that time we were still at Benguema.

2 Q. Did you continue to stay there at 7.30 in the morning.

3 A. Well, after the death of SAJ Musa -- after they tried to

4 get him revived but to no avail, so he was taken to the next

15:11:38 5 village, Koba Town, a mountain village called Koba Town. That

6 was hours later.

7 Q. So this was around 7.30 in the morning?

8 A. No, it was past 7.30.

9 Q. But you don't know around what time; not so?

15:11:58 10 A. No, I cannot tell you the exact time.

11 Q. Well, at least you are sure about the fact that you went

12 there -- you went to Benguema at around 5.00 in the morning; not

13 so?

14 A. I can recollect that.

15:12:07 15 Q. 5.00 in the morning. Okay, well, let's see what you had

16 earlier said.

17 MR FOFANAH: Your Honours, I'll refer to page 9897. I'm

18 reading from line 13 to 14.

19 Q. The question that was put to you was: "At what time did

15:12:44 20 you arrive at Benguema?"

21 Your answer: "We arrived there around 12.30 to 1.00 in the

22 morning." 12.30 to 1.00 in the morning.

23 You even went further to explain -- the question was put to

24 you: "Well, what really happened at Benguema?"

15:13:07 25 You said: "There was a heavy fight between the forces that

26 were deployed there and eventually they lost the fight and they

27 took to the hills and then it was a field day for the Northern

28 Jungle fighters. There was jubilation all over that night. Arms

29 and ammunitions were taken from that point, you see. The



1     jubilation, when you fire -- when fire was set on one of the  
2     houses where arms and ammunition were, you see, so there was some  
3     explosion which caused a fatal end of SAJ Musa."

4             You at least remember this now; not so?

15:13:40 5     A.     Well, not all -- part of it I remember saying, but it was  
6     really on 22nd of December when that explosion took place SAJ  
7     Musa died. But I don't remember saying all this other stuff.

8     Q.     You do not remember saying that you went there at 12.00.

9     A.     At 1.00, no. I don't remember that time.

15:14:02 10    Q.     Now from Benguema you went to Koba Hills; not so?

11    A.     Yes.

12    Q.     How long did you spend at Koba Hills?

13    A.     I don't remember the time. I don't remember.

14    Q.     I will again refer you on this same time because you are  
15:14:22 15    very insistent that you said you went at 5.00 a.m. to Benguema.

16             MR FOFANAH: Your Honours, I will read from page 9839.

17     This is a statement which you first gave in August 2002.

18    Q.     In the last paragraph you said: "On 22nd December 1998  
19     Waterloo and Benguema military training centre were  
15:14:47 20     simultaneously attacked around 1.00 a.m. The township of  
21     Waterloo was set on fire whilst fleeing civilians were killed by  
22     the Northern Jungle fighters."

23             Do you now recall that bit?

24    A.     No, no.

15:15:04 25    Q.     You did not say that as well. Okay, so let's come to Koba  
26     Hills. Do you recall how long you took at Koba Hills?

27    A.     Well, immediately after the -- I don't really remember how  
28     many days we spent there. I don't remember how many days we  
29     spent there.





1 Q. Was it up to three days?  
2 A. I don't remember. I don't remember, because at the death  
3 of SAJ Musa I was totally confused because he was -- for me he  
4 was a distinct man. The way he was doing things, I really  
15:15:40 5 appreciated it. So when he died I went off myself.  
6 Q. Did you appreciate everything that SAJ Musa did?  
7 A. At the time he came, the kind of advices he gave,  
8 especially in the areas of committing atrocities, when he  
9 tried -- when he laid emphasis that those should be stopped, that  
15:16:00 10 was why I got to like him the more.  
11 Q. Was he your hero?  
12 A. Somehow, yes.  
13 Q. And you appreciated everything that he did - not so -  
14 whilst he was with you; not so?  
15:16:15 15 A. Well, the good things I saw him doing.  
16 Q. Did he do bad things, to the best of your knowledge?  
17 A. I don't remember that.  
18 Q. He did not do any bad thing?  
19 A. I don't remember that.  
15:16:29 20 Q. But he was at least involved in the attack on Benguema -  
21 not so - himself?  
22 A. Yes.  
23 Q. And he ordered that Masiaka be attacked; not so?  
24 A. Yes.  
15:16:40 25 Q. These were all good things; not so?  
26 A. Well, he gave a cautionary orders unto his fighters. He  
27 said they should strictly attack military targets. That was how  
28 he ordered them.  
29 Q. Mr Witness, I'm putting it to you that the reason why you



1 have consistently refused to bring Johnny Paul Koroma and SAJ  
2 Musa at the fore of events is because you know that they are not  
3 before this Court?

4 A. No, that was not my reason for that.

15:17:24 5 Q. I'm also putting it to you that Johnny Paul Koroma was with  
6 your group that left Freetown in February 1998?

7 A. That is not true.

8 Q. And I'm putting it to you that it was because you were  
9 serving Johnny Paul Koroma, both in the CCP as well as in his  
15:17:43 10 party as a party stalwart -- that is why you are leaving him out  
11 of this entire scenario?

12 A. That is not so.

13 Q. Well, we'll go further and come to your subsistence  
14 allowance now. You said you were receiving subsistence allowance  
15:18:00 15 from the Special Court, not so?

16 A. Yes.

17 Q. How much was that?

18 A. Do I need to disclose it to you?

19 Q. Yes, just the amount. Just the amount.

15:18:13 20 A. Together with my dependents, I have dependents with me, six  
21 of us.

22 Q. Total. How much total?

23 A. It was 120,000 per week.

24 Q. Per week?

15:18:23 25 A. Yes, for six of us.

26 Q. So you were getting 440,000 per month?

27 A. That is true. 480,000.

28 Q. 480,000, thank you. And that was given to you personally;  
29 not so?



1 A. For me and my family, to sustain us.

2 Q. Did these dependents of yours, I'm not asking you to name

3 them or tell us anything about them, but did they go to the

4 jungle?

15:19:01 5 A. No, no.

6 Q. Didn't they go to Tombodu with you?

7 A. No, no, no, I went alone. I went alone.

8 Q. Where were they when you left?

9 A. They were in Freetown.

15:19:13 10 Q. So you left them in Freetown throughout the period of --

11 throughout this jungle period; not so?

12 A. Yes.

13 Q. When you came back they were safe; not so?

14 A. Yes.

15:19:25 15 Q. So was it wise to have left them and run away for this

16 long?

17 A. Because the target was me, not them.

18 Q. Didn't people know that you were a sympathiser of the AFRC?

19 A. People -- that was why I escaped; because people knew I was

15:19:51 20 an AFRC sympathiser.

21 Q. And they knew your location; not so?

22 A. Yes.

23 Q. In Freetown?

24 A. Yes.

15:19:57 25 Q. They therefore knew your dependents?

26 A. Yes.

27 Q. But they were not targets, you were the only target?

28 A. Yes.

29 Q. You really want us to believe that?



1 A. That is true. Correct.

2 Q. Now, let's come to Mr Ibrahim Bazzy Kamara. Did you know  
3 him before the AFRC period?

4 A. I know -- before the AFRC period, no.

15:20:26 5 Q. When did you know him? When was the first time you knew  
6 him?

7 A. Well, when they overthrow the government, so their names  
8 were announced. We saw them on television, we saw them all over  
9 Freetown during the days of the AFRC. So we saw all of them. We  
15:20:45 10 saw their pictures on newspapers, we saw them in person.

11 Q. Did you know if he was an SLA soldier?

12 A. Well, yes.

13 Q. Did you know his rank during the AFRC period?

14 A. No, I never knew his rank. His military rank, you mean?

15:21:08 15 Q. Yes?

16 A. No.

17 [TB120705E-SGH]

18 Q. But he continued to be an SLA soldier after February 1998;  
19 not so?

15:20:47 20 A. No.

21 Q. He was no longer an SLA soldier after February 1998?

22 A. He was -- I came in contact with him in Tombodu.

23 Q. At least you knew him during the AFRC period; not so?

24 A. Yes.

15:21:06 25 Q. When you came in contact with him, was he still an SLA  
26 soldier?

27 A. Well, everyone was on the run, you see. They were -- he  
28 was part and parcel of those who fled from Freetown during the  
29 intervention.





1 Q. Did you know him as an SLA soldier when you met him at  
2 Tombodu?  
3 A. As an AFRC man.  
4 Q. Is it an AFRC soldier?  
15:21:32 5 A. It's AFRC.  
6 Q. Was he a soldier?  
7 A. Only AFRC. AFRC fighters, soldiers, they are soldiers.  
8 That is what I was going to know.  
9 Q. And to the best of your knowledge they remained AFRC  
15:21:50 10 soldiers from February 1998 when you went into the bush, until  
11 the time you came back in January 1999; not so? They were still  
12 the AFRC soldiers?  
13 A. Yes.  
14 Q. And you called them AFRC soldiers; not so?  
15:22:09 15 A. They were AFRC.  
16 Q. At least you have called them several times in your  
17 testimony and your statement AFRC soldiers; not so?  
18 A. Yes.  
19 Q. Now, weren't all AFRC soldiers under the overall command of  
15:22:24 20 Johnny Paul Koroma to the best of your knowledge?  
21 A. When -- after the intervention when everybody left  
22 Freetown, I never got communication with Johnny Paul. So I don't  
23 know whether they were under his command or control. I have no  
24 knowledge.  
15:22:44 25 Q. Well, at least that was after. Now, let's come to the  
26 before. Before the intervention weren't all AFRC soldiers under  
27 the command of Johnny Paul Koroma?  
28 A. He was the head of the military junta at that time.  
29 Q. So they were all under his command; not so?



1 A. Yes.

2 Q. And he was an AFRC soldier; not so?

3 A. Yes.

4 Q. Do you know who the chief of defence staff was during the  
15:23:11 5 AFRC period?

6 A. I don't remember.

7 Q. Do you know any Colonel SO Williams?

8 A. I don't know.

9 Q. Do you know any Brigadier SFY Koroma?

10 A. I don't remember -- I don't know who these people are.  
15:23:26 11

12 Q. Any Brigadier Mani?

13 A. I heard this name, but I never saw him in person. All  
14 those names are familiar, I have heard them, but I don't know who  
the people are.

15 Q. On your way out of Freetown did you stop at Masiaka?  
15:23:40 16

17 A. I don't remember stopping at Masiaka.

18 Q. Did you stop at Makeni?

19 A. I passed -- I remember passing through Makeni.

20 Q. Did you stop?

21 A. Well, I don't remember stopping there because we are on the  
15:24:00 22 going -- I was on the going. I don't remember stopping at  
Makeni. But I passed through Makeni.

23 Q. Now, Mr Witness, weren't you beaten up by Kamajors during  
24 the February 1998 intervention?

25 A. No.  
15:24:16 26

27 Q. Are you sure about that?

28 A. Yes.

29 Q. Weren't you also beaten up by sympathisers of the SLPP  
during that period?



1 A. No, 1998?

2 Q. Yes.

3 A. No.

4 Q. Where were you in 1999, January 6?

15:24:49 5 A. Again I was with the group, the AFRC.

6 Q. And when they left, you stayed; not so?

7 A. Yes.

8 Q. Did anyone identify you as a collaborator of that group?

9 A. No.

15:25:07 10 Q. Did you register with the DDR Programme?

11 A. Because I was not armed, so I didn't register. You can go

12 and check with them.

13 Q. So the only reason why you did not register is because you

14 did not have arms?

15:25:23 15 A. Well, it is a DDR Programme. You have to disarm. So how

16 can I disarm without having a weapon?

17 Q. Okay before I round up I will make certain applications for

18 you to identify some of these places on maps that have been

19 tendered before to this court just so that we get a vivid idea of

15:25:44 20 the places you have been describing.

21 MR FOFANAH: Your Honours, at this stage I would like to

22 make an application for certain exhibits before the Court to be

23 provided. I will first ask for Exhibit P14.

24 JUDGE SEBUTINDE: This is a map of Kono District?

15:26:07 25 MR FOFANAH: Yes, Your Honour.

26 PRESIDING JUDGE: Mr Fofana, Exhibit 14 has already been

27 marked. We are getting a fresh copy of the Kono District which

28 will be the same as Exhibit 14. It will be shown to you and the

29 Prosecution to ensure that it is consistent with the Exhibit 14.



1 MR FOFANAH: Thank you very much, Your Honour. That is  
2 what I really wanted. May I, in that vein, also request for a  
3 fresh map of Koinadugu District. I don't know if you have that.

4 JUDGE SEBUTINDE: So, Mr Fofanah, for the record the  
15:28:03 5 witness has been given a fresh map of Kono District. He has not  
6 been given a copy of Exhibit 14.

7 MR FOFANAH: As Your Honour pleases. I will lay the  
8 foundation and at a future date -- a future time I will seek to  
9 have it tendered.

15:28:26 10 MR HODES: Your Honours, I rise only to object mainly  
11 because I was not given notice that there would be a map involved  
12 or that Defence counsel would be seeking to use one of the maps  
13 that have been used previously. So I am really kind of  
14 unprepared. If Defence counsel has a courtesy copy for me, that  
15:28:38 15 would be great.

16 PRESIDING JUDGE: Perhaps it would help. It is just coming  
17 up to about the time we would normally take an afternoon break.  
18 So would it be of assistance if we took the break a few minutes  
19 early and arranged for you to get a copy, Mr Hodes?

15:28:54 20 MR HODES: That would be fine.

21 PRESIDING JUDGE: In that case that is what we will do,  
22 particularly as it appears we are into a new line of questioning.  
23 We will take the usual 15 minute afternoon break now and we would  
24 ask for assistance in getting a copy of the map for the  
15:29:13 25 Prosecution counsel.

26 Mr Court Attendant, if you could adjourn court and also  
27 assist with the map, please.

28 [Break taken at 3.25 p.m.]

29 [On resuming at 3.45 p.m.]





1 MR HODES: We just want to thank the Court for the copy  
2 that has been provided. And we anticipate the other maps should  
3 be here within the next couple of minutes.

4 PRESIDING JUDGE: Very good. Thank you.

15:50:45 5 MR FOFANAH: The witness's mic is off, Your Honour.

6 PRESIDING JUDGE: Yes. Mr Court Attendant, please assist  
7 us by putting on the witness's microphone.

8 MR FOFANAH:

9 Q. Mr Witness, good afternoon again.

15:51:18 10 A. Good afternoon.

11 Q. Now, you have mentioned a number of places to which I will  
12 be referring. Places like Tombodu, Yaya, Yiffin, Sama Bendugu,  
13 Bonoya, Karina, Rosos, Gbinti, Gberemantmatank, Gbendembu,  
14 Mange Bureh, Melekurray, Madigba, Masiaka, Kukuna and Madina. All  
15:51:54 15 these places you recall mentioning in your testimony; not so?

16 A. Yes.

17 Q. Now, if you see these places on a map, will you be able to  
18 identify them?

19 A. On the map?

15:52:00 20 Q. Yes.

21 A. To identify them?

22 Q. Yes.

23 A. Well, I am not a geographer and also I am not good in map  
24 reading. You see, but if I see the names spelt I can point at  
15:52:21 25 it.

26 Q. If you see a spelling that matches your description and as  
27 well as the location, you will be able to circle it; not so?

28 A. It will be difficult for me.

29 Q. Do you want to give it a try?



1 A. It really will be difficult for me. It will be difficult.  
2 If you say call the name, find the name, I expect I can do that.  
3 But say, point where it is, really don't like to hear it. It  
4 will be very, very difficult for me to do so.

15:53:17 5 Q. That is exactly what I mean. You have to find it before  
6 you can pinpoint it. So that is it. You can look at the entire  
7 map especially as we are going by districts. Do you remember  
8 saying that each of the places that you mentioned belonged to a  
9 district in Sierra Leone; not so?

15:53:33 10 A. Yes.

11 Q. So we are going by district. We will take Kono, for  
12 example, and then I will call a place like Tombodu and Yaya and  
13 then ask you to at least locate them on the map, if you can. If  
14 you cannot, there is no problem with that.

15:53:56 15 A. No, if I see the word -- the name spelt, I can point at it.

16 Q. And at least you will be able to identify what you point  
17 out as a location; not so?

18 A. Seeing it I will point out the name only.

19 JUDGE SEBUTINDE: Mr Fofanah, is it fair to ask this

15:54:12 20 witness who has said he cannot map-read, to point at locations  
21 and take that as his evidence of a location? Will it not be  
22 evidence of a spelling of a name? Will it really be evidence of  
23 a location of this witness?

24 MR FOFANAH: Your Honour, that is what I am respectfully

15:54:33 25 trying to establish. I mean, all what you have rightfully said  
26 is only coming out now. If I find that he cannot do it, then  
27 will not move further. I am just trying to establish --

28 PRESIDING JUDGE: Well, perhaps not let us a not talk about  
29 it, Mr Fofanah, let us try.



1 MR FOFANAH: As Your Honour pleases.

2 PRESIDING JUDGE: You have given a list of names. Start  
3 with one.

4 MR FOFANAH: As Your Honour pleases. Most grateful.

15:55:00 5 Q. Mr Witness, we are going to start with --

6 MR HODES: I am sorry, Your Honours and Defence counsel, I  
7 have to raise an objection at this point because I don't think  
8 the witness has even indicated that he could slightly, you know,  
9 he said he could try, but beyond that his knowledge of geography  
15:55:16 10 has not been established. The lack of foundation for this man to  
11 look at a map, identify villages, identify villages that he may  
12 or may not have gone through. I just don't think there is proper  
13 foundation for this witness to identify villages on a map and  
14 then have that map tendered into evidence. I understand and  
15:55:37 15 appreciate the fact that he would want to try, but beyond that,  
16 from a legal perspective, I don't believe a foundation has been  
17 laid for him to have to mark a map which might then get tendered  
18 in the evidence.

19 PRESIDING JUDGE: Thank you, Mr Hodes. Your reply,  
15:55:53 20 Mr Fofanah.

21 MR FOFANAH: In that vein, Your Honour, I will try to go  
22 further and lay more foundation. Thank you.

23 Q. Mr Witness, you said you went to Tombodu and you spent  
24 quite some time at Tombodu; not so?

15:56:07 25 A. Yes.

26 Q. Now during the time you spent at -- you were at Tombodu,  
27 were you conversant with areas around Tombodu?

28 A. No. Only the town Tombodu I knew.

29 Q. Are you aware that it was in Kono District?



1 A. Yes.

2 Q. And didn't you say Tombodu was not far from Koidu Town and  
3 you used to go to Koidu Town?

4 A. Yes.

15:56:45 5 Q. So will you be able to identify at least Koidu Town on the  
6 map?

7 A. This is confusing to me. If I see this spelling of Koidu I  
8 will only point out Koidu. Finish.

9 MR FOFANAH: If Your Honours, I mean, at least please, I  
15:57:07 10 don't know how the Court may want to infer it. But probably it  
11 would be helpful if Your Honour rightly suggested that he at  
12 least pinpoints what he identifies as the name of the location  
13 that I am referring to.

14 JUDGE SEBUTINDE: And what will that prove? That he can  
15:57:30 15 spell? He can read and write and identify a name? Or will that  
16 be proof of a certain location that he has said this is the  
17 location? A geographical place.

18 MR FOFANAH: That question would certainly follow the  
19 pinpoint. If you pinpoint I will ask him, "Were you at this  
15:57:50 20 place?" Then he will be able to answer yes or no.

21 [Trial Chamber deliberates]

22 [Ruling]

23 PRESIDING JUDGE: We note that the Prosecution has raised  
24 an objection and the objection is to the lack of foundation to  
16:05:23 25 mark a map into evidence at this point. We agree that there is  
26 insufficient foundation to ask this witness to identify locations  
27 at this time.

28 MR FOFANAH: Thank you very much, Your Honours. In that  
29 case I have no further questions for the witness.





1 PRESIDING JUDGE: Thank you, Mr Fofanah.

2 MR FOFANAH: Thank you, Mr Witness.

3 THE WITNESS: Thank you.

4 PRESIDING JUDGE: Ms Alagendra.

16:05:50 5 MS ALAGENDRA: Your Honour, there will be no  
6 re-examination.

7 PRESIDING JUDGE: Thank you.

8 QUESTIONED BY THE COURT:

9 PRESIDING JUDGE: Mr Witness, I have one question. In your  
16:06:44 10 evidence yesterday you referred to a person called Kabila and an  
11 order from SAJ Musa and you said that Gullit did not agree to  
12 that order and ordered punishment later by being disarmed. What  
13 exactly did you mean by that?

14 A. Well, for that -- at that point the rifle he had with him  
16:07:05 15 was taken from him so that he will not continue causing  
16 unnecessary atrocities on innocent civilian.

17 PRESIDING JUDGE: Thank you for that clarification. I have  
18 no other questions.

19 Thank you, Mr Witness, for your evidence and thank you for  
16:07:21 20 coming to court today. That is the end of your evidence. You  
21 are at liberty to leave the Court.

22 THE WITNESS: Thank you.

23 PRESIDING JUDGE: Just pause, Mr Witness, until the  
24 curtains are drawn.

16:07:37 25 [The witness withdrew]

26 MR HODES: Your Honours, the next witness is TF1-055 and he  
27 will be testifying in Madingo. And I believe We need to have the  
28 interpreters sworn.

29 PRESIDING JUDGE: I understand the interpreters have to be



1 sworn in.

2 MR HODES: May I be excused for one second?

3 PRESIDING JUDGE: Yes.

4 MS EHRET: Your Honours, may I have two minutes and bring

16:09:09 5 them in?

6 PRESIDING JUDGE: Yes, please bring the interpreters in to

7 be sworn.

8 [Interpreters sworn]

9 PRESIDING JUDGE: Thank you both very much. Are the

16:13:13 10 interpreters ready yet?

11 MS EHRET: Your Honours, we are ready.

12 PRESIDING JUDGE: Thank you, Madam Interpreter. Please

13 have the witness sworn.

14 WITNESS: TF1-055 [sworn]

16:13:57 15 EXAMINED BY MS NGUNYA:

16 MS NGUNYA: Thank you, Your Honours.

17 Q. Good afternoon, Mr Witness. Mr Witness, can you hear me?

18 Witness, can you hear me?

19 PRESIDING JUDGE: Mr Interpreter, can you hear the counsel?

16:15:30 20 THE WITNESS: Good afternoon.

21 MS NGUNYA:

22 Q. Mr Witness, I have a few questions for you. Could you

23 please tell the Court how old you are?

24 A. [No interpretation]

16:15:38 25 Q. Please do.

26 A. I am 75 years old.

27 Q. Where were you born?

28 A. I was born in Karina.

29 MS NGUNYA: Your Honours, for the record Karina is spelt



1 K-A-R-I-N-A.

2 Q. Mr Witness, which district is Karina in?

3 A. It is in Bombali District.

4 MS NGUNYA: For the record, Bombali, B-O-M-B-A-L-I.

16:16:38 5 Q. Have you attended school?

6 A. [No interpretation]

7 Q. Can you read and write?

8 PRESIDING JUDGE: I didn't hear an answer to the question,

9 "Have you attended school?"

10 MS NGUNYA:

11 Q. Witness, I will repeat the question. Have you attended

12 school.

13 A. I didn't go to school.

14 Q. Can you read and write?

16:17:15 15 A. I do -- I do write in Arabic, but in English I don't write

16 in English.

17 Q. What is your native language?

18 A. Madingo.

19 Q. Do you speak any other language other than Madingo?

16:17:40 20 A. I am unable to do that.

21 Q. Witness, are you married?

22 A. I am married.

23 Q. Do you have children?

24 A. I do have children.

16:18:04 25 Q. How many children do you have?

26 A. I gave birth to so many -- I gave birth to so many

27 children, but most of them have died. But at present I do have

28 seven. I did have seven children. I do have four boys and three

29 girls.



1 Q. Witness, what is your occupation?

2 A. I am a farmer.

3 Q. Witness, you mentioned that you were born in Karina. Did  
4 anything happen to you in Karina Village?

16:18:54 5 A. Yes.

6 Q. Please tell the Court?

7 A. What happened to me?

8 Q. Yes, please go ahead and tell the Court.

9 A. At one time I came from the farm. It was -- it was a  
16:19:24 10 Muslim prayer. The first day in the Muslim calendar, Junbettey,  
11 they call it Junbettey. I came -- I came, I left my farm and  
12 came into town at night. I have said I am going to pray there.  
13 In the early morning they attacked us.

14 [TB120705F - EKD]

16:20:27 15 Q. Mr Witness, who is "they" that attacked you?

16 A. There were many. There were many.

17 Q. Witness, did you see how they were dressed?

18 A. Some of them were dressed in civilian clothes and some of  
19 them were dressed in military cloths and some of them tied their  
16:21:09 20 hair to bandanas.

21 Q. Witness, you mentioned that these people in civilian,  
22 military and bandanas attacked the village. What happened next?

23 A. At that time I wasn't feeling well. I had -- my foot was  
24 giving me some serious where I was lying in the room. So I heard  
16:21:46 25 the noise outside. And people were shouting. They said,  
26 "They've come, they've come, they've come." I was still lying  
27 down. I still was -- I was hearing this noise outside. At that  
28 time, before I realised, everywhere was being attacked, captured.  
29 Then I was about to come [indiscernible] for them and I entered





1 the room again. And after a short while I saw a heavy population  
2 coming in. And some of them were holding ammunition, guns and  
3 other serious weapons.

4 Q. Mr Witness, just slow down a little bit for the translator.  
16:22:37 5 Mr Witness, you've seen these people coming in with guns. What  
6 happened next?

7 A. After they've passed, the next people were coming, they had  
8 so many weapons with them. They gathered the people. How did I  
9 come to know about? I didn't know they would kill people because  
16:23:29 10 they came to protect us. I was there when I heard this heavy,  
11 heavy noise.

12 Q. Mr Witness, what heavy noise did you hear?

13 A. It was like when people were fighting, when people were  
14 fighting.

16:23:57 15 Q. Witness, you mentioned that these people with guns gathered  
16 them in the town. Who is these people they gathered in the town?

17 A. My people. They gathered my people in the village. My  
18 people in the village.

19 Q. Mr Witness, by "your people," do you mean your family  
16:24:32 20 members or others as well?

21 A. It start from my xxxxx, my xxxxxxxx xxxxxxxx and my whole  
22 family. And all the people in the village.

23 Q. Thank you, Mr Witness. Please continue. So they had  
24 gathered them in the town. What happened next?

16:25:04 25 A. What happened there, there were several -- the people were  
26 shouting because they were fighting amongst themselves.

27 Q. Did you see this, Mr Witness?

28 A. I didn't see it myself. I didn't see it myself. It just  
29 happened. I saw a very few men with gun. I didn't see them



1 myself.

2 Q. So where did you hear this commotion? Where were you when  
3 you heard these people fighting among themselves?

4 A. I was in the house, in my house.

16:26:02 5 Q. Did you hear anything else while you were here in your  
6 house?

7 A. I didn't see any other body. I heard so many noise,  
8 because the noise has overwhelmed the village, the town. And at  
9 times some other people are coming into a town. And then after a  
16:26:41 10 while I came outside. I saw so many dead bodies outside my  
11 compound.

12 Q. Witness, when you came out of your house, were there  
13 fighting people still in the town?

14 A. At the time they have gone, they have gone. They have  
16:27:08 15 gone. At that time they have gone, because the noise has died  
16 down completely.

17 Q. Witness, what made you come out of your house at this time?

18 A. At the time there was complete silence, so that is why I  
19 came outside.

16:27:30 20 Q. Witness, what did you see when you got out of your house?

21 A. I saw so many dead bodies outside my house.

22 Q. Please describe in detail for the Court what you saw.

23 A. When I came outside I saw the dead bodies outside my  
24 compound and I sat down and I look at them. My younger brother,  
16:28:16 25 my younger brother also came outside and joined me. And then  
26 my -- and then I saw my aunt came outside, she was shouting.  
27 Because they've already chopped, chopped, chopped some other  
28 people --

29 THE INTERPRETER: Your Honours, the witness is going so



1 fast.

2 PRESIDING JUDGE: Mr Witness, speak a little bit slower so  
3 the interpreter can tell us what you are saying. Thank you.

4 MS NGUNYA:

16:28:53 5 Q. Witness, if you could start from where you came out of your  
6 house and just describe slowly.

7 A. When I came outside of my house, I saw so many dead bodies  
8 outside my compound. I look at them and I saw them; they were my  
9 people. I saw five people that I can recognise as my people,  
16:29:38 10 dead bodies outside my compound. And I saw a Fullah man and I  
11 didn't know that man. I didn't know where he came from. I  
12 didn't know where he come from. Somebody told me that he came  
13 from somewhere else. And I saw a neighbour, a close door  
14 neighbour to me, he was also dead. At the mosque, at the mosque  
16:30:13 15 I saw the dead body of my elder brother, and also, along with  
16 him, with two of his colleagues and a lady. When I went further  
17 I saw a pregnant woman being Canco --

18 THE INTERPRETER: Excuse me, Your Honour, she is --

19 MS NGUNYA: Witness, just hold on. For Your Honours he has  
16:30:48 20 mentioned a name. It is Canco Fanta, C-A-N-C-O F-A-N-T-A.

21 Q. Witness, you had reached where you saw somebody called  
22 Canco Fanta. Please continue.

23 A. Canco Fanta is a lady. Her big sister Bintu. They took  
24 her away and she died with them. She was pregnant.

16:31:28 25 Q. Witness, who took them away?

26 A. The people that came to Karina, the fighters that came to  
27 Karina. They are the ones that took her away.

28 MS NGUNYA: For Your Honours, he said a name: Bintu,  
29 B-I-N-T-U.



1 JUDGE SEBUTINDE: I am not sure who they took away. Fanta  
2 or Bintu or who was pregnant. Could you clarify?  
3 MS NGUNYA: Okay.  
4 Q. Witness, please explain to the Court who did they take  
16:32:07 5 away?  
6 A. They are sisters. They are sisters. They stabbed the one  
7 that was pregnant and they took the other one away.  
8 Q. Witness, which one was pregnant that was stabbed?  
9 A. Canco Gbinti. She was impregnated by them and she died  
16:32:36 10 with them.  
11 Q. Witness, how did you get this information?  
12 A. What word?  
13 Q. That Canco Gbinti was impregnated and died with the people  
14 that took her.  
16:33:04 15 A. The people that they went with, those that escaped and came  
16 back, they are the ones that told us that she was impregnated by  
17 them and she died -- they killed her.  
18 Q. Witness, I need to clarify some things for the Court. You  
19 said "they" took her and "they" killed her. Who took Bintu and  
16:33:43 20 who killed her? Please explain to the Court.  
21 A. The people that came into Karina, they are the ones that  
22 took her away. I did know that these people had come are  
23 fighters, but I didn't see them. After when I -- I only know  
24 they were fighters when I came outside my house.  
16:34:20 25 Q. Witness, besides the people you just mentioned who died  
26 during this event, did you know of any other people that died on  
27 that day?  
28 A. Okay. After they left our town, they went and -- they went  
29 along to one local village. They kill so many other people along





1 that way again. And they took away some little children from our  
2 village. They killed them also. They killed so many people  
3 along the way they were going, so they said they were tired of  
4 taking them along.

16:35:32 5 Q. Witness, you mentioned two women who were taken by this  
6 group that came to your town. Were any other women affected by  
7 this group that came to your town?

8 A. My xxxxxx xxxx, my xxxxxx xxxx; they took her away, but  
9 they didn't kill her. And also with another woman; they took her  
16:36:13 10 also away. There were more than five. There were many, there  
11 were many. And also there is an old garret at the village. They  
12 threw my younger xxxxxx right off from the top of the garret to  
13 downstairs.

14 Q. Mr Witness, just to be clear, did you say five women were  
16:36:43 15 taken away?

16 A. Five. There were five, more five. There were five. There  
17 were five including the people -- the person that they throw  
18 right out from the top of the garret.

19 Q. Witness, earlier in your testimony you mentioned seeing  
16:37:34 20 many civilians carrying goods through your town, through Karina.

21 MR MANLY-SPAIN: May it please Your Honour, we did not hear  
22 that.

23 PRESIDING JUDGE: I did not hear that either.

24 MS NGUNYA: I stand to be guided by the record. At the  
16:37:52 25 beginning he mentioned that first a group of people passed  
26 carrying things and a second group came along. And then I  
27 interrupted him to clarify what the second group was wearing. I  
28 stand guided by the Court.

29 PRESIDING JUDGE: I don't have a note of that.



1 MS NGUNYA: Okay.

2 THE WITNESS: Yes. Okay, the first -- after the people --  
3 the first set of people -- the first group of people passed, we  
4 saw another group came in, and we saw so many people with guns  
16:38:36 5 and they came with the trouble.

6 MS NGUNYA:

7 Q. Witness, my question is were any other people used to carry  
8 goods from your town out of the town?

9 PRESIDING JUDGE: I think you are coming to -- you are  
16:38:54 10 leading this witness. He said -- the record I have is the first  
11 group had passed. I didn't hear anything about goods.

12 MS NGUNYA: I stand corrected, Your Honour.

13 Q. Witness, let me move on to another question. Please listen  
14 to the question. The question is: In your town what did you and  
16:39:26 15 the other villagers do with the bodies that were left in the  
16 town?

17 A. Five people, we buried five people, and including the three  
18 people that they killed at the mosque, including that Fullah man  
19 and the people that they came along with, and including -- we  
16:40:09 20 buried two people in the same hole, the Fullah man and the other  
21 three -- two people, we buried them also in the same hole.

22 MS NGUNYA: Give me one minute, Your Honour.

23 THE WITNESS: I want to -- Your Honours, I want to use the  
24 rest room.

16:40:46 25 PRESIDING JUDGE: Is that the witness speaking or the  
26 interpreter speaking?

27 THE INTERPRETER: It is the witness.

28 PRESIDING JUDGE: Very well, Mr Witness, you do that,  
29 please. Just a minute. Just sit where you are for a moment.



1 Mr Attendant, can you assist us in letting the witness leave the  
2 Court temporarily, please.

3 [The witness left court]

4 MR HODES: Your Honour, I rise just to ask the Court to  
16:42:31 5 consider something. With all due respect to the interpreters and  
6 the great work that they do, I think in this case there may be a  
7 language situation which is happening and an interpretation  
8 problem that may be happening. And so, pursuant to Rule 90(F), I  
9 was going to ask the Court to consider the possibility of  
16:42:52 10 allowing us to lead very briefly so that the questions are very  
11 clear as to the issue that we are asking the witness about. I  
12 can assure the Court and Defence that it really would be only one  
13 or two issues that would be led. I do this only because of  
14 concern that -- and again with due respect to the interpreters -  
16:43:17 15 I know they do a great job and they try their best - but I think  
16 there might be a situation here, because they are not full-time  
17 interpreters, that there may be a language problem.

18 PRESIDING JUDGE: Counsel for the Defence, a reply to that  
19 application.

16:43:36 20 MS THOMPSON: Your Honour, speaking on behalf of the Brima  
21 team, we are sort of halfway through this witness's evidence,  
22 perhaps even towards the tail end of his evidence. I don't know  
23 where my learned friend is coming from, because no one has made a  
24 complaint about the interpretation thus far. It may well be that  
16:43:57 25 my learned friends are not getting the answers they thought they  
26 would, but those are the answers of the witness. I don't know  
27 how my learned friend has come to the conclusion that there is an  
28 interpretation or language or dialect problem. If the  
29 interpreter is able to understand the witness, and he hasn't said



1 anything about not being able to understand the witness, it seems  
2 to me he is interpreting exactly what the witness is saying.  
3 Therefore, I don't know what the basis of my learned friend's  
4 concerns about the language problems are.

16:44:40 5 MR MANLY-SPAIN: We endorse the reply.

6 MR DANIELS: Your Honour, we endorse the reply likewise.

7 [The witness entered court]

8 JUDGE SEBUTINDE: Mr Hodes, you are suggesting that we  
9 grant you leave to somehow lead the witness?

16:45:19 10 MR HODES: That's correct, Your Honour. It is only going  
11 to be basically one issue, probably no more than one or two  
12 questions. The reason I get a sense of a possible language  
13 problem is only because of the nature of the English that is  
14 coming back. I can't say whether or not the interpreter is  
16:45:40 15 having problems with him and I certainly don't suggest that the  
16 answers we are getting or not getting is the cause. It is really  
17 just an unevenness to the translations I think we are getting --

18 JUDGE SEBUTINDE: But Mr Hodes, how would leading a witness  
19 solve an interpretational problem?

16:45:59 20 MR HODES: Only because the question would be much more  
21 succinct and direct and would allow the questioner to really  
22 focus the language in a certain way.

23 PRESIDING JUDGE: We don't consider that this application  
24 is pertinent at this moment. The witness should continue in the  
16:46:38 25 way he has already been led in chief and therefore we will not  
26 allow the application.

27 MS NGUNYA: Your Honours, thank you. I don't have many  
28 questions, just two to clarify one issue.

29 PRESIDING JUDGE: We are not directing Prosecution or any





1 other counsel as to how they should question their witness.

2 MS NGUNYA:

3 Q. Mr Witness, at the beginning of your testimony you said you  
4 saw many, many people coming; is that correct?

16:47:23 5 A. That's the way it happens.

6 Q. Can you describe this group - what they were wearing, what  
7 they were doing?

8 PRESIDING JUDGE: You have in fact asked the witness about  
9 what they were wearing. Are you asking the same question or are  
16:47:39 10 you asking --

11 THE INTERPRETER: He is not talking.

12 THE WITNESS: They were civilian soldiers -- they were  
13 wearing civilian cloth and military cloth.

14 MS NGUNYA: Your Honour, I was trying to lead up to another  
16:48:01 15 question. I was trying to set up the time frame.

16 PRESIDING JUDGE: Very well, please continue.

17 MS NGUNYA:

18 Q. Mr Witness, besides these people wearing civilian, soldier  
19 uniform and bandana, were there any other people with these  
16:48:19 20 people?

21 A. When I came out, when I came out of my house, some people  
22 told me that they said that people have come in. They called the  
23 name, but I've forgotten that name. So many people told me that  
24 those people that came in, they were the one that fight over  
16:49:04 25 there. He say he was in the mosque. They said they were in the  
26 mosque. So the children run into the bush. The name is Jabbie.  
27 I know the Jabbie, but I didn't see him. But so many people ran  
28 into the bush.

29 Q. Witness, who is Jabbie?



1 A. This Jabbie is one of the fighters at the starting. In the  
2 start they were here. They came -- they took so many properties.  
3 After that, some people told me that this Jabbie were the ones  
4 that came in and fight. They went and ask about the chief  
16:50:29 5 imam --

6 Q. Just to be clear, who went to ask for the chief imam?

7 A. It was Jabbie. The mosque.

8 MS NGUNYA: Your Honours, just for the record, Jabbie is  
9 spelt J-A-B-B-I-E.

16:50:56 10 Q. You said he went to ask for the chief imam. What happened  
11 next?

12 A. What I have heard is that they have started killing people  
13 at the mosque. They killed two people at the mosque. The one,  
14 they flog him so much that he died. They killed two people at  
16:51:26 15 the mosque actually.

16 Q. You did not see this incident, you heard about it; is that  
17 correct?

18 A. That time I was in my house, I was hiding.

19 MS NGUNYA: Your Honours, that concludes my  
16:51:46 20 examination-in-chief.

21 PRESIDING JUDGE: Thank you, Ms Ngunya. Cross-examination?

22 MR MANLY-SPAIN: There is no cross-examination,  
23 Your Honour.

24 PRESIDING JUDGE: Cross-examination for --

16:52:08 25 MR GRAHAM: Respectfully, Your Honours, we also don't have  
26 any questions for this witness.

27 PRESIDING JUDGE: Yes, Mr Daniels, do you have any  
28 questions for the witness?

29 MR DANIELS: My Lord, there is no cross-examination.



1           PRESIDING JUDGE: Thank you. Mr Witness, you mentioned  
2           that someone was thrown from the top of -- and I did not hear the  
3           word very well. Was the word -- please repeat the word. Was it  
4           algari [phon]?

16:52:51 5           JUDGE LUSSICK: Garage.

6           PRESIDING JUDGE: Oh, garage. I see.

7           MS THOMPSON: Your Honour, it was a garret.

8           PRESIDING JUDGE: Garret, I see. I thought maybe it was  
9           some special type of tower.

16:53:05 10          THE WITNESS: They went up the garret and captured so many  
11          other people up there. My uncle's son and one of his children,  
12          and they threw the boy off from the upstairs to downstairs. And  
13          they took -- then they took the other one to -- the others to the  
14          bush.

16:53:30 15          PRESIDING JUDGE: Thank you very much for that assistance,  
16          Mr Witness. Mr Witness, there are no other questions that we  
17          have for you. We thank you very much for coming to court to give  
18          your evidence. That is the end of your evidence today.

19          In the light of the time, this might be an appropriate time  
16:53:46 20          to adjourn. We will first adjourn court and Mr Court Attendant  
21          will then assist the witness to withdraw. Mr Court Attendant,  
22          please adjourn court. But Mr Witness, you sit where you are,  
23          please.

24                               [Whereupon the hearing adjourned at 5.50 p.m.,  
16:54:27 25                               to be reconvened on Wednesday, the 13th day of  
26                               July 2005, at 9.15 a.m.]

27  
28  
29



WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-033	2
CROSS-EXAMINED BY MS THOMPSON	3
CROSS-EXAMINED BY MR FOFANAH	74
QUESTIONED BY THE COURT	129
WITNESS: TF1-055	130
EXAMINED BY MS NGUNYA	130