

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

WEDNESDAY, 20 JULY 2005
9.17 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Jim Hodes Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray
For the accused Santigie Borbor Kanu:	Mr Geert-Jan Alexander Knoops

1 [AFRC20JUL05-RK]
2 Wednesday, 20 July 2005
3 [The witness entered court]
4 [The accused Brima, Kamara and Kanu present]
09:19:49 5 [On commencing at 9.17 a.m.]
6 PRESIDING JUDGE: Good morning.
7 MR FOFANAH: Just to inform you that my senior colleague
8 will be absent today and I'll be holding the fort. He is busy
9 doing some paperwork relating to his contract.
09:22:27 10 PRESIDING JUDGE: Thank you for that information,
11 Mr Fofanah. Duly noted. Unless there is nothing else, I will
12 remind the witness of his oath and we will recommence.
13 Mr Witness, you recall yesterday that you took the oath and
14 promised to tell the truth? Do you remember that?
09:22:43 15 THE WITNESS: Yes, sir.
16 PRESIDING JUDGE: That promise is still binding on you this
17 morning and you just answer the questions truthfully. Do you
18 understand this?
19 THE WITNESS: Yes, sir.
09:22:58 20 PRESIDING JUDGE: Very well. Counsel for the Defence will
21 have some questions for you. Please proceed, Mr Knoops.
22 MR KNOOPS: Thank you, Your Honour.
23 WITNESS: TF1-045 [Continued]
24 [Witness answered through interpretation]
09:23:19 25 CROSS-EXAMINED BY MR KNOOPS:
26 Q. Morning, Mr Witness?
27 A. Morning.
28 Q. I expect you to confine yourself to answering the questions
29 I put it to you and if possible if I ask you to answer them with

1 yes or no, I will be very grateful, and similar to my learned
2 friend from the Prosecution, I don't hope that you mind me to
3 interrupt you sometimes when you're answering questions in a
4 lengthy way. It is in no way meant to have no respect for your
09:24:02 5 answers, but we just want to make sure that you will answer the
6 questions we put to you. Do you agree?
7 A. Yes, sir.
8 Q. Thank you. Mr Witness, yesterday you testified that after
9 your training you graduated. What training were you referring
09:24:26 10 to?
11 A. RUF training.
12 Q. Could you please be more specific on what training you
13 speak about, what was the RUF training about?
14 A. It was a guerilla training to fight.
09:25:05 15 MR KNOOPS: Your Honour, I'm not sure I received the
16 interpretation.
17 PRESIDING JUDGE: I didn't get anything.
18 JUDGE LUSSICK: Yes, I got an answer. "It was a guerilla
19 training to fight."
09:25:19 20 PRESIDING JUDGE: Thank you.
21 MR KNOOPS:
22 Q. Mr Witness, is it correct that you testified yesterday that
23 you were graduated after this training; is that correct?
24 A. Yes, sir.
09:25:38 25 Q. Could you please explain what you mean by graduation?
26 A. Yes. What they told me: I was in training. I left. I
27 was no longer in the training. When you're in the training, you
28 are in the base. When you graduate, you leave the place. You
29 will no longer be under the training.

1 Q. Did you at that time receive a certain rank or position
2 after the training?
3 A. Yes, sir.
4 Q. Could you please explain what this position was.
09:26:29 5 A. They gave me the first position as second lieutenant.
6 Q. So it is your testimony that after this graduation you
7 attained the position of a second lieutenant; is that correct?
8 A. Yes, sir.
9 Q. Could you please inform us about what period you are
09:27:02 10 speaking about? Which period took this training place?
11 PRESIDING JUDGE: I didn't quite understand that question,
12 Mr Knoops. Are you asking how long that training took?
13 MR KNOOPS: How long and which period that took.
14 Q. The first is my question, Witness, when did the training
09:27:26 15 take place, which year? Can you recall that?
16 A. Yes, sir.
17 Q. Could you please tell us what year?
18 A. It was in 1991.
19 Q. How long did the training take place?
09:27:53 20 A. Well, it took -- I took up to three months.
21 Q. Is it correct to say that after the three months the
22 graduation took place; is that correct?
23 A. Yes, sir.
24 Q. So it is your testimony that in 1991 you attained the rank
09:28:14 25 of second lieutenant; is that correct?
26 A. No, sir.
27 Q. I believe you just testified that you graduated to second
28 lieutenant after your training; is that correct?
29 A. It was not when I left the base. It was the time when we

1 met with Pa Foday Sankoh. So he gave the recommendations or the
2 promotions. So the second lieutenant rank was given to me by
3 Foday Sankoh.

4 Q. How much time after the training was this recommendation
09:29:22 5 made?

6 A. It took up to three to four years.

7 Q. What did you do during the time between 1991 and these
8 three years you speak about?

9 A. I was a fighter.

09:29:48 10 Q. In which army?

11 A. RUF.

12 Q. Where did you fight?

13 A. In xxxxxxxx.

14 Q. For three years?

09:30:09 15 A. I was in Pujehun District up to that three years.

16 Q. Under whose command?

17 A. Where I was, it was xxxxxx.

18 Q. What was your position at that time?

19 A. Well, I was there as a target commander at that time.

09:30:57 20 Q. Could you please explain to the Court what you mean with
21 target commander?

22 A. Well, it was something in the military that we say you are
23 a man liable to control a company up to a hundred to 200 men, but
24 that time Pa Foday Sankoh was not around to assign the rank for
09:31:32 25 that particular assignment.

26 Q. Mr Witness, I'm sorry. That is not my question. I'm sorry
27 to interrupt you. I just asked you can you explain the term what
28 is a target commander? Please confine to my question and not
29 elaborate on anything else, please.

1 A. Okay. It is like a xxxxx in the military.

2 Q. Are you saying that you were in 1991 'til 1994, three
3 years, you acted as a xxxxx; is that correct? Yes or
4 no, please?

09:32:20 5 A. Yes, sir.

6 Q. Is it your testimony that you were in command of a hundred
7 soldiers; is that your testimony? Please answer the question
8 with yes or no.

9 A. Well, that is what they said, but although I didn't have
09:32:45 10 the manpower, but they said that was the position.

11 Q. How many manpower did you have at that time then?

12 A. Well, I did not estimate it as I told you. Every time I
13 was a commander, if they need me, they will always know the
14 manpower they will give to me. The commanders, like xxxxx

09:33:28 15 xxxxx.

16 Q. So it is your testimony that you are in a position to ask
17 for manpower; is that correct?

18 A. It was a command. When a command comes, the commanders
19 will always know what to do.

09:33:58 20 Q. Mr Witness, how many individuals you were commanding at
21 that time, approximately?

22 A. Those that were with me personally were up to four men.

23 Q. Mr Witness, were you in a position, at that time, to ask
24 more manpower for your unit?

09:34:51 25 A. Well, I said that is left to the commanders. You will not
26 request, but they will give it to you if they need you and the
27 manpower.

28 Q. Why did you at that time hold the rank equivalent to a
29 company commander? Please explain why? What was the reason that

1 you got that position?

2 MR HODES: I'm going to object, Your Honour. The testimony
3 was that he was a **xxxxx**, not a company commander.

4 MR KNOOPS: I said equivalent to company commander.

09:35:38 5 PRESIDING JUDGE: He said like. The interpretation was
6 "like a company commander," so the term the witness used directly
7 was **xxxx**. It was when you asked for a definition of
8 a target commander that term came up. He did not say it was
9 equivalent. He said it was like.

09:35:59 10 MR KNOOPS: I can rephrase my question.

11 Q. Mr Witness, why was it that you at that time hold the
12 position like a company commander? Why?

13 A. Well, they had trust in me, the commanders.

14 Q. And going back again to the question, what in your view the
09:36:38 15 target commander is about? I didn't recall that you answered
16 that question properly. If so, I apologise, but can I ask you to
17 inform us what you exactly mean with **xxxxx**.

18 MR HODES: I am going to object, Your Honours. He
19 explained it he suggested that it was somebody who controlled a
09:37:02 20 company of 100 to 200 men at that point, actually, Defence
21 counsel cut him off from explaining further. So I think he has
22 explained exactly what a **xxxxxxx** is.

23 PRESIDING JUDGE: The question has been asked, Mr Knoops,
24 and answered.

09:37:17 25 MR KNOOPS:

26 Q. Mr Witness, going back to the training you underwent is it
27 correct that this training you underwent at the RUF included
28 physical and ideological aspects; is that correct?

29 A. Well, that is what they said and that is what they did.

1 Q. Mr Witness, would you please explain what ideological
2 aspects you are referring to?

3 A. Well, the ideology they gave to me was what -- when they
4 said was to change the present political government that was in
09:38:29 5 charge at that time in 1991. So he said it was to fight him and
6 remove them from power so that RUF will take over the reins of
7 power.

8 Q. That was told to you or were you trained to implement that
9 ideology?

09:39:01 10 A. It was one of that.

11 Q. And the other aspects you're referring to? Were there
12 more, and if so, please explain to us what these aspects were?

13 A. Well, they said APC government at the time that was in
14 power, so in fact, it was a corrupt government that was depriving
09:39:45 15 the people of this country. So, in fact, it was a dictatorship
16 government. They had armed men that were guiding them when they
17 were doing that, so that is the reason why Foday Sankoh went and
18 arranged for our men to fight against those armed men that were
19 guiding the politicians to get rid of them.

09:40:20 20 Q. Do you recall, Mr Witness, that during this training in
21 ideological aspects, attention was paid to working together with
22 other organisational groups?

23 A. Well, during that time they did not tell us that, but
24 later, when we met with Pa Sankoh, he said those that you are
09:41:00 25 fighting that were soldiers, all of them had been deprived by
26 government. They were used in the same way I'm using you, but
27 one day you will all be together again. He had been telling us
28 that before.

29 Q. Mr Witness, yesterday you testified for the Court, page 86

1 of the draft transcripts. You testified that Mr Mosquito told
2 you -- it was at the end of your testimony yesterday. "And we,
3 the RUF, we had an objective before ever the AFRC called on us."
4 Do you recall making this statement yesterday?

09:42:14 5 A. The aim of what?

6 Q. My question is do you recall this statement you made
7 yesterday? Yes or no?

8 JUDGE SEBUTINDE: Mr Knoops, the witness did not make the
9 statement. He was quoting someone else. Maybe you better remind
09:42:31 10 him in the proper context.

11 MR KNOOPS: Thank you, Your Honour.

12 Q. Mr Witness, yesterday you --

13 MR HODES: I'm sorry to interrupt, but Your Honours, I am
14 limited in that I have not received my draft transcript yet. We
09:42:42 15 were having some printer problems. If anybody has an extra copy
16 or --

17 JUDGE LUSSICK: We don't have one ourselves. We're just
18 listening to the evidence as it unravels.

19 JUDGE SEBUTINDE: However, Mr Knoops, is right. The
09:43:03 20 witness did quote someone yesterday. I think it might have been
21 Mosquito or Foday Sankoh. I'm not quite sure, but he was quoting
22 someone. The witness was using those exact words.

23 PRESIDING JUDGE: Mr Knoops, can we have the page number
24 again, please.

09:43:44 25 MR KNOOPS: 87, Your Honour. By the way this quote was
26 also in my notes. If the Prosecution allows, I will just ask the
27 witness if he remembers --

28 PRESIDING JUDGE: We're just getting copies. Just pause
29 for one moment, please.

1 MR KNOOPS: Sorry.

2 PRESIDING JUDGE: Mr Knoops, I've got both page 86 and 87 -
3 they are not numbered - but I can't find it. Perhaps it would be
4 easier if you gave us --

09:45:34 5 MR KNOOPS: Your Honour --

6 PRESIDING JUDGE: -- just a moment. We found it now. I
7 found it. It is line -- rather my learned sister found it. Line
8 13.

9 MR KNOOPS: That's correct, Your Honour, and by the way it
09:46:05 10 took me also some time. The page numbers are on the right side
11 of the page. It is between the typed sentences. Do you see
12 here? It has the page number here. I discovered it this
13 morning. Sorry.

14 PRESIDING JUDGE: Mr Knoops, as has been noted, it may be
09:46:35 15 easier if you put it in the context.

16 MR KNOOPS: Yes, Your Honour.

17 Q. Mr Witness, yesterday you testified it was almost at the
18 end of your testimony about Mr Mosquito and you quoted him. You
19 recall quoting him yesterday? And we're speaking about, for your
09:47:03 20 guidance, in the period directly after the ECOMOG intervention in
21 February 1998. Do you remember quoting him yesterday?

22 A. Just after the ECOMOG intervention in Freetown we were in
23 Kenema, then we went to Daru.

24 Q. Yes, Witness, that is correct. May I put you -- before you
09:47:51 25 the quote you gave yesterday from Mr Mosquito. Please listen to
26 me and answer my question which will follow this quote. "And we,
27 the RUF, we had an objective before ever the AFRC called upon
28 us." Do you recall giving us this quote yesterday from
29 Mr Mosquito?

1 A. Yes, sir.

2 Q. Could you please explain us what -- if you have knowledge
3 on this, Mr Mosquito, meant with, "We had an objective before
4 ever the AFRC called on us." What did he mean by that?

09:48:52 5 A. Yes, the little thing you asked me that I explained, I have
6 it. Then I will explain to the Court. The plan that I said the
7 objective was, was for the RUF to capture the power on their own.
8 So at that time we were at the stage of realising peace, but --

9 THE INTERPRETER: Your Honours, can the witness be asked to
09:49:33 10 go over that peace of evidence. He is going too fast.

11 PRESIDING JUDGE: Just a minute, Mr Witness. You've
12 speeded up there. Could you talk a little slower and repeat the
13 last things you said.

14 THE WITNESS: Yes, sir.

09:49:58 15 PRESIDING JUDGE: The interpreter has to keep up you with,
16 you see.

17 THE WITNESS: He said, "We, the RUF, we had the objective
18 to capture power for ourselves" and now the leader of the RUF
19 movement who was Pa Foday Sankoh was under arrest. So we were
09:50:42 20 not to joke over it at all. Or give into anybody.

21 MR KNOOPS:

22 Q. Mr Witness, is it correct to say that this plan you talk
23 about of the RUF, or the ideological goal of the RUF existed long
24 before the AFRC came into play; is that correct?

09:51:24 25 A. Yes, sir.

26 Q. Is it fair to say that it was the ultimate goal of the RUF
27 to be in power, to be in control of the whole country; is that
28 correct?

29 A. Yes, sir.

1 Q. Isn't it so, Mr Witness, that Mr Mosquito was actually
2 quite happy that the AFRC was thrown out of Freetown; isn't that
3 so?

4 A. Yes, he was happy any way.

09:52:13 5 Q. You testified yesterday that you heard out of the mouth of
6 General Mosquito, I quote again from the transcript, page 87,
7 line 13. And Mr Witness, I will put my question to you in a few
8 seconds. "This AFRC they have finally been evicted from
9 Freetown." Mr Witness, when you heard Mosquito saying this to
09:52:41 10 you, did he show any regret for this, was he happy to say this?

11 A. Well, me, if Mosquito was happy or me -- say again.

12 Q. When General Mosquito told you that or, as you say, you
13 told us that, was he happy to hear that the AFRC was finally
14 being evicted from Freetown?

09:53:29 15 A. Very, very well. He was happy.

16 Q. Why do you think, Mr Witness, that he explicitly referred
17 to the AFRC as "this AFRC". What did he mean by that, the word
18 "this". Why didn't he say, "Our friends of the AFRC." Why did
19 he say, "this AFRC"?

09:54:12 20 PRESIDING JUDGE: Can the witness really answer that
21 question, Mr Knoops? Can he get into the mind of the other
22 speaker?

23 MR KNOOPS: Well, Mr Witness was present during this
24 conversation. I'm trying to find out in which context
09:54:31 25 General Mosquito expressed this -- I just heard that
26 General Mosquito was happy to hear this.

27 PRESIDING JUDGE: Very well. Then on that basis proceed
28 [indiscernible].

29 MR HODES: Your Honours, I would rise to object basically

1 on the same -- I would object also to the form of the question
2 because it is asking the witness to speculate on Mosquito's state
3 of mind. There are outward signs or other things that would
4 suggest what the state of mind might be, but also ask him to
09:55:09 5 speculate as to why Mosquito didn't use a certain word or say a
6 certain thing is clearly speculation.

7 MR KNOOPS: Your Honour, I can rephrase the question. I
8 think the objection is not valid because I'm merely trying to
9 find out from this witness why they used the words "this AFRC".
09:55:39 10 Let me put it a different way.

11 Q. Mr Witness, at that time when General Mosquito told you
12 that and the others, did he consider the AFRC no longer part of
13 his plans; yes or no?

14 A. Well, I never knew because he did not voice it out later,
09:56:11 15 but I saw when somebody is happy for something that had happened.
16 But he did not directly tell me that this is what I want to do or
17 this is my plan.

18 Q. Was it your testimony yesterday, Mr Witness, that General
19 Mosquito wanted to gain control over the whole area; is that
09:56:36 20 correct?

21 A. Area of what? You know, construct the sentence fine.

22 Q. For instance the area you were in at the time, Kenema?

23 A. He was in that area as a commander. I have been telling
24 you this before. Even when we left Kenema and went to Daru, he
09:57:28 25 was in control - the rest of the area.

26 Q. Mr Witness, was he at that time allowing any other
27 commanders from other groups to work with him?

28 A. To allow in the sense unless he will have to give a command
29 and you accept it. There was nobody to give command to him and

1 for him to accept at that time.

2 Q. Was he willing to share that control with other people?

3 A. Yes, that was what he said.

4 Q. How was he going to share that control? Because I believe,

09:58:28 5 Mr Witness, that shortly afterwards, or around that same period,

6 isn't it so that Johnny Paul Koroma was disarmed; is that

7 correct?

8 A. Well, they did not disarm him yet. We did not receive him

9 yet. He did not come to where we were when he said all of this.

09:58:57 10 Q. Okay. I'll come back to this topic later. Mr Witness, I

11 made this sidestep. I now ask your attention back to the period

12 you underwent training and you were graduated. In your testimony

13 yesterday you testified that you were part of Sankoh's Strike

14 Force; is that correct?

09:59:34 15 A. Yes, sir.

16 Q. Could you please explain what you mean by Sankoh's Strike

17 Force?

18 A. Yes, sir.

19 Q. Please do.

09:59:52 20 A. Well, according to what Pa Sankoh told me, he said the

21 strike force was part of his security, where he sat. If he is

22 sitting in a place like this, those that are around him, the

23 strike was commander and the manpower will be in place like

24 Kayama Road or the lodge. This is how they would deploy

10:00:33 25 themselves around him. So nothing would surprise him.

26 Q. Was this strike force authorised to kill people?

27 A. Yes, if you come to get rid of Pa Sankoh then the strike

28 force commander is around, they will not accept it. If it is a

29 fight, you will fight. Those that will die, will die. But he

1 will not say, "I will send you to go and kill that person. But
2 if you go there to kill him or to arrest him, they will fight
3 you."

4 Q. Did you need to have any authorisation to do that from your
10:01:26 5 commander?

6 JUDGE SEBUTINDE: To do what, Mr Knoops?

7 MR KNOOPS: To kill people.

8 Q. Were you authorised to kill without having any consent of
9 your commander?

10:01:42 10 A. No. No, no.

11 Q. What do you mean; no? No authorisation necessary?

12 A. Come again?

13 Q. You are saying that you didn't need any authorisation to
14 kill people in order to protect your commander; is that correct?

10:02:11 15 A. I'm not getting the translation. I'm not understanding.

16 Q. Mr Witness, is it your testimony that you did not need
17 approval of anyone to kill people?

18 MR HODES: Your Honours, I rise to object only because what
19 the witness has testified to is that he was authorised to kill,
10:02:41 20 to defend Foday Sankoh, and that he didn't have to ask permission
21 in those circumstances.

22 MR KNOOPS: I wasn't finished with my question, Your
23 Honour.

24 PRESIDING JUDGE: Let's hear the question completely and
10:02:54 25 then we will rule on it if there is a continued objection.

26 MR KNOOPS:

27 Q. Mr Witness, is it your testimony that you did not need
28 approval to kill people when it concerns the safety of your
29 commander; is that correct? Yes or no?

1 A. Well, you have already told me that where he would go to
2 sit, when somebody comes to kill him, you too kill him. He told
3 us that. So where I was, I was not waiting for any other order.
4 He is the leader. He has given us the command.

10:03:46 5 Q. So I believe this is a yes? Is the answer to the question
6 yes?

7 A. To guard him, yes.

8 Q. Mr Witness, is it correct to say that the RUF was having
9 special forces; is that correct?

10:04:13 10 A. Yes.

11 Q. Could you please explain what their function was?

12 A. They organised the RUF movement together with Foday Sankoh,
13 Charles Taylor and others. So they came, organised and captured
14 other people from Ivory Coast, Liberia and trained them in
10:04:58 15 Liberia. They called them the vanguards.

16 Q. Did these groups undergo separate training to be
17 distinguished from the normal RUF training; is that correct?

18 A. Well, it is the same RUF training, but they did it in a
19 different way.

10:05:32 20 THE INTERPRETER: Sorry, place. They did it in a different
21 place, Your Honours.

22 MR KNOOPS:

23 Q. Did these special forces have separate commanders or were
24 the commanders the same as the units you referred to earlier that
10:05:56 25 underwent training like you did?

26 A. Well, they were the executive members within the RUF. They
27 were given directives and organised everything that was going on
28 within the RUF.

29 Q. Is it your testimony that the command structure of the

1 special forces was the same as the command structure for, say,
2 the normal units; is that correct?

3 A. Well, they arranged us where they came from. According to
4 them, from Libya. They came with their ranks. They had ranks.

10:06:57 5 So by then we were captured and trained. We didn't have ranks.

6 THE INTERPRETER: Your Honours, can the witness go over
7 that last bit of his questions?

8 PRESIDING JUDGE: Just a moment, Mr Witness. Could you
9 please repeat slowly the last half of your answer.

10:07:32 10 THE WITNESS: I said they were trained, almost in Ivory
11 Coast -- I mean in Libya, so they had their ranks. Well, for us
12 from 1991 when we were captured, we were trained. We hadn't
13 ranks until 1994. We met with Pa Sankoh.

14 MR KNOOPS:

10:08:07 15 Q. Are you familiar with whether the Special Forces were
16 involved in the conflict in Sierra Leone in the periods
17 1994/1999? Do you know this?

18 A. Yes, because those whom I knew, there were two of them.
19 They left and they were members of the Special Forces. They

10:08:49 20 stayed until the end of the war. Until we were led to total
21 peace.

22 Q. Do you know which districts they fought?

23 A. Yes.

24 Q. Please tell us.

10:09:13 25 A. I saw some of them in Kailahun and I saw some where I
26 myself was in the ~~xxxxx~~ District.

27 Q. Mr Witness, did they wear separate uniforms or some
28 distinction to be recognised as the Special Forces; isn't that
29 correct?

1 A. Yes, they came with a full uniform and they said when they
2 had graduated from the training, that was that they were wearing.

3 Q. Can you please describe it for the Court how these uniforms
4 liked like.

10:10:05 5 A. That uniform had some black, green. It is like an American
6 camouflage.

7 Q. Mr Witness, in which way were these uniforms different from
8 the RUF uniforms, if so?

9 A. The RUF had no uniform. It was the commanders whom I saw
10:10:37 10 wearing the uniform, but if you're a civilian, when you're
11 captured and trained, you will be wearing the same civilian
12 clothes.

13 Q. So, Mr Witness, just for my understanding and please
14 correct me if I'm wrong, the RUF, you say, was dressed in
10:11:01 15 civilian clothes. Their commanders wore uniforms and these
16 Special Forces had these uniforms you just described with black
17 and the other colour you mentioned?

18 PRESIDING JUDGE: It was green.

19 MR KNOOPS: Green.

10:11:30 20 Q. Is this a correct summary of what you're saying?

21 A. Yes, in 1994 when I saw them, they were wearing camouflage,
22 the others were not wears camouflage, but that camouflage
23 identified them as the Special Forces.

24 Q. Mr Witness, are you familiar -- you just spoke about
10:11:52 25 Kailahun, were there other districts where the Special Forces of
26 the RUF were active, in the period I mentioned?

27 A. Well, I can't speak about Kailahun. What I saw in xxxx
28 is what I'm telling you.

29 Q. Any other districts that you heard of or were mentioned?

1 A. From 1991, those were the two districts that I heard of.

2 Q. Do you have any recollection -- which year exactly or which
3 period these Special Forces were enrolled in that district or the
4 other that you referred to?

10:12:51 5 A. Yes, when they entered in Pujehun, it was on the 23rd of
6 March 1991. That is when they entered in Pujehun District.

7 Q. Do you know how long the Special Forces stayed within that
8 district 'til which period?

9 A. Yes, they had been up there for up to two years, but later
10:13:35 10 we fought amongst ourselves and so many people died. The two of
11 them who survived, we killed them later. So in our own area
12 there were no Special Forces, it was only the Vanguard.

13 Q. I'm sorry, you're saying you killed these Special Forces.
14 Is that your testimony?

10:14:05 15 A. I said RUF killed them.

16 Q. What was the reason that the RUF killed these two Special
17 Forces?

18 A. Well, they raped, they killed, they harassed and even when
19 you're captured together with your family and you've been
10:14:34 20 trained, when you saw them doing those bad things and they would
21 go about saying when they captured you and they say you are from
22 the front line, if it was your sister, they would force you to
23 sleep with her. And when we saw those things as Sierra Leoneans,
24 we turned against them. The RUF turned against them. We
10:15:03 25 captured them and killed them.

26 Q. Did these forces, Special Forces have any of their
27 commanders present on the territory of Sierra Leone during the
28 periods 1991, 1999, as far as you know?

29 A. Yes, I know some of them, those whom I saw in Pujehun.

1 Q. Were you personally involved in the killing of these two
2 Special Forces?
3 A. Well, no. We discussed it at a meeting and there were
4 other commanders who were close to the Special Forces. They
10:16:14 5 themselves took the initiative and they acted accordingly.
6 Q. Mr Witness, have you any direct knowledge whether Special
7 Forces, other than the two you mentioned, were active during the
8 conflict in Sierra Leone, between 1991/1999?
9 A. Repeat the question.
10:16:52 10 Q. Do you know whether any other members of the Special Forces
11 were involved in the conflict between 1991/1999?
12 A. From 1991 to 1994 up to the end two of them survived. One
13 died and two survived and the other one died. I only knew one
14 who survived in Sierra Leone.
10:17:41 15 Q. Did Mr B have any dealings with these Special Forces?
16 PRESIDING JUDGE: I didn't hear the name.
17 MR KNOOPS: Mr B.
18 Q. Did Mr B have any dealings with --
19 PRESIDING JUDGE: I think it is Commander B.
10:17:59 20 MR KNOOPS:
21 Q. It is Commander B, yes. Let's, for the sake of argument,
22 Commander B, did he have any dealings with the Special Forces; as
23 far as you know?
24 A. Yes, he was one of the Special Forces.
10:18:25 25 Q. You're saying Commander B was a Special Force himself?
26 A. Well, that is what I knew. That is what he told me and
27 that is what I saw.
28 Q. Mr Witness, I recall your testimony yesterday that Mr -- or
29 Commander B was just an administrator involved in compiling

1 reports; is that so? Is that your testimony yesterday?

2 A. Yes, sir.

3 Q. Now you're saying he was a Special Forces member; is that
4 correct?

10:19:07 5 A. Yes, sir.

6 Q. Could you please explain to the Court why you testified
7 yesterday that he was just an administrator and now he's member
8 of the Special Forces?

9 A. Yes, sir. Relating to that issue, let me say he was a
10:19:30 10 Special Forces member, but even within the Special Forces
11 everybody had his own different job, which he did. You know
12 there were some men who were physical who fought with a group.
13 There were others who didn't fight but would administer. It was
14 like that.

10:19:53 15 Q. Did you ever see him in a uniform, I mean combat uniform?

16 A. Yes, he did wear uniform.

17 Q. Did you go to the same training, Special Forces training?

18 A. Well, no. I did a junior commander training. I didn't do
19 the Special Forces because they did it after Sierra Leone, but I
10:20:35 20 did mine in Sierra Leone.

21 Q. I'm speaking about Commander B, did he underwent Special
22 Forces training, as far as you know?

23 A. Well, yes.

24 Q. When?

10:20:54 25 A. Well, I can't tell you the exact time, because he had been
26 doing the training before they entered in Sierra Leone. That was
27 over three to four years before ever they launched the war in
28 Sierra Leone, so I can't tell you exactly when and how long it
29 took at the base.

1 Q. Was that before you became to know Mr B, Commander B; is
2 that correct?
3 A. Repeat.
4 Q. The training you are referring to Commander B underwent,
10:21:44 5 was that before you met him; is that correct?
6 A. He had had the training before I met him.
7 Q. How do you know he underwent that training?
8 A. Well, I did see and they told me that they underwent a
9 training. They were trained especially for the RUF.
10:22:18 10 Q. Who told you that, Mr Witness?
11 A. Commander B.
12 Q. You just said "They told me." Who are you referring to as
13 they?
14 A. Pa Sankoh told me. Commander B himself told me that all of
10:22:42 15 them trained together with Pa Sankoh and Charles Taylor.
16 Q. Why isn't it, Witness, that you didn't say anything about
17 this yesterday during your testimony?
18 MR HODES: Objection, Your Honours.
19 PRESIDING JUDGE: Mr Knoops, that is not a proper question.
10:23:01 20 MR KNOOPS: Sorry, Your Honour.
21 Q. Mr Witness, did you know at the time any of the commanders
22 of the Special Forces and, if so, could you please identify them
23 for us, unless of course it would --
24 A. Yes, yes. I did know, but in Sierra Leone the Special
10:23:45 25 Force commander who was here was the leader himself, Pa Foday
26 Sankoh. His deputy was Special Forces Rashid Sesay.
27 Q. So are you actually saying that --
28 A. Sorry, Rashid Mansaray, instead of Rashid Sesay.
29 Q. Are you saying that according to your knowledge the

1 commanders of the RUF and that of the Special Forces were the
2 same; is that your testimony?

3 A. Yes. They were Special Forces, yes, sir. They are the
4 ones I'm talking about.

10:24:36 5 Q. But I'm asking you is it correct to say that the commanders
6 of the RUF and those of the Special Forces were identical; is
7 that your testimony? Please answer the question with yes or no.

8 MR HODES: Objection, Your Honours. That is not his
9 testimony. His testimony was simply in response to this question
10:25:00 10 that those were the two commanders that he was aware of of the
11 Special Forces, and that is all. Not that they had the same
12 command structure or any or of the other names he mentioned
13 yesterday in terms of RUF commanders.

14 MR KNOOPS: Your Honour, I can rephrase the question in a
10:25:18 15 more general --

16 PRESIDING JUDGE: I think rephrasing would be appropriate,
17 Mr Knoops.

18 MR KNOOPS: Thank you.

19 Q. Mr Witness, do you know whether the commanders of the RUF
10:25:34 20 and those of the Special Forces were the same, or did they have
21 separate command structures, separate commanding officers? Do
22 you know what I mean?

23 A. Yes, sir.

24 PRESIDING JUDGE: Mr Witness, I do not know if that "Yes,
10:26:02 25 sir" means you are saying "Yes, I understand," or "Yes, do know
26 whether they had the command of the Special Forces and the RUF
27 were the same?" Could you clarify your answer, please.

28 THE WITNESS: Well, at that time the way I saw the command
29 was that the leader of the movement, Pa Foday Sankoh, said he was

1 the leader of the movement after the training from the base in
2 Libya. If they came in and captured any Pa, he should rule as
3 president. Then his deputy, Rashid Mansaray, who was -- whom he
4 said was his deputy, deputised him. There was the other one who
10:27:05 5 deputised CO Rashid, Mohammed Terawali, Zino. There was the
6 other one who came after Zino. That was Commander B. Commander
7 B deputised Zino. The person who deputised Commander B was
8 Patrick Lamin. That is what I knew about the structure of the
9 Special Forces when they initially entered the Pujehun area.

10:27:49 10 Q. Thank you, Mr Witness. Do you know whether the Special
11 Forces you talk about did share the same ideology as the RUF you
12 referred to during your testimony this morning?

13 A. Yes, they organised it. They organised it, so they were
14 doing everything. They organised it.

10:28:20 15 Q. Are you familiar, Mr Witness, with the fact whether these
16 Special Forces and the RUF jointly operated or did they operate
17 separately in military sense?

18 A. No, no. I said it was the same RUF. They programmed it.
19 They were fighting together. Only that we had changes in the
10:29:00 20 command, but everything was the same.

21 Q. Mr Witness, you recall making a statement to the Office of
22 the Prosecution on the 31st of January 2003 in Tongo Field. Can
23 you recall giving an interview in January 2003 in Tongo Field?

24 A. Yes, sir.

10:29:33 25 Q. Can you recall that you, during that interview, spoke about
26 the Special Forces? Is that correct?

27 A. Yes, I said so.

28 Q. Is it -- did you give that statement at that time
29 truthfully?

1 A. Yes.

2 Q. Mr Witness, I will put to you one sentence from that
3 statement on this specific area. It is page 7447, Your Honours.
4 The second -- the first and second sentence from above. 7447.

10:30:35 5 Mr Witness, I respectfully request you to listen to this phrase
6 and you will receive my answer [sic] afterwards. According to
7 this interview, you stated to the investigator at that time "The
8 military groups in the RUF were first the Special Forces."

9 Sorry, "The military groupings in the RUF were first the Special
10:31:10 10 Forces. Those initially trained in Liberia and the junior
11 commandos, including those captured and trained in Sierra Leone
12 during the war." My question pertains to the first part of the
13 sentence, "The military groupings in the RUF were first the
14 Special Forces."

10:31:34 15 MR HODES: Your Honours, again there is a transcription
16 problem. If you look at page 7434 of the statement, which was
17 done in handwriting at the bottom of that page, you'll see that
18 it says, "The military groupings in the RUF were first the
19 Special Forces, those were initially trained in Libya. Second,
10:31:59 20 the vanguard trained in Liberia." Which, unfortunately, is
21 completely left out of the typed portion. And then the junior
22 commandos.

23 [AFRC20JUL05B-SGH]

24 MR KNOOPS: Thank you for this remark indeed. But it
10:32:10 25 doesn't change my question, Your Honours, because the question I
26 was about to put to the witness pertains to the first part. I
27 see that this is apparently correctly translated, but I will use
28 the handwritten part on page 7434.

29 Q. Mr Witness, you speak about, "The military groupings and

1 the RUF refers to Special Forces," et cetera. Could you please
2 explain what you exactly meant with military groupings in the
3 RUF?

4 A. Well, maybe it was not well structured when I said that.

10:33:12 5 But I can still explain for you to understand. You know, the
6 RUF, from what they told us, that is the Special Forces, it was a
7 political military movement that they brought. Everything was
8 bound together. That is, they had the administrators and the
9 fighters, you see. So that is what it was.

10:33:47 10 Q. So, is it your statement the words, "the military
11 groupings" should be interpreted as military political groupings
12 or should we interpret --

13 JUDGE SEBUTINDE: Mr Knoops, quote the thing as it appears
14 in the statement. Don't take things out of context and confuse
10:34:03 15 the witness, it is really not fair.

16 MR KNOOPS: Sorry, Your Honour.

17 JUDGE SEBUTINDE: Please read -- don't paraphrase or
18 interpret the statement, read the quotation.

19 MR KNOOPS: Sorry, Your Honour, I will do.

10:34:14 20 Q. Mr Witness --

21 A. Yes, sir.

22 Q. -- if you could follow the quotation. Shall I read it
23 again for you?

24 JUDGE SEBUTINDE: You didn't read the quotation, that is
10:34:33 25 the point. After counsel opposite noted the errors, you didn't
26 read it again.

27 MR KNOOPS: Sorry, Your Honour, I will do.

28 Q. Mr Witness, I will read the original handwritten transcript
29 on this particular part. Please listen carefully and afterwards

1 answer my question. "The military groupings in the RUF were
2 first the Special Forces. Those initially trained in Liberia."
3 Libya.

4 PRESIDING JUDGE: Libya?

10:35:02 5 MR KNOOPS: Sorry, Libya. "Second, the vanguard trained in
6 Liberia and the junior commandos, including those captured and
7 trained in Sierra Leone during the war." Mr Witness, is it
8 correct that you refer here to three military units; is that
9 correct?

10:35:47 10 A. It's one unit, but all of them took different training in
11 different places. That is why the distinction was made in that
12 way. Those trained in Libya, the others trained Liberia and they
13 capture you here and you were trained. So it is like different
14 trainings at different places, but it is the same grouping.

10:36:21 15 Q. You didn't mention before the junior commandos. Were these
16 dressed in combat uniforms?

17 A. Well, no, except very much later when, for instance, you
18 went out to fight and find the camouflage, you take it and put it
19 on. But when you found one you would hand it over and if you are
10:36:53 20 allowed then you put it on. But if you are not allowed and you
21 put it on then you will be in trouble.

22 Q. Did you see members of the RUF wearing camouflage uniforms?

23 A. Yes.

24 Q. On how many occasions approximately?

10:37:37 25 A. Well, I did see them many a time when they wore camouflage.
26 Because apart from the Special Forces you, too, if you go out to
27 fight, up to the point when it reached 1994, RUF had camouflage
28 so they were putting it on. So they allowed them -- they allowed
29 any RUF to put on camouflage.

1 Q. Can you describe these uniforms? I am not speaking about
2 Special Forces now. I ask you to identify the camouflage
3 uniforms you have just referred to.

4 A. Yes, it is like the British camouflage. Others were --
10:38:45 5 that was used by the Sierra Leone military and there were others
6 used by the Guineans from Guinea. If it was possible and you
7 fight with them and you capture the place where the Guineans were
8 based and you find a camouflage, you can take it and put it on.
9 Those are the types of camouflage I am talking about.

10:39:05 10 Q. Is it correct, Mr Witness, that the RUF was sometimes also
11 using uniforms from the Sierra Leone Army?

12 A. Yes.

13 Q. On how many occasions did you notice this?

14 A. It is more than four years. Four years now. When RUF was
10:39:42 15 putting on camouflage just like that. That was rampant among the
16 RUF.

17 Q. Is it fair to say, Mr Witness, that the RUF was, as
18 soldiers, were they proud to wear uniforms to wearing camouflage
19 uniforms?

10:40:04 20 MR HODES: I am going to object, Your Honour, to the
21 witness being able to testify to what the entire RUF felt about
22 the use of uniforms.

23 MR KNOOPS: Your Honour, this Court has repeatedly allowed
24 hearsay evidence and I am asking the witness whether he heard
10:40:24 25 from colleagues that they were very happy to wear camouflage
26 uniforms for several reasons. Or otherwise, I can also ask it,
27 for the second question to the witness himself, if he felt it
28 that way. But I think my question is fair.

29 PRESIDING JUDGE: I am not happy about the way you framed

1 the question, Mr Knoops. You were saying "Were the RUF proud to
2 wear?" That is asking him for the emotional reaction of the
3 entire troop. If you are asking him on a hearsay, "Did you hear
4 them saying or indicating that they were proud to wear it?" That
10:40:58 5 is a more precise way. I would allow that type of question.

6 MR KNOOPS: Thank you. Much obliged. I will do so, Your
7 Honour.

8 Q. Mr Witness, did you --

9 A. Yes, sir.

10:41:12 10 Q. Sorry to come back to you again with this question.
11 Mr Witness, did you ever hear from your colleagues that they were
12 proud or happy to have the camouflage uniform while being in
13 combat?

14 A. Yes, some of them were saying it.

10:41:43 15 Q. And what was the reason that they were happy about that if
16 told to you by this particular colleague? In other words, what
17 was the reason for it?

18 A. Well, they were saying, some of them, that when they are
19 going out to fight, the soldiers with whom they are fighting,
10:42:15 20 wore the same camouflage. So if you wore camouflage it will be
21 very difficult for them to distinguish who a colleagues is, who
22 is an enemy, who is a soldier or an RUF. That is when you attack
23 them. So nobody would know. So, you know, that is what they
24 were saying that they were happy. That when they are going to
10:42:42 25 the front they should be given a camouflage. But that would
26 protect them more than when they are -- they were wearing
27 civilian clothes.

28 MR KNOOPS: Your Honour, my learned colleague on my left
29 side just told me that the quotation was that the witness said he

1 was fighting with instead of fighting against. Perhaps that
2 could be corrected if correct, of course.

3 PRESIDING JUDGE: Mr Interpreter, there appears to be some
4 question about what the witness said. I will ask the witness to
10:43:29 5 repeat his answer and please re-interpret. Please give us his
6 interpretation. Mr Witness, there is some question about what
7 you said or how it was interpreted. Could you repeat your
8 answer, please?

9 THE WITNESS: I said some were happy as they said that when
10:43:58 10 they were going out to fight, for instance, the soldiers they
11 were wearing the same camouflage. So if they wore the same
12 camouflage and go and fight against the soldiers, they would be
13 happy and they would be safe more than if they just wore ordinary
14 clothes when they go out to attack, they would identify them
10:44:30 15 easily than when they were wearing camouflage.

16 PRESIDING JUDGE: Mr Knoops, I have not interrupted you,
17 although I have been watching the time. We normally would take a
18 break about this time, but I wanted to ensure that you were
19 finishing that particular line of your cross-examination. Do you
10:44:54 20 have many more questions in this particular part of the
21 cross-examination or not?

22 MR KNOOPS: Your Honour, if the Court pleases, I could
23 finish this topic with just two questions.

24 PRESIDING JUDGE: I think that it would be neater to do
10:45:06 25 that. Please do so.

26 MR KNOOPS: Thank you, Your Honour.

27 Q. Mr Witness, did you yourself at any time wear a combat
28 uniform, a camouflage uniform, whilst you were in the provinces
29 you talked about yesterday?

1 A. No, I didn't wear it. But '96, '97, when I came to
2 Freetown, I started putting it on. Yes, I did wear it.

3 Q. Mr Witness, my last question on this topic: Did the
4 commanders of the RUF wear separate distinctions so that anyone
10:46:03 5 could see that they were commanders?

6 A. Yes, wherever -- wherever they went, as long as he is a
7 senior commander as soon as he enters they would know he is a
8 commander.

9 Q. How could you see that?

10:46:36 10 A. Well, like, if they came here you would see if it were
11 General Issa who's come in here you would see so many armed men,
12 more than 50 up to 60, they would be guiding him alone. And you
13 would see the dress -- if you are wearing camouflage, it would be
14 different, it would be neat. You know that he is a commander.

10:47:05 15 Q. Mr Witness, I don't recall that you said that you underwent
16 a training as an officer; is that correct? To be an officer in
17 the army; is that correct?

18 A. No, sir.

19 Q. For instance, how would you know that somebody who comes in
10:47:31 20 this room right now is a colonel, a general or a major? How
21 could you see that?

22 A. Well, commanders within the RUF we had known all of them.
23 In fact, if there is a promotion today, even as colonel -- Eagle
24 is promoted as colonel, everybody would know that he is a
10:48:05 25 colonel. Wherever he goes, when he has an insignia that would
26 show that he is a colonel or not, he will know that he is a
27 colonel.

28 Q. I see, Mr Witness, that you point to your shoulder; is that
29 correct? You just pointed to your shoulder while answering the

1 question.

2 A. Yes, a colonel would have insignia on his shoulder, like
3 the RUF wouldn't have that, but we would know that he is a
4 colonel because we had known one another. Like now that we are
10:48:36 5 in here, we have been seeing one another, we have known one
6 another. But when you see a government soldier, a colonel, you
7 would know straight away that he is a colonel because he has
8 something -- carry something that would identify him as a
9 colonel. But the RUF, it is only the manpower that he carries
10:49:01 10 that relating to your rank. And the manner -- the manner in
11 which he commanded, that would show that in fact this is a
12 colonel or this is a major.

13 Q. So, to make it clear, your testimony is that the RUF didn't
14 have these insignia on the shoulders?

10:49:22 15 A. No, they hadn't.

16 PRESIDING JUDGE: Is that -- are you onto another line of
17 questioning?

18 MR KNOOPS: No, this is my very last. I recall the remarks
19 Your Honours made yesterday to the Prosecution about the
10:49:43 20 arithmetic.

21 PRESIDING JUDGE: I was just about to repeat them about
22 your arithmetic.

23 MR KNOOPS: Yes. Very last question, Your Honour, if I
24 may.

10:49:53 25 Q. Mr Witness, how would you know when somebody is a colonel
26 or a commander or major or general; how would you know?

27 PRESIDING JUDGE: That is wide. Do you mean the RUF, the
28 Sierra Leone Army, the American forces?

29 MR KNOOPS: In general.

1 PRESIDING JUDGE: In general?

2 MR KNOOPS: Yes.

3 PRESIDING JUDGE: And in any armed forces?

4 MR HODES: Well, I rise to object because I think Your
10:50:19 5 Honour is absolutely right. We are talking and Defence counsel
6 has been questioning about two particular forces, the AFRC and
7 the RUF, not the American, British or French military. And what
8 he has testified to is that the RUF he knows, based on what he
9 knows because he knows of the commanders and the number of men
10:50:44 10 the commanders bring with them, and the AFRC, the soldiers had
11 insignias. That -- I think he has said that.

12 MR KNOOPS: Okay, I think that is fair. I will re-phrase
13 my question and that will be my very last one.

14 Q. Mr Witness, how are you able to identify a major or colonel
10:51:06 15 or general in the Sierra Leone Army?

16 A. Well, at that time when we had come to town in '97 when we
17 had joined them, that is when I knew the insignias that
18 identified a colonel-lieutenant, a colonel, a major. That's when
19 I knew.

10:51:24 20 MR KNOOPS: Thank you.

21 PRESIDING JUDGE: Thank you, Mr Knoops we will take a
22 mid-morning break and then counsel will continue his
23 cross-examination. Madam Court Attendant, please adjourn court
24 for 15 minutes.

10:51:43 25 [Break taken at 10.48 a.m.]

26 [On resuming at 11.10 a.m.]

27 PRESIDING JUDGE: I notice that counsel, Mr Fofanah is not
28 in court.

29 MS THOMPSON: Your Honour, I know that he went in the

1 direction of the office. I am sure he is on his way back.

2 PRESIDING JUDGE: Thank you, Ms Thompson. Mr Knoops, you
3 were in the course of your cross-examination. So please
4 continue.

11:13:38 5 MR KNOOPS: Thank you, Your Honour.

6 Q. Mr Witness, thank you again for --

7 A. Yes, sir.

8 Q. I would like to move onto a second subject pertaining to
9 your testimony yesterday.

11:14:02 10 A. Yes, sir.

11 Q. And I would like to ask some questions on the promotions
12 you talked about yesterday. You testified that you got several
13 promotions as of 1994 from second lieutenant to lieutenant
14 colonel; is that correct?

11:14:36 15 A. I didn't get you clearly.

16 Q. Mr Witness, you testified yesterday about receiving several
17 promotions as of 1994 from second lieutenant to ultimately
18 xxxxxx; is that correct?

19 A. Yes, sir.

11:15:07 20 Q. Why did you receive these promotions?

21 A. Well, I got them through being a xxxxxx. The others I
22 got from the front line.

23 Q. What do you mean by that? Please, could you explain what
24 you mean with the words "from the front line"?

11:16:06 25 A. Where the fighting took place. Where two enemies meet to
26 fight. That is where they called the front line.

27 Q. But I recall that you were at the same time a security
28 officer; is that correct?

29 A. Yes, sir.

1 Q. Is it your testimony that as security officer you were also
2 involved in the fighting; is that correct?

3 A. Yes, where fighting always takes place. They'll usually
4 send you there as a security. You go there to monitor to see
11:16:50 5 what they are doing. So, you, too, see what is happening. So,
6 you always go there. What you see you reported it. You have
7 time to talk to the fighters. All of that makes them to promote
8 you.

9 Q. Could you please explain what you mean with the words "the
11:17:28 10 fighters"?

11 A. The RUF fighters. Those that carry arms to fight. They
12 are the people we call fighters, the RUF fighters.

13 Q. Just to make it clear, you are not referring here to the
14 Special Forces; is that correct?

11:17:59 15 A. No, sir. They are not -- they don't usually go to the
16 front line. They send them, they go there. I am talking about
17 the junior commandos, those that were captured in Sierra Leone
18 and trained.

19 Q. In which way you yourself were involved in the fighting?
11:18:18 20 Could you please explain that?

21 A. That is what I have explained. I said my involvement in
22 the fighting. I was a security. I was with xxxxxx. I was
23 with xxxx. They too used to send me out to fight in
24 areas. They will say, "You are our security, go there and
11:18:55 25 observe". The commander that is in the field, the orders we give
26 to him if he implements them, whether in a good way or a bad way.
27 What you see you tell them. So that is that. It was like that.

28 Q. What I meant with my question, Mr Witness, is were you
29 yourself actually involved in fighting the enemy with arms?

1 A. Yes, I fought.

2 Q. What did you exactly do?

3 A. You asked me if I engaged in the fighting. I said yes, I
4 fought.

11:19:53 5 Q. Did this fighting include fighting civilians?

6 A. I was not fighting civilians, it was the government and the
7 soldiers that were defending the government. They were the
8 people I was fighting against. I was not fighting against
9 civilians.

11:20:30 10 Q. I believe yesterday you testified that you in Kenema were
11 present during looting; is that correct?

12 A. Yes, sir.

13 Q. Were you yourself involved in any of the events you have
14 described yesterday?

11:20:49 15 A. I saw them doing it.

16 Q. I am asking about yourself. Were you involved in any of
17 these events?

18 A. Well, yes. Yes. I also took a xxxx and went with xxxx
19 xxxx. I escaped with them from xxxx. I did it.

11:21:33 20 Q. Were you involved in any burnings of houses?

21 A. No. In xxxxxx, the time they vandalised there, they did
22 not burn a house there that I saw.

23 Q. Mr Witness, at that time you are speaking about in xxxx,
24 what was your rank? Were you already a xxxxxxxx; is

11:22:04 25 that correct?

26 A. No, sir. No, sir.

27 Q. What was your rank at that time?

28 A. Major.

29 Q. How, if so, many persons you were commanding at that time?

1 A. No, I was there as a security. I only had two armed men
2 with me. Sometimes two, sometimes three men. I was a security.
3 I was not a commander that was controlling a manpower. Manawa
4 was there who was a commander who was taking care of manpower.
11:22:57 5 Eagle, but I was just like a security.
6 Q. So you are saying that you were only in charge of two
7 people; is that your testimony? As a major, is that what you are
8 saying?
9 A. Yes, I had no assignment. My assignment was with -- was to
11:23:26 10 be with xxxxxx. I was not in the forefront to get manpower
11 to say this is my manpower, this a group of manpower that you
12 should control.
13 Q. How many security individuals Mr B had around him at that
14 time?
11:23:54 15 A. Mr B had up to 20 to 30 manpower that were guiding him.
16 Q. Did Mr B ever have more individuals as security officers
17 around him than 20 to 30; do you recall?
18 A. Well, no. What was on the number as a personal security
19 was up to 20.
11:24:34 20 Q. So, you are saying that 20 was the maximum; is that true?
21 A. Yes. Whether there were more than that, that was the
22 statistics given. It was that statistics, it was not supposed to
23 be more than that. That is what was on the record that were
24 supposed to be with commander B.
11:25:11 25 Q. Is it correct that you were the xxxxxx
26 xxx?
27 A. Yes, I was xxxxx.
28 Q. Mr Witness --
29 A. Yes, sir.

1 Q. -- you testified that you were promoted in 1997 to major
2 and after that to lieutenant colonel. I will put to you again
3 your statement given to the Prosecution. It is page 7450.

4 MR KNOOPS: I say beforehand, I didn't check the
11:26:19 5 handwritten transcript before putting this question on paper, but
6 I am referring Your Honours to page 7450, the second paragraph,
7 fifth sentence from above.

8 Q. Mr Witness, I put to you what you at that time said to the
9 investigator of the Prosecution. "Because people knew me as RUF
11:27:17 10 xxx I left Kenema and went to xxxx where AFRC and RUF
11 were still in control." Do you recall making this remark to the
12 Prosecution during your first interview?

13 A. No. No. I couldn't remember.

14 Q. Is it correct that - we are speaking about 1998 - at that
11:27:59 15 time you were still an RUF xxxxxx; is that correct?

16 A. '98, no.

17 Q. Can you please explain why it is mentioned in this
18 statement that people knew you at that time as an RUF xxxxxxxx?

19 JUDGE SEBUTINDE: Mr Knoops, it would help if you would put
11:28:40 20 that sentence in the context in which it is written because there
21 is a lot in that context that is not mentioned.

22 MR KNOOPS: Sorry.

23 Q. Mr Witness, I will, for your clarification, read back. I
24 will read the whole portion and please ask you to listen
11:29:08 25 carefully to the reading and afterwards I will put again a
26 question to you. I will quote from that statement. "Civilians
27 and sometimes even junior officers were arrested and made to mine
28 diamonds at Cyborg."

29 MR HODES: I rise only to correct Defence counsel. It says

1 junior soldiers, not junior officers.

2 MR KNOOPS: Sorry.

3 Q. "Civilians and sometimes even junior soldiers were arrested
4 and made to mine diamonds at Cyborg under gunpoint. Whilst in

11:29:52 5 xxxxx Fields Mosquito came one time and xxxxxx baling machine
6 because he said he wanted more machines for his own mining site
7 at xxxxx. This made me to be discouraged. I therefore left and
8 went to xxx and left on my own. I was there until the ECOMOG
9 intervention in 1998. Because people knew me as xxxxx I

11:30:32 10 left xxx and went to xxxxx where AFRC and RUF were still in
11 control." My question to you, Mr Witness, is can you recall
12 making this statement during your first interview to the office
13 of the Prosecution?

14 A. Well, I gave my -- but there are some part of it I believe
11:31:13 15 they did not actually put right. I was in xxxx. When Mosquito
16 xxxxx I spoke about it. I came back to xxxxxx. But at
17 that time I was a xxxx. So that person did not put it right
18 when he said a lieutenant. And I was in Kenema. I didn't go to
19 Daru. I didn't say that until when AFRC called Mosquito said we
11:31:49 20 should retreat. Then we all went together. For better
21 clarification, that was what I said.

22 Q. I believe, Witness, you testified that in 1997 you became a
23 xxxxx; is that correct?

24 A. It was not inxxxx.

11:32:26 25 Q. Mr Witness, I confront you with your testimony yesterday to
26 be found on page 13, Your Honours, of the transcripts, line
27 number 26 to 29. Mr Witness, yesterday you testified under oath
28 that answer -- sorry, question, line 25. "Q. What was your next
29 promotion, Mr Witness? A. 1997. Q. What were you promoted to

1 at that time, Mr Witness? A. He promoted me to xxx. Q. Who
2 promoted you to xxxxx? A. At that time Foday Sankoh." Et
3 cetera.

4 So yesterday, Mr Witness, you testified here under oath
11:33:16 5 that you were promoted to xxxxxx.

6 A. Yes.

7 Q. Now, are you telling the Court that you were promoted in
8 xxx and that at the time of 1998, after the ECOMOG
9 intervention, you were xxxxx. So, my question, Mr Witness --

11:33:44 10 MR HODES: Your Honours, I have to rise again. I have not
11 heard --

12 MR KNOOPS: Please may I finish my question?

13 MR HODES: There is a factual inaccuracy. I have never
14 heard this witness say that in 1996 he was promoted to a major.
11:33:59 15 That has never been his testimony.

16 PRESIDING JUDGE: Mr Hodes, are you referring to what he
17 has just answered or are you referring to yesterday?

18 MR HODES: Your Honours, actually I am referring to Defence
19 counsel's question just now, which referenced the witness to his
11:34:17 20 being promoted to major in 1996.

21 PRESIDING JUDGE: I have noted him. I understood him to
22 say "in 1997", this is a question, "He became major. A. No, not
23 '97." I didn't hear. Was '96 mentioned after that?

24 JUDGE LUSSICK: '96 was mentioned. I think his testimony
11:34:35 25 was that he was promoted xxxx.

26 THE WITNESS: Very good.

27 MR KNOOPS: Your Honours, I noted that the witness, when I
28 confronted him with this passage from statements, page 7450,
29 where he said to the Prosecution that people knew him as RUF

1 xxxxx, in the context of 1998 that he was xxxx.

2 PRESIDING JUDGE: That is what I have noted.

3 MR KNOOPS: And my question was, I think it was a fair
4 question, why the witness is saying this now whilst his testimony
11:35:23 5 yesterday was that in 1997 he was promoted to xxxxx. Now, this
6 is a rank which comes after captain, in my humble estimation, and
7 therefore I think I am allowed to confront the witness with this
8 discrepancy and ask him how he could explain this. His testimony
9 yesterday was clearly under oath.

11:35:46 10 JUDGE LUSSICK: I think we are talking at cross purposes.
11 I understood Mr Hodes' objection to be in fact that you put to
12 the witness that in 1996 he was promoted to a xxxxx. Now that is
13 not correct. But if you meant to put in 1997, then I think you
14 will have to ask the question again.

11:36:04 15 MR KNOOPS: Okay. Thank you, Your Honour.

16 Q. Mr Witness --

17 A. Yes, sir.

18 Q. -- you just heard that yesterday you testified that you
19 were promoted to the rank of xxx in 1997; is that correct? Do
11:36:31 20 you recall making that testimony?

21 A. Yes, sir. Yes, sir.

22 Q. It is correct that you just answered my question regarding
23 this passage from your statement by saying that at that time you
24 were an RUF captain. Do you recall making this statement?

11:36:56 25 A. Yes, sir.

26 Q. Do you agree that this reference relates to a period after
27 1997; is that correct?

28 MR HODES: Your Honours, I would just object to this
29 reference, only because the question is very broad at that point

1 and if counsel can specify which reference he is referring to in
2 the question I think that would help the witness answer the
3 question.

4 MR KNOOPS: My reference was clearly meant to be the
11:37:35 5 reference to the ECOMOG intervention in 1998.

6 PRESIDING JUDGE: Well, you actually said references to a
7 period after '97. That could be 2005. So I think something a
8 little more specific would be fairer to the witness.

9 MR KNOOPS: Okay.

11:38:00 10 Q. Mr Witness, in your statement to the Prosecution you said
11 that you were in xxxxx until the ECOMOG intervention in 1998; is
12 that correct?

13 A. Yes.

14 Q. In your statement you say that, "because people knew me as
11:38:35 15 RUF lieutenant, I left xxxx". Did you refer to the period of
16 1998?

17 A. I was -- I am talking about 1998. 1996, I was a captain.
18 Foday Sankoh sent me before he was arrested in Nigeria, he sent
19 in the recommendation that I should be a major. But by then

11:39:03 20 Mosquito didn't give it out. So during in '97 when I was with
21 him, before retreating, he promoted me to the rank of major.

22 Q. So, Mr Witness, you are saying that your statement made to
23 the Prosecution in January 2003 is not correct as far --

24 A. It is difficult when I said 1996 I was a lieutenant or '97.
11:39:46 25 I didn't give that.

26 Q. Mr Witness, you just answered the last question before the
27 morning break by saying that you are able to identify the ranks
28 of officers within the Sierra Leone Army; is that correct?

29 A. Yes, some of them. Those that were shown to me. Not all.

1 But I know so many of them.

2 Q. Could you please explain to the Court what the insignia is
3 of a second lieutenant within the Sierra Leone Army?

4 A. Yes, sir.

11:40:44 5 Q. Please do.

6 A. It is a single button on both sides of the shoulder. It's
7 a single button. That is a second lieutenant.

8 Q. What about captain?

9 A. It is three. The buttons are three that you will see that
11:41:11 10 they put together.

11 Q. You just said that you were shown the ranks; is that
12 correct.

13 A. Yes, sir.

14 Q. By whom?

11:41:34 15 A. By soldiers, the AFRC soldiers. And the other soldiers
16 that were captured in 1991 that they call ^ Amoyapeh. He showed
17 us those ranks.

18 Q. Mr Witness --

19 A. Yes, sir.

11:42:00 20 Q. Could you please explain to us what you mean with "an AFRC
21 commander". May I refresh your memory. Yesterday you answered
22 some questions of the Prosecution which were actually introduced
23 by the words "Were any of the AFRC commanders present?" So could
24 you please explain what you mean with the words "AFRC
11:42:26 25 commanders"?

26 A. Well, those that I saw, I saw the officers, like captains,
27 majors, so there were some meetings that we attended, they will
28 tell you these is an honourable, this sergeant, this is this. So
29 it was like that.

1 Q. Were you familiar with the respective appointments of these
2 AFRC commanders you refer to?
3 A. Yes, some of them.
4 Q. Was this told to you by others or did you hear it directly
11:43:25 5 from them?
6 A. Well, the AFRC told me.
7 Q. Could you please explain what you mean with "the AFRC"?
8 A. The AFRC government. Then, when I was with Commander B,
9 when we go to the army chief of staff, Kowas, he will shown them.
11:44:15 10 He will show some of the command structure within the RUF --
11 sorry, within the AFRC government. So that is how I came to
12 understand some of them.
13 Q. You just said that you heard things from the AFRC
14 government. Is it your statement that you directly spoke to the
11:44:41 15 AFRC government; is that correct?
16 A. Not the government. I said the officers, the senior
17 officers, who was the chief of army staff, Kowas. He explain
18 some of the structures, the command structures within the AFRC.
19 Q. How were you able to make a distinction between a senior
11:45:16 20 officer and a non-senior officer, Mr Witness?
21 A. Well, it was explained to me that from the rank of captain
22 upwards, lieutenant, full lieutenant are senior officers. You
23 see, corporals, sergeants are junior officers.
24 Q. Why was it explained to you?
11:46:00 25 A. Well, I was with Commander B and Commander B was one of the
26 senior commanders within the RUF that was there. So he used to
27 discuss with the army chief of staff when they are seated. The
28 army chief of staff, Kowas, would explain to him. So I was also
29 there, seeing and listening. That is how I came to know.

1 Q. You are speaking about ranks. Did you have any direct
2 knowledge of the appointments within the AFRC?
3 A. Well, yes. When I used to sit with them, when he
4 explained, I heard him.

11:46:59 5 Q. When was that? Which period do you speak about?
6 A. It was in 1997.
7 Q. Are you referring to the respective meetings you testified
8 yesterday about or do you refer to other meetings or
9 conversations?

11:47:31 10 A. It was during those meetings when we do attend them. It
11 was there mostly with C, Kowas. So most times I was there when
12 they discussed.

13 Q. So the answer is you refer to these meetings; is that so?
14 A. Repeat.

11:47:58 15 Q. Is it your testimony that you overheard these things during
16 these four meetings you spoke about yesterday, starting
17 Wilberforce Barracks?
18 A. No, it was that same meeting. It was not another meeting.

19 Q. Was it the first or the second meeting in Wilberforce
11:48:28 20 Barracks that you heard these things?
21 A. Well, I heard it -- I heard it at Wilberforce. Then some
22 commanders I was able to understand at the Youyi building through
23 introductions they made.

24 Q. So Mr Witness, is it your statement that during these
11:49:04 25 meetings or at least the meeting at Wilberforce Barracks, the
26 command structure was explained? Is that your testimony?
27 PRESIDING JUDGE: Command structure of what, Mr Knoops?
28 MR KNOOPS:
29 Q. Of the AFRC.

1 A. Yes. Yes.

2 [AFRC20JUL05C - CR]

3 Q. How many individuals were present at that meeting?

4 A. Yes. Commander B was there. The army chief of staff was
11:50:11 5 there.

6 Q. Well, Mr Witness, I'm sorry. I'm not asking you to mention
7 names. How many people, approximately, attended that first
8 meeting in Wilberforce Barracks in September 1997 that you
9 testified about yesterday?

11:50:40 10 A. That I know in that meeting, there were up to seven or
11 eight that I knew.

12 Q. I'm asking you not how many people of them you knew, but
13 how many people in total were in that particular room; ten, 20,
14 30?

11:51:09 15 A. There were over 50.

16 Q. Have you ever been to Wilberforce Barracks, Mr Witness?

17 A. Yes.

18 Q. Would you please describe that location? What does it look
19 like?

11:51:40 20 A. Which place, where the meeting was held?

21 Q. Yes, please.

22 A. Yes, it was at Wilberforce at the officers' mess. I know
23 the place.

24 Q. Do you know how many officers' messes Wilberforce Barracks
11:52:13 25 has?

26 A. Well, that is what I saw, and that is what I know of, it's
27 one.

28 Q. One? You say one; is that correct?

29 A. One officers' mess where the meeting was held, that is

1 where I know.

2 Q. Where was this meeting located on the premises of the
3 Wilberforce Barracks? Would you please indicate? I have no
4 objection if the witness makes a drawing on a piece of paper, if
11:52:58 5 there is no objection.

6 MR HODES: I will object. There is absolutely no
7 foundation this witness, who was an RUF fighter, has any
8 knowledge of Wilberforce Barracks to the extent that he could be
9 able to draw a diagram that would justify being evidence.

11:53:12 10 PRESIDING JUDGE: There's no real foundation for this
11 question, Mr Knoops. I have no idea if this witness took a tour
12 of the barracks; he went straight there; he was there for a
13 period or anything else that would indicate he knows the layout
14 of that place in order to answer that question.

11:53:32 15 JUDGE LUSSICK: I think he can say so if he doesn't know
16 the layout.

17 MR KNOOPS:

18 Q. Mr Witness, do you know the layout of Wilberforce Barracks?

19 A. Yes. It's the street that I don't know, because we are up
11:53:52 20 at Hill Station. There is a road going down to Bottom Mango going
21 down to Spur Road. It is on that street we have the officers'
22 mess, when you are going down on the right-hand side. Then we
23 have the hospital on the left-hand side.

24 Q. So you're speaking about an officers' mess at the right
11:54:25 25 side?

26 A. On the right. Yes, coming down from Hill Station -- no,
27 no, the lodge from OAU village, coming down, you have the
28 officers' mess on the right-hand side where we held the meeting.

29 Q. How many metres from the road, Mr Witness?

1 A. Well, I could not remember, but it was just like from here
2 going to the outside where the vehicle brings us from. So it is
3 just like that, from the officers' mess to the main road. It's
4 very short. You stay there and see if it's a clear place.

11:55:19 5 Q. You mean the outside of this building?

6 A. Yes. Where I alight from the vehicle to come here. It is
7 a very short place.

8 Q. Okay. Mr Witness, taking you back now to your testimony
9 that during the first or, at least, one of the meetings at
11:55:43 10 Wilberforce Barracks, the command structure of the AFRC was
11 discussed in your presence; is that correct?

12 MR HODES: Your Honours, I'm going to object at this point.
13 Defence counsel continues to refer this meeting taking place at
14 Wilberforce Barracks. What the witness has consistently
11:56:04 15 testified to is that the meeting was at the Wilberforce officers'
16 mess. I believe there is a clear distinction between the two.

17 MR KNOOPS: I didn't mean to make a distinction, Your
18 Honour. I think we are speaking about the same. I can rephrase
19 my question.

11:56:28 20 Q. Mr Witness, during this meeting at the Wilberforce
21 officers' mess, you say that the AFRC command structure was
22 discussed; is that correct?

23 A. According to the way they recommended, yes.

24 Q. At that meeting was there a command structure discussed to
11:57:13 25 be pursued between the AFRC and the RUF?

26 A. Not directly. I had the chart -- we had the chart. That's
27 why we knew. I said it was the way they recommended. Like, we
28 are inside there. Somebody was standing up and saying I am this,
29 then you would know him. The AFRC too was there, which in fact

1 was in our own office. When you go there, you see it, you see
2 the command structures.

3 Q. Was this the first time you heard about it?

4 A. Which of it?

11:58:12 5 Q. Of this command structure AFRC - and/or AFRC in combination
6 to RUF?

7 A. I heard about it. I told you I've seen it on paper
8 initially. But to say the one that they said this is this; that
9 this is the army chief of staff; this is the defence, it was in

11:58:41 10 that meeting I knew about it. But I had seen the command
11 structure before.

12 Q. You had seen it before, but my question is: was it the
13 first time that you heard that this issue was raised, that this
14 was discussed during a meeting?

11:59:11 15 A. Yes, sir.

16 Q. Mr Witness, do you recall that you gave additional
17 information to the Prosecution in April and in May 2005?

18 A. Yes.

19 Q. Do you recall giving the Prosecution any additional
11:59:51 20 information on the contents of this first meeting at the
21 Wilberforce officers' mess with respect to the issue of the
22 command structure?

23 A. Yes.

24 Q. What did you say? What was the additional information?

12:00:23 25 A. Well, it was about that command structure that I have
26 spoken about when I said this was the chairman for the AFRC; this
27 was the deputy; this was supposed to be like this. It was like
28 that. I don't really understand what you are trying to put
29 across.

1 Q. Did you give the Prosecution in April or May 2005 any
2 additional information regarding the contents of the first
3 meeting at the Wilberforce officers' mess in September 1997 with
4 respect to any command structure?

12:01:24 5 MR HODES: Your Honours, I'm going to object. If there is
6 a specific detail that was in the additional disclosure then, by
7 all means, Defence counsel can ask about that. This is such a
8 broad and general question. I think it is almost impossible for
9 the witness to answer.

12:01:49 10 PRESIDING JUDGE: Mr Knoops, if there is a specific
11 statement that is attributable to this witness, then it should be
12 put properly to the witness. I haven't located it yet.

13 MR KNOOPS: Your Honour, I agree. I was about to do that,
14 but before I was intending to do so, I was first seeking any
12:02:14 15 confirmation of this witness whether he at all gave additional
16 information to the Prosecution before putting that information to
17 the witness. I can refer Your Honours to page 8626, paragraph
18 15.

19 PRESIDING JUDGE: Yes, I have that before me. I'm just
12:02:53 20 checking that my colleagues have it. To return to what you've
21 said, I have recorded that when you asked him about giving
22 additional information to the Prosecution, his answer was, "Yes."

23 MR KNOOPS: So if Your Honours allow me, before I put this
24 to the witness I would like to ask him what this information was
12:03:18 25 about, according to his own recollection.

26 JUDGE SEBUTINDE: Mr Knoops, I don't think we will do it
27 that way. When you are raising a prior inconsistency, you quote
28 the statement that you put. You don't ask him to remember what
29 he said. You quote what you want to put to him, which, in your

1 view, is perhaps inconsistent. But you don't cross-examine him
2 on the memory of what he stated before. As far as I understand
3 the case put in place, you actually quote the statement to him.
4 You don't ask him to quote to you what he remembers telling OTP.

12:03:58 5 MR KNOOPS: Your Honour, I fully agree. But with all due
6 respect, before I am able to raise any prior inconsistency I
7 should ask if the witness has any additional information on the
8 subject.

9 JUDGE SEBUTINDE: He has said yes, as the Presiding Judge
12:04:17 10 has told you.

11 MR KNOOPS: All right. If the Court allows me to put one
12 question to the witness, namely, whether he knows what that
13 information was about.

14 JUDGE SEBUTINDE: Mr Knoops, I don't think we're
12:04:40 15 understanding each other. You have addressed the Court and said
16 you want to quote from page 8626, paragraph 18 [sic]; is that
17 correct?

18 MR KNOOPS: That's correct, Your Honour.

19 JUDGE SEBUTINDE: Then please quote that paragraph and put
12:04:55 20 the question to the witness, then whatever accompanied with
21 whatever question.

22 MR KNOOPS: Much obliged. Thank you, Your Honour.

23 Q. Mr Witness, again, I confront you with a line from -- it is
24 not a statement from you, I have to say. It's a document
12:05:13 25 containing additional information you provided, it says, in
26 April/May 2005. In paragraph 15, it reads as follows: "It is
27 not true that the AFRC/RUF arranged the command structure in this
28 meeting because the command structure was set up a long time
29 before."

1 For your information, Mr Witness, this refers to the first
2 meeting at the Wilberforce officers' mess, although the
3 additional information speaks about barracks. Mr Witness, can
4 you recall giving this additional information to the Prosecution?
12:06:11 5 A. Yes, sir. That is what I said. I said it was something
6 they had structured, that was the reason why the chart was there,
7 but for me to know who was in a particular position as it was
8 structured, it was in that meeting I knew about it through
9 individual recommendations when I knew that this was the AFRC
12:06:39 10 chairman; this was the deputy that should be with him; this was
11 the army chief of staff; this was the defence chief of staff for
12 AFRC. It was in that meeting. Even though I had been reading
13 it, the chart was there, it was in that meeting I started to know
14 the individuals. I have told you that.
12:07:07 15 Q. What do you mean by the words, "The command structure was
16 set up a long time before"?
17 A. The time AFRC took over, when Johnny Paul was made
18 chairman, he called his brothers who were RUF. When they came,
19 they formed a government, which was the AFRC. So we saw the way
12:07:41 20 the command structure was, the way they proposed it, so I saw the
21 paper.
22 Q. When was it and which location? First, when; When did you
23 see the paper?
24 A. That was in the same 1997, September when I came. Then I
12:08:15 25 saw General Issa. He gave to it ~~xxxxxx~~.
26 Q. This related to the paper where the command structure of
27 the AFRC and RUF was arranged; is that your statement?
28 A. Say it again.
29 Q. This paper you claim to have seen in September 1997 from

1 Issa Sesay, did that contain the command structure of the AFRC
2 and/or RUF, or the arrangements made thereto? Is that correct?
3 A. Well, I saw the paper that had the command structure. I
4 have told you that.

12:09:12 5 Q. Which command structure do you speak about, Mr Witness?
6 A. The AFRC command structure.
7 Q. So your testimony is that you saw the AFRC command
8 structure, but did you also see the structure of the AFRC and RUF
9 as arranged at that time, speaking about September 1997?

12:09:39 10 A. Yes, sir. Yes, sir. I have answered it.
11 Q. Did you later see any document on this particular issue?
12 PRESIDING JUDGE: Which issue?
13 MR KNOOPS: The arranged AFRC/RUF command structure.
14 THE WITNESS: Well, I did not see a separate paper. What I
12:10:29 15 saw was a paper. They had set it up. At the time when they
16 called upon Mosquito, Issa Sesay, Superman, CO Isaac, when they
17 came, they had formed that command structure before we entered in
18 September 1997. So I just saw the paper and the names and the
19 command structure that I could memorise, so that was it.

12:11:01 20 MR KNOOPS:
21 Q. Mr Witness, do you remember saying anything about this
22 paper during your interviews to the Prosecution?
23 A. I can recall I said it, yes.
24 Q. Were you asked to make a drawing, a diagram?

12:11:32 25 JUDGE SEBUTINDE: Mr Knoops, we have to interrupt. You are
26 going to the same methodology that we have overruled in the past.
27 If there is a specific matter that you want to raise to the
28 witness, please raise that. You cannot cross-examine him
29 generally on what he might or might not have said to OTP. You

1 know, that's not in the context before us.

2 MR KNOOPS: All right.

3 Q. Mr Witness, you recall that you were interviewed by the
4 Office of the Prosecution on a second occasion, namely

12:12:15 5 26 February 2003. Can you recall that interview?

6 A. Yes.

7 Q. Do you remember where that interview took place?

8 A. Yes.

9 Q. Where?

12:12:32 10 A. In Freetown here, at Spur Road.

11 Q. Mr Witness, I would like to put to you page 66 of that
12 interview.

13 MR KNOOPS: Your Honours, that's in the footnote of the
14 additional -- it's the page from the binder 7518, transcript
12:13:21 15 page 66 and it's referred to in this particular paragraph 15.

16 JUDGE SEBUTINDE: Kindly repeat the Registry page number,
17 please?

18 MR KNOOPS: 7518.

19 Q. Mr Witness, I put a certain portion of that interview
12:13:57 20 before you, starting from the seventh sentence from below.

21 Question: "When you went to this meeting, where was the meeting

22 at?" Answer: "Well, the first meeting was arranged how to

23 work." Question: "Yes, but where was it at?" Answer:

24 "Together with two force - how the two force can work."

12:14:57 25 Question: "Okay, how the two forces can work." Answer: "Yeah,
26 the two forces. Because the RUF and the soldiers would meet
27 together how the command structure would be. There they arranged
28 this, the command structure; how to walk hand in hand, that there
29 be no problems."

1 Mr Witness, can you recall making this statement to the
2 investigators of the Prosecution?

3 A. Yes, that's what I said.

4 Q. Can you recall that you, during this interview, mentioned a
12:15:53 5 paper?

6 A. I didn't talk about that, but the question that he asked me
7 was what I answered, that the command structure had been formed.
8 It was just an arrangement and relating to how they should come
9 together and do things in common, but they had structured the
12:16:21 10 command structure before that.

11 Q. What was the reason for you, Mr Witness, not to mention
12 this paper you mentioned today?

13 A. Well, they didn't ask me that question.

14 Q. Who asked you that question, sorry? Could you please
12:16:45 15 explain what you mean by this?

16 JUDGE SEBUTINDE: He said he was not asked the question.

17 MR KNOOPS: Sorry.

18 Q. Was there any reason for you not to mention that paper
19 yourself?

12:17:08 20 PRESIDING JUDGE: I don't think that is a proper question,
21 Mr Knoops. He has said, "They did not ask me." Therefore, you
22 are asking him -- are you asking him basically is he withholding
23 information or what, because that is not a proper question to put
24 to the witness.

12:17:23 25 MR KNOOPS: My question is merely what was the reason for
26 this witness not to mention that paper himself outside any
27 question from the --

28 JUDGE SEBUTINDE: Has he not answered that? He said he was
29 not asked about the paper. Are you saying that is an untruthful

1 or incomplete answer?

2 MR KNOOPS: No. My question is without being asked about
3 it, what was the reason for the witness not to raise that paper
4 himself, not to bring that paper himself.

12:17:55 5 JUDGE SEBUTINDE: Mr Knoops, what kind of a question is
6 that? This is an interview where the witness was answering
7 questions put to him. He's told you he wasn't asked, so he
8 didn't answer referring to it.

9 MR KNOOPS:

12:18:20 10 Q. Mr Witness, I will return to these meetings at a later
11 stage of my cross-examination, but will regain the initial line
12 of questioning. After going through the training, your
13 promotions, I believe you testified yesterday that in May 1997 a
14 coup took place; is that correct?

12:18:49 15 A. Yes.

16 Q. You testified further yesterday that Sierra Leonean
17 soldiers who were in Freeport at that time supported the coup.

18 A. Yes, in Monrovia.

19 Q. How did you know this?

12:19:23 20 A. Well, we too came to them. If it was anything, they will
21 tell us directly. For instance, CO Rashid, who was the adjutant,
22 told us that they support and are happy their brothers have
23 overthrown the government. So, in our presence, myself and
24 Commander B, he said that. So I knew that they were supporting
12:19:50 25 it and I was there when they communicated directly to Freetown to
26 Mosquito, and they spoke, Commander B and Mosquito, so I knew
27 they were in support.

28 Q. Did you have any direct contact with these soldiers before
29 you were introduced to Captain Rashid by Mr B?

1 A. No, I had no contact with them. I knew they were there,
2 but I hadn't any contact with them.

3 Q. You got that information through Captain Rashid?

4 A. Yes, sir.

12:20:43 5 Q. And Captain Rashid informed you that the soldiers were
6 supporting the coup; is that correct?

7 A. Yes, he said they were in support of the coup. They, the
8 soldiers who were there, were in support of their brothers. He
9 said so. Their brothers, the soldiers, who had overthrown the
12:21:08 10 government.

11 Q. Did you meet any of the SLA soldiers other than Captain
12 Rashid at that time in Freeport?

13 JUDGE SEBUTINDE: Did you say SLA soldiers?

14 MR KNOOPS: Yes.

12:21:24 15 THE WITNESS: I saw them, but I didn't know them. There
16 were many there.

17 MR KNOOPS: I did indeed say SLA, Your Honour.

18 JUDGE SEBUTINDE: Were these SLA soldiers or SLA
19 peacekeepers in Monrovia? There is a difference, in my
12:21:37 20 understanding. So I don't know, was his testimony before Sierra
21 Leonean peacekeepers in Monrovia, which is distinct from Sierra
22 Leone Army?

23 MR KNOOPS:

24 Q. Mr Witness, did you meet, aside from Captain Rashid, any
12:22:03 25 other SLA peacekeepers there in Freeport at that time?

26 A. I did see them, many of them, who were there, but I didn't
27 know them. It was only the commander that I knew something
28 about. I did see many of them.

29 Q. In my perception, there is a difference between seeing and

1 speaking to them. Did you actually speak to them? Did you meet
2 them in person, referring to any other SLA peacekeepers other
3 than Captain Rashid?
4 A. No.

12:22:50 5 Q. Did you know any of the SLA soldiers - I'm not speaking now
6 about the peacekeepers, I'm speaking about SLA soldiers. Did you
7 know any of them prior to the first meeting you testified on
8 which took place in your testimony at the Wilberforce officers'
9 mess in xxxx?

12:23:18 10 A. Apart from those whom I saw in xxxxx, except in Freetown
11 here where I saw them. Among them, I know some.

12 Q. Could you please mention exactly the SLAs. I'm not
13 speaking now about peacekeepers, but SLA soldiers in general.
14 You knew before the first meeting in xxxxxx at the

12:23:59 15 Wilberforce officers' mess. Please name them.

16 A. I did meet with a lot of them, but I didn't know their
17 names. Those whose names I know were like Bolo, he was a soldier,
18 an SLA. There was the other one, the army chief of staff. He,
19 too, was a soldier. Those are the people I knew by name. I did

12:24:48 20 see many of them, but I didn't know their names.

21 Q. Can you recall any other names aside from these two?

22 A. Well, I came to know them in Freetown. Is that what you
23 are asking me about?

24 Q. No, I'm asking you before you came to Freetown.

12:25:28 25 A. Well, no. Apart from that, I didn't know any other one.

26 Q. You testified yesterday that you did not know about the
27 duties of Mr Eddie Kanneh; is that correct?

28 A. Yes, sir. I didn't know it.

29 Q. Speaking about the periods before the first meeting at the

1 Wilberforce officers' mess, September 1997, were you familiar
2 with any duties within the AFRC?

3 A. Say that again?

4 Q. Were you familiar with the duties of any of the AFRC
12:26:25 5 members before the meeting in Wilberforce officers' mess in
6 September 1997?

7 A. Yes. Before that time, I knew that when I came, for
8 instance, Eddie Kanneh, he was not a soldier, but he was part of
9 the AFRC so when he was made the resident minister. That's why
12:26:52 10 when you asked me if I had known any other soldier before that
11 meeting, I didn't answer, but I knew that that was the question
12 you were coming to ask. He was not a soldier, he was a civilian,
13 but he was a member of the AFRC and he was made the resident
14 minister. I met with him in xxxx before I came here in
12:27:11 15 Freetown.

16 Q. I'm asking you specifically about the duties or assignments
17 of the respective members of the AFRC, not whether they were a
18 member, as such, of the AFRC, but what their position was and
19 their function was. I'm asking you whether you were familiar
12:27:34 20 with any of these functions, tasks, whatever you call it, before
21 that first meeting at the Wilberforce officers' mess.

22 A. Yes, I did know. For instance, Eddie Kanneh, I knew he was
23 the resident minister for the east. They just said that all
24 their administration in the east should be headed by him, so I
12:28:09 25 knew that before I came here.

26 Q. In addition to Eddie Kanneh, any individuals?

27 A. Yeah, like Mosquito, Sam Bockarie. He himself was a member
28 of the AFRC.

29 Q. You also mentioned yesterday the army chief of staff,

1 Kowas; is that correct?

2 A. Yes, that was in Freetown here.

3 Q. Were you familiar with his exact function?

4 A. I didn't know exactly. All I know is he was in charge of
12:29:13 5 this military. Whatever command came from defence would drop
6 down to the army chief of staff for the soldiers, that's what I
7 knew.

8 Q. Yesterday you were speaking about meeting Mr Kati, that he
9 was an AFRC soldier; is that correct?

12:29:46 10 A. Yes, sir.

11 Q. You also mentioned in your testimony yesterday that at a
12 certain moment he was a soldier, mentioning him without the word
13 "AFRC"; is that correct?

14 A. Say that again.

12:30:11 15 Q. You mentioned yesterday the person Mr Kati, once as an AFRC
16 soldier and on another occasion as a soldier. Can you remember
17 that statement yesterday?

18 A. He was an AFRC soldier. He was a soldier, but he was an
19 AFRC soldier. It was the soldiers who brought the coup and --
12:30:43 20 whenever I say soldier and AFRC soldier, to my knowledge, they
21 are the same. It's the same.

22 Q. How did you know that Mr Kati was the member of the AFRC?

23 A. Well, it was AFRC that was ruling. They've taken over and
24 they were in Togo, and there was somebody who was a commander in
12:31:07 25 the AFRC, so he's an AFRC. That's how I knew he was a member of
26 the AFRC because he had a group under the AFRC that he was in
27 control of.

28 Q. How do you know that he had a group under his control
29 belonging to the AFRC?

1 A. I saw him in Tongo. All the soldiers who were there, he
2 was in control of them.

3 Q. How did you know that all of them belonged to the AFRC?

4 A. Well, they will be under the same command. If one captain
12:32:06 5 says he wants to see all the soldiers, everybody will go there
6 and they will say that. So they were taking the same order, the
7 order from the same captain, everybody. So I came to know that
8 they were cooperating among themselves; they were doing things in
9 common.

12:32:25 10 Q. You testified furthermore with respect to Captain Kati that
11 he was in charge of a whole company, RUF and AFRC; is that
12 correct?

13 A. Yes, sir.

14 Q. How did you know this?

12:32:47 15 A. Well, I saw it in Tongo. Just like I have told you, the
16 soldiers who were there who were AFRC soldiers, the RUF, all of
17 them were doing the same work, the same command. They were
18 obeying the same command from the captain.

19 Q. Did you know any of the RUF soldiers at that particular
12:33:17 20 moment in that particular place?

21 A. Yes, sir.

22 Q. How many of them did you know?

23 A. Many. Those whom I knew, about three to four. There were
24 many. Those whom I knew, but I could only name three or four for
12:33:46 25 you to know. Can I go ahead?

26 Q. What do you mean, go ahead?

27 A. Well, you asked me if I knew any RUF soldiers. I said yes.

28 Q. You spoke about a company. Can you explain, please, how
29 many people comprise a company? How many people in your company,

1 in your few?

2 A. Well, it was many. But when you know that two people have
3 come together, it was large, but it comprises 240 manpower -
4 soldiers.

12:34:45 5 Q. This particular company, Mr Witness, you spoke about, which
6 was, in your view, under the control of Captain Kati, how many
7 soldiers did it comprise?

8 A. There were many. I didn't count them.

9 Q. Many? Do you mean more than ten, 50, 100; can you give us
12:35:34 10 a rough estimation?

11 A. More than 200.

12 Q. You say three of them you knew personally from the RUF; is
13 that correct?

14 A. Yes, sir.

12:35:51 15 Q. Did you know any other members of the RUF, other than these
16 three, were part of that company?

17 A. Yes, there were many whose names I wouldn't know.

18 Q. Did you know at that time any of the AFRC soldiers which
19 were part of that company?

12:36:40 20 A. Yes, I knew some. There were so many. I knew some.

21 Q. How many did you recognise?

22 A. Up to two or three.

23 Q. So, Mr Witness, it's fair to say out over 200 soldiers
24 which were part of that company, you, in total, recognised five
12:37:29 25 individuals: three of the RUF, two of the AFRC; is that correct?

26 A. I know many, but I can only call those. I told you there
27 were many, but that is what I can account for.

28 Q. So the answer is yes?

29 A. Yes.

1 Q. Thank you. Mr Witness, you testified yesterday that a
2 certain Mr Eagle was next to Captain Kati; is that correct?
3 A. Yes, sir.
4 Q. Furthermore, you testified yesterday that this is what you
12:38:31 5 saw; is that correct?
6 A. That was what I saw, yes.
7 Q. What did you see?
8 A. I saw the commander was there. I saw the command
9 structure. I saw captain who was taking care as the commander,
12:38:59 10 Yamao Kati and I saw Eagle, who was deputising him. That is what
11 I saw.
12 Q. Could you please explain to the Court how you could see
13 that somebody is deputising another? How could you see it?
14 A. Yes, sir. For instance, as we were in here, we were under
12:39:33 15 the judges - or each time they come, we would pledge our honour
16 to them. It's the same thing. When Yamao Kati comes, I will see
17 Eagle pay loyalty to him, so in fact, I knew that he was more
18 than Eagle.
19 Q. Didn't all the soldiers pay the same honours to Captain
12:39:54 20 Kati?
21 A. Say that again.
22 Q. Didn't all the other soldiers pay the same honours to
23 Captain Kati?
24 A. Yes, everybody.
12:40:23 25 Q. So how were you able to say that Eagle was deputising
26 Captain Kati based on what you just said, namely he was paying
27 honours to him?
28 A. Sometimes when we were sitting down, captain would pass
29 orders to Eagle, saying go and tell the MP the soldiers should

1 assemble. When they assemble, I would see it was he who would
2 construct everything and wait for Yamao captain. When Yamao
3 captain comes, he would put us to attention and hand everybody
4 over to Yamao captain. So by virtue that we know that the Yamao
12:41:11 5 captain is senior to Eagle and Eagle is deputising him, because
6 he hands over everything to Yamao captain in the presence of
7 everybody, and we did see that.

8 Q. Mr Witness, were you a member of the company?

9 A. Well, I was a security when I just went there, but I was
12:41:34 10 not assigned there permanently as a soldier.

11 Q. Was Mr B involved in this company?

12 A. No, no, no.

13 Q. You're saying that you attended a meeting, or you were
14 present during a conversation between Captain Kati and Mr Eagle;
12:41:59 15 is that correct?

16 A. Yes, I was present when they were talking.

17 Q. What was the reason for you to be there? You were not a
18 member of the company, xxxxxx. What was the
19 reason for you to attend their conversation?

12:42:29 20 A. Well, the person with whom I was in control, that was
21 Mosquito, so I was with him when I went there. I was like any
22 security. I would give information to Mosquito at that time when
23 Commander B is absent. So, whenever commanders are sitting
24 together with them, I would have the opportunity to sit by them.

12:43:04 25 Q. So it's your statement that you were there to secure
26 Mosquito; is that correct?

27 A. Well, I was there to do my mining personally, but if there
28 was any problem for Mosquito, I would have informed him. But I
29 was there purposely to find my living and my family in the

1 meantime, because I didn't belong to that company.

2 Q. Was Mr Mosquito present during the conversation you
3 referred to between Captain Kati and Mr Eagle? Was he there?

4 A. No. No.

12:43:57 5 Q. Please tell us, what was for you, then, to attend that
6 meeting, or this conversation?

7 A. Well, it was not a personal meeting like they were in a
8 house. The only time that I attended was when we sat at the
9 secretariat. That's why I knew, you know. Mosquito was not
12:44:31 10 there, but I had access, just like I have told you to go and meet
11 with them whenever, to sit with them and discuss with them.

12 Q. Was this, Mr Witness, the only occasion you were present
13 during the conversation between Captain Kati and Mr Eagle?

14 A. Yes.

12:45:11 15 Q. Is it your statement today that, based on this conversation
16 between Captain Kati and Mr Eagle, you concluded that Mr Eagle
17 was the deputy of Captain Kati; is that correct?

18 MR HODES: Objection, Your Honour. The witness explained
19 thoroughly how it is he knew that Major Eagle or Captain Eagle
12:45:37 20 was the deputy to the captain that was present.

21 MR KNOOPS: I don't believe, Your Honour, that the
22 witness --

23 PRESIDING JUDGE: He referred to the soldiers paying honour
24 and you asked him further, "So can you say why they were
12:46:01 25 deputised?" He has answered that question. There is other
26 elements to his evidence relating to whether Eagle was a deputy
27 or not. That is not the sole part of that evidence, Mr Knoops.

28 MR KNOOPS: I agree, Your Honour, but I was trying to
29 establish any distinctions between the element of just paying

1 honours to a commander and the specificities of qualifying
2 somebody as a deputy. In this regard, I only heard from this
3 witness that he was once present during conversation.

4 PRESIDING JUDGE: But the question you have put to him is:
12:46:44 5 "Are you saying today because of that conversation Eagle was the
6 deputy to Kati?" The objection made, and the evidence opposing
7 it is that there were other elements. I do not think it is fair
8 to put that as a sole element for his knowledge.

9 MR KNOOPS: Much obliged. I'll move on.
12:47:06 10 Q. Mr Witness, you testified yesterday about a PL02 in Tongo.

11 PRESIDING JUDGE: If you are moving to a whole new part of
12 your cross-examination of the evidence, I note the time. You, of
13 course, are at liberty to complete or go on, but if it is a whole
14 new field, this may be an appropriate time to adjourn, Mr Knoops.
12:47:31 15 You can indicate.

16 MR KNOOPS: Thank you, Your Honour, I believe it is
17 probably the right moment to adjourn. I'm now moving on to the
18 issue of Tongo. I was anticipating to finish today, but it's my
19 estimation that the way questions are put and answered, that I'll
12:47:56 20 probably need at least tomorrow morning, and perhaps tomorrow,
21 the whole day, for cross-examination.

22 PRESIDING JUDGE: In the circumstances, in the light of
23 your indication, Mr Knoops, it would be appropriate to adjourn
24 now and allow you to commence this new field of cross-examination
12:48:24 25 tomorrow.

26 MR KNOOPS: Your Honours, I don't want to burden the
27 patience of the Chamber longer, but there is a mutual request of
28 Defence and actually supported indirectly by the Prosecution, and
29 I'm speaking for all the Defence counsel, whether the Court could

1 perhaps consider, in light of the pace of the trial, whether the
2 Wednesday could perhaps be reserved for the whole day for
3 preparations instead of only the afternoon. Now, I realise this
4 is quite, perhaps, an extraordinary request --

12:49:11 5 PRESIDING JUDGE: I must not pre-empt anything, but we will
6 consider it, because there are other matters. I will certainly
7 consider it. We will discuss it as a Bench.

8 MR KNOOPS: Thank you.

9 PRESIDING JUDGE: What do you have in mind, so I am clear
12:49:23 10 entirely, is all of Wednesday? Have you considered other
11 options, that's why I question you.

12 MR KNOOPS: Ms Thompson indicated already that we should
13 consider Friday.

14 JUDGE LUSSICK: Are you saying Wednesday and Friday?

12:49:43 15 MR KNOOPS: No.

16 PRESIDING JUDGE: Perhaps in the circumstances, could I ask
17 you to liaise with the Prosecution, formulate what you are
18 putting forward so we are quite clear what it is and allow us to
19 consider it, and if it is possible to have it within even the
12:49:58 20 next hour or so.

21 MR KNOOPS: Thank you, Your Honour.

22 PRESIDING JUDGE: I appear to be getting slightly
23 difference versions of this and I would like to have them clear.

24 MS THOMPSON: Your Honour, if I might say something. We
12:50:09 25 were putting forward an alternative. The issue is a day off in
26 the week, and it depends which is convenient for the Bench.

27 PRESIDING JUDGE: I'm grateful for that clarification. As
28 I said, if you could formulate that for us, just one or two
29 lines, and it will allow us to discuss it clearly together. I

1 would appreciate if the Prosecution would give us an indication
2 on their views of such a proposition. I would be particularly
3 grateful to have it as soon as possible as today is a day that we
4 meet. In the light of that, I will, first of all, remind the
12:50:45 5 witness of his oath and we will adjourn.

6 Mr Witness, today is a half day. We do other things in the
7 afternoon. Therefore, we will not be starting to hear further
8 evidence from you until tomorrow morning. As I've told you
9 yesterday, between now and the time that you finish all of your
12:51:04 10 evidence, you should not discuss your evidence with any other
11 person. Do you understand me?

12 THE WITNESS: Yes, sir.
13 [Whereupon the hearing was adjourned at
14 12.47 p.m. to be reconvened on Thursday, the
12:52:13 15 21st day of July 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-045 2

CROSS-EXAMINED BY MR KNOOPS 2