

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

THURSDAY, 21 JULY 2005
9.23 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:

Ms Lesley Taylor
Mr Jim Hodes
Ms Shyamala Alagendra
Ms Maja Dimitrova (Case Manager)
Ms Susanne Mattler

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 [AFRC21JUL05A-SGH]

2 Thursday 21 July 2005

3 [Open Session]

4 [The accused Brima, Kamara and Kanu present]

09:24:27 5 [Witness entered court]

6 [Upon commencing at 9.23 a.m.]

7 PRESIDING JUDGE: Good morning. Before I remind the
8 witness of his oath and we continue with the evidence, I want to
9 give a ruling following an application yesterday. This is the
09:27:10 10 unanimous views of the Bench on that application.

11 [Ruling]

12 PRESIDING JUDGE: We have considered the oral and
13 written application for one non-sitting day per week by the
14 Defence and the Prosecution reply. Whilst we are conscious of
09:27:31 15 counsel's responsibility and need to prepare, we do not consider
16 it would uphold the Court's duty to ensure a fair and expeditious
17 trial to have one whole non-sitting day instead of the present
18 half day.

19 However, also considering the accused's rights under
09:27:56 20 Article 17(4)(b) of the Statute, we will reduce the daily
21 afternoon sitting time from the present 2.15 to 5.00 p.m. to 2.15
22 to 4.00 p.m. and eliminate the afternoon break. We will also
23 consider any application for extra time to prepare if any party
24 considers such an application is necessary. This will have
09:28:23 25 immediate effect, in other words from today.

26 That is the ruling and I will now remind the witness of his
27 oath and we will continue with the evidence, unless there is some
28 other matter to be raised. No.

29 Mr Witness, you remember yesterday you took the oath and

1 you promised to tell the truth.

2 THE WITNESS: Yes, sir.

3 PRESIDING JUDGE: That promise is still binding upon you

4 and you are obliged to answer all the questions truthfully. Do

09:28:52 5 you understand?

6 THE WITNESS: Yes, sir.

7 PRESIDING JUDGE: Mr Knoops, you were in the midst of your

8 cross-examination.

9 MR KNOOPS: Thank you, Your Honour.

10 WITNESS: TF1-045 [continued]

11 CROSS-EXAMINED BY MR KNOOPS: [Continued]

12 Q. Good morning, Mr Witness.

13 A. Good morning, sir.

14 Q. Mr Witness, taking you back to the third part of my

09:29:33 15 cross-examination, the events which brought you to Tongo. In

16 this regard you testified the day before yesterday that you met a

17 person identified as PL02 in Tongo; is that correct?

18 A. Yes, sir.

19 Q. Can you please describe how this person was dressed?

09:30:17 20 A. Yes, sir.

21 Q. Please do?

22 A. Well the way I saw the PL02 at first -- the first week I

23 met him, he wore camouflage. The second meeting when I met him,

24 when I saw him, he was in civilian clothing. He dressed well.

09:30:51 25 Q. Mr Witness, did you --

26 A. Yes, sir.

27 Q. -- see him? Did you saw any insignia on his camouflage

28 uniform?

29 A. Yes, sir.

1 Q. Can could you please describe them?
2 A. Yes, sir. I see something that is on the badge; it is B3.
3 Q. Are you able to identify whether that person was in the
4 position or not of the specific rank?
09:32:14 5 A. Well, the position that I told you about when I met him, I
6 met him they said he was PLO2. That was the position that I knew
7 about him.
8 Q. Do you know what a PLO2 is, Mr Witness?
9 A. Repeat the question.
09:32:44 10 Q. Do you know what a PLO2 is, Mr Witness?
11 A. Yes, they told me.
12 Q. What did they tell you?
13 A. When I asked the same question, I said what was the name of
14 the PLO. I was told that it meant public liaison officer two.
09:33:23 15 Q. Could you please tell us who told you this?
16 A. Yes, sir.
17 Q. Please do.
18 A. He himself. He himself.
19 Q. Mr Witness, you testified the day before yesterday that
09:33:57 20 this PLO2 was identified to you as representing the AFRC; is that
21 correct?
22 A. Yes, sir.
23 Q. Could you please tell us how you were able to identify this
24 PLO2 as belonging to the AFRC?
09:34:42 25 A. Well, as I told you later, I told you that when I went to
26 Tongo, I went to the secretariat where the commanders who were
27 there were. I met all of them there. It was Sergeant Junior
28 secretariat, he was the OC secretariat. So we were there. We
29 were all seated. The PLO2 was also there. The PRO was there,

1 Who was Denis Kamanah, who he was an RUF. The captain himself
2 who was in charge of the company, Captain Kati, he, too, was
3 there. Mayor Eagle was there who was deputising Yamao Kati. So
4 through there, when we were all seated, it was there I understood
09:35:57 5 that this was the PL02. This was the captain in charge of this
6 township, the company in Tongo. This was the deputy. This was
7 the OC secretariat. It was there that I knew everything. And I
8 was with them, we were all seated.

9 Q. Thank you. Mr Witness, you indicated the day before
09:36:37 10 yesterday that the PL02 was in charge of the mining; is that
11 correct?

12 A. Yes, that is what I was told. What xxxxxx told
13 me, the commander who was in charge of Tongo. He said this was
14 the PL02. He is the one that the AFRC sent here to represent
09:37:08 15 them for the mining affairs.

16 Q. You just said that was told to you. Did you have yourself
17 other information on the question for whom the mining was
18 conducted?

19 A. Yes, the mining was made for AFRC.

09:37:52 20 Q. Mr Witness, yesterday I already confronted you with several
21 portions of your statement you gave earlier to the investigator
22 of the Office of the Prosecution. And I will now confront you
23 with another portion of that statement.

24 MR KNOOPS: It is for Your Honours page 7540, belonging to
09:38:22 25 the statements of 26th February 2003 of the witness.

26 Q. Mr Witness, I respectfully ask you to listen to this quote
27 from your statement.

28 A. Yes, sir.

29 Q. And afterwards I will ask you a question pertaining to this

1 portion.

2 A. Okay, sir.

3 MR KNOOPS: I will start, Your Honours, at page 7539, to be
4 precise, the last sentence with a question.

09:39:20 5 Q. "Q. Okay, now what was going on there in regard to mining?
6 Can you describe that for me, how that was all set up?

7 "A. Well the mining was structured.

8 "Q. It was structured?

9 "A. He was having his own men.

09:39:45 10 "Q. Who was?

11 "A. Mosquito. He put up this men within the RUF.

12 Definitely, I don't think that when the RUF started they
13 were not mining or getting diamonds.

14 "A. No, that they were doing that. Because even when the
09:40:12 15 additional stage they captured Kono, they have a lot of
16 diamonds that was given directly to Foday Sankoh. But
17 later within the RUF now, Mosquito put up this particular
18 mining, so he was controlling everything. Whenever you can
19 get any diamond, this and that, they come directly, they
09:40:34 20 give to Mosquito.

21 "Q. They gave it right to Mosquito?

22 "A. Yes.

23 "Q. Who was in charge of the mining say in Tongo Field?
24 Was there a commander in charge of mining in that area?

09:40:53 25 "A. At that time he selected some civilians who were in
26 fact living in Tongo, like one Pa Farmer. He lived in
27 Kono. He was one of the --"

28 Mr Witness, this is a portion of your statement to the
29 investigator of the office of the Prosecution. Can you recall

1 giving this statement in February 2003?

2 A. Yes, I made that statement.

3 Q. Could you please explain for us why you were speaking in
4 that statement about Mosquito putting his men within the RUF?

09:41:53 5 Sorry, he put up these men within the RUF, not referring to the
6 AFRC?

7 A. Well, I will make it clear that statement in order for the
8 Court to understand. I said that the time when Pa Sankoh had
9 gone out, Mosquito remained and took care as commander. He was
09:42:31 10 in charge of RUF. During that time before we all met at the
11 mining, he was in control. Even at the time that we came he was
12 doing his own personal mining. He had his own personal person,
13 who was Major Gweh with his men power. They were mining
14 personally for him. But when the AFRC government came in power
09:43:08 15 in Tongo, PL02 was presented to me as a representative of the
16 AFRC for the mining. While Mosquito had his own personal group
17 of people, led by Major Gweh, they did personal mining for him.

18 Q. So you are actually saying that there were two mining
19 groups there at that time; is that correct?

09:43:37 20 A. Oh yes. I explained that before.

21 Q. And, Mr Witness, were you able to distinction between these
22 two groups?

23 A. Yes. You will know how I know.

24 Q. For instance, Mr Witness, would you know when you saw
09:44:08 25 somebody mining that he was mining either for Mr Mosquito in
26 person or for the AFRC? How would you know that?

27 A. Well, the way a man is to know, before I went to Tongo, I
28 told you earlier that I went there with xxx, and when we
29 were there, when I reached, they showed me they introduced to me

1 this xxxxxxxx. When we were all there I
2 saw twice Mosquito talking there. In my presence Major Gweh
3 handed over diamonds to him he asked him, "How my work was going?
4 What was the production?" Twice he handed over diamonds to
09:45:17 5 Mosquito. Then I also saw when the diamond had come to PL02, I
6 also saw he moved with them from the secretariat with his vehicle
7 to Makeni. So I knew that there was a difference at that time.
8 So I know that Mosquito had his own personal mining programme
9 while the AFRC had its own personal mining programme. So I would
09:45:50 10 ask you that.

11 Q. Mr Witness, did you ever see, yourself, mining conducted by
12 individuals you deemed to belong to the AFRC?

13 A. Yes.

14 Q. On how many occasions?

09:46:27 15 A. When I was in Tongo I saw it.

16 Q. What did you see?

17 A. I saw the commander who was there, who was Captain Yamao
18 Kati, who was a member of the AFRC, he had his own group. After
19 they have gathered the civilian manpower for mining diamonds,
09:46:57 20 they give them to him. This civilian manpower would do personal
21 mining for him. So he, too, I saw. Sergeant Junior, who was
22 also there, who was a member of the AFRC, he, too, I saw, he
23 brought this secure manpower at the secretariat. They handed
24 over the civilian manpower for him for his own personal mining.

09:47:32 25 While I am seeing the gathered civilians that it was the armed
26 men guided them. PL02, with his mining officers, all of them
27 went to the mining site and they did the mining. So I saw the
28 AFRC did mining in Tongo.

29 Q. On how many occasions you saw civilians handing over

1 diamonds to Captain Kati?

2 A. Well, after they have done the mining, I saw -- I didn't
3 see where diamonds that were given directly to Captain Yamao
4 Kati, but I saw how they handed that civilian to him to mine for
09:48:45 5 him. But I did not see diamonds being given to him directly.
6 No, I don't know that.

7 Q. Mr Witness, what was the time how long you stayed in Tongo
8 at that time for the period?

9 A. Well, during the xxxx time, I was there for -- I was there
09:49:27 10 for up to xxx before I came to xxxxx. Then I
11 returned there. I spent there one month, then I left there
12 finally.

13 Q. Mr Witness, I am now just speaking about the first period
14 in Tongo. You are saying you were there xxx months; is that
09:49:40 15 correct?

16 A. Yes.

17 Q. And is it correct to say that within these xxx months you
18 saw civilians handed over to Captain Kati; is that correct?

19 A. Throughout every day.

09:50:13 20 Q. And it is correct that you did not see diamonds handing
21 over to Captain Kati in person; is that correct?

22 A. Yes.

23 Q. Thank you. Mr Witness, your testimony on Monday also
24 entailed your statement that civilians were forced to work in
09:50:40 25 Tongo?

26 A. Yes. Yes.

27 Q. You testified on Monday that, "If a civilian refused to
28 mine and you are captured you will be beaten. You will undergo
29 serious torture and if you were not lucky you will die. They

1 will shoot you with a gun." Now, you were put this question,
2 "Did you see this happen to civilians in Tongo?" You said, "I
3 saw it on many occasions when I it took place. I saw it." Do
4 you still confirm this testimony? Is this -- would you today?
09:51:35 5 A. Yes. Yes.
6 Q. Is it your testimony that you at that time saw civilians
7 being shot; is that correct?
8 A. I saw. They killed civilian in fact.
9 Q. Mr Witness, What do you mean by the words "they"?
09:52:14 10 A. The AFRC soldiers.
11 Q. Mr Witness, I would like to draw your attention again to a
12 portion of your statement.
13 MR KNOOPS: Your Honour, it is page 7543 and it will run
14 through 7544. It is quite a lengthy portion, I am quite happy to
09:53:00 15 read it in completeness. For me it concerns the portion on page
16 7543 and 7544 at the top. If the Court may allow me to confront
17 the witness with that portion.
18 Q. Mr Witness, you earlier stated to the investigator of the
19 Prosecution speaking about events in tongo.
09:53:32 20 "Q. Okay, and lot of killings?
21 "A. Mmm.
22 "Q. A lot of killings? Were a lot of people killed?
23 "A. Well at that time you can never tell. But that must
24 happen because today you have soldier here, more than three
09:53:49 25 to 400 and you don't have command and control. Complete
26 command and control back then. So they go at -- when I
27 get -- I move, 'Hey, you over there, every one of your
28 people join me. I am going for so so. So so area. When I
29 go there I kill you, you know.' Unless later you guard

1 civilian, you see those people that are going over there,
2 they go kill more. More. Go more. They kill just like
3 that.
4 "Q. Were you there at any time?
09:54:36 5 "A. Yeah. Sometime they brought the report too. So
6 sometime we visit there. But there was a particular people
7 there like the -- like Denis Kamanah he was one --
8 "Q. Denis?
9 "A. Denis Kamanah.
09:54:55 10 "Q. Kamanah?" And then the spelling.
11 "K-H-M-A-N-A-H [sic].
12 "A. Yes, he was one of the PLO at that time. They take
13 care of all these.
14 "Q. For the AFRC or RUF?
09:55:12 15 "A. Yeah, for the -- yeah, for RUF. Both. Let me say for
16 the AFRC because.
17 "Q. When you were there visiting, did you see any killings
18 yourself? Did you see any civilians being executed because
19 they weren't doing what they were told to do?
09:55:39 20 "A. Only at one time for palm wine. One soldier went and
21 fired one civilian for the palm wine. Then at that time
22 they passed order. They fired a man to where he fired the
23 civilian. Right in front of me that happened."
24 Mr Witness, do you remember making this statement to the
09:56:12 25 investigation of the Prosecution?
26 A. Yes.
27 Q. How are you able to tell the Court on Monday and also today
28 that you saw people being killed while your statement refers to
29 one incident regarding the shooting of the civilian with respect

1 to palm wine? Would you please explain which statement?

2 A. Well, I will explain that. I will explain it well. Maybe
3 it was the writing, but that was -- they asked me a question if I
4 saw civilians being killed during the time of the mining in

09:57:31 5 Tongo. I said yes. At one time at Lamin Street in Tongo, I saw
6 a civilian being killed. It was the AFRC soldier who did that.
7 I went there and I saw. Then another time I saw an AFRC soldier
8 being killed for his palm oil. The soldier was brought. An
9 order was passed, the OC secretariat who was there have passed

09:58:16 10 it, with the PRO, the public relation officer, who was in charge
11 of the civilians. He said that civilian should be fired at and I
12 saw where he shot the civilian dead. He --

13 THE INTERPRETER: My Lord, let the witness take it --

14 PRESIDING JUDGE: [Microphone not activated] Just a minute,
09:58:42 15 Mr witness -- the interpreter. So can you slow down and go back
16 in your answer and repeat the last part of your answer more
17 slowly. Thank you.

18 THE WITNESS: I said the other time again I saw an AFRC
19 soldier fire a civilian for his palm wine. Then I saw the
09:59:21 20 soldier being brought to the secretariat. I saw the soldier who
21 did that, the AFRC soldier. He was not killed though, but I saw
22 his hand. He raised it like this. [Witness indicated] They
23 pointed a gun there and it was fired. The vein cut. He cried
24 and he went away. I saw them set that example and the civilian
09:59:53 25 who was killed for his palm wine, I went and saw him. So, I know
26 that the AFRC killed civilians.

27 MR KNOOPS: Mr Witness, thank you for your answer.

28 PRESIDING JUDGE: Before you carry on, Mr Knoops, I will
29 have the record show that the witness raised his hand, palm

1 downwards and indicated a firing into the middle of the palm from
2 below. Is that a satisfactory record, counsel?

3 MR KNOOPS: I agree, Your Honour.

4 PRESIDING JUDGE: Thank you.

10:00:23 5 MR KNOOPS:

6 Q. Mr Witness, is it correct that when you were speaking today
7 of this incident with the palm wine, the incident you just
8 described, you were speaking about the same event as I just read
9 out for you from your earlier statement to the Prosecution? Do
10:00:46 10 we speak about the same incident?

11 A. Yes. I explained exactly -- I explained exactly to them as
12 I have explained. That is what I told them.

13 Q. So you only recall one incident with palm wine; is that
14 correct?

10:01:24 15 A. No, I told them that they killed other civilians at Lamin
16 Street. I saw the civilians lying there in the morning. I saw
17 him.

18 Q. Mr Witness, I am sorry to interrupt you. I am just asking
19 you, do you remember one incident with palm wine?

10:01:40 20 A. No, I said it about that killing which took place at Lamin
21 Street because that was the first incident which everybody was
22 concerned about because he did it right in the town among a lot
23 of civilians. And so it was a concern for everybody. That was
24 the first statement I gave before ever this palm wine business
10:02:19 25 came. I believe so.

26 Q. Is it correct, Mr Witness, that the incident at Lamin
27 Street you just described is the same incident which was just
28 read out from your statement to the Prosecution? Do we speak
29 about the same incident; is that correct?

1 A. I am talking about the killing which I saw at Tongo. That
2 is what I have explained.

3 Q. Mr Witness, during your interview to the Prosecution just
4 read out to you, you answered the question, "Only at one time for
10:03:16 5 palm wine one soldier went and fired one civilian for the palm
6 wine." So are we speaking about the same incident?

7 A. It is the same incident. But yes, yes, I am talking about
8 killing. When I saw killing and I said it. I said I saw
9 civilians being killed and I explained.

10:03:48 10 Q. All right. So the same incident. Do you remember,
11 Mr Witness, what you told the investigator on the question, "Who
12 shot that civilian for the palm wine?"

13 A. Well, it was AFRC, but it was an RUF soldier.

14 Q. Okay. I will continue with reading out your statement on
10:04:28 15 page 7544. I will repeat again the question that was put to you.
16 "A. Only at one time for palm wine one soldier went and
17 fired one civilian for the palm wine. Then at that time
18 they passed order. They fired the man to where he fired
19 civilians. Right in front of me that happened.

10:04:49 20 "Q. Who did that?
21 "A. Mosquito.
22 "Q. Mosquito?
23 "A. Yeah.
24 "Q. So you saw Mosquito executing somebody in front of
10:05:03 25 you?
26 "A. No, he fired somebody.
27 "Q. He fired?
28 "A. Yeah, he executed some people there in front of me
29 when I -- in Kenema. Not civilians, the armed men there."

1 Mr Witness, we don't find any reference here to the AFRC,
2 don't we?

3 MS TAYLOR: Your Honour, I object to this. If my learned
4 friend looks further down the page, and in fact the answer that
10:05:40 5 was just read out, the incident where the witness in his
6 interview was talking about Mosquito having fired people happened
7 in Kenema not in Tongo. Because that is made clear by the next
8 question down the page. "Let's just go back to Tongo for a
9 minute." So the incident that the witness has talked about in
10:06:01 10 his interview about Mosquito being the shooter did not happen in
11 Tongo. I think in fairness to the witness, it should be clear
12 whether he is being asked about Kenema or Tongo.

13 MR KNOOPS: Your Honours, if Your Honours could see at
14 7544.

10:06:53 15 PRESIDING JUDGE: Is there a reply to the objection, Mr
16 Knoops?

17 MR KNOOPS: Yes, Your Honour, sorry. 7543 and 7544 you see
18 under the answer where the Prosecution refers to in Kenema, 1, 3,
19 4, 5, 6 -- no, sorry five sentences below, the question is put to
10:07:19 20 the witness, "Let's just go back to Tongo for a minute. You said
21 that you have seen Mosquito fire. He passed order to fire one of
22 the soldiers." So in our estimation the witness is clearly
23 speaking about Tongo, but I am happy to ask him that.

24 PRESIDING JUDGE: There is some lack of clarity there,
10:07:47 25 Mr Knoops, and in fairness to the witness, we should be clear
26 exactly what area he is talking about.

27 MR KNOOPS: Yes.

28 Q. Mr Witness, referring to the incident with the palm wine,
29 were you referring to Tongo?

1 PRESIDING JUDGE: Mr Witness, did you hear the question
2 that was put by counsel?

3 THE WITNESS: I do not understand. Let him repeat it
4 again.

10:08:39 5 MR KNOOPS:

6 Q. Mr Witness, you just explained to us about the incident in
7 Lamin Street. That was Tongo; is that correct?

8 A. Yes, sir.

9 Q. The portion I just read out to you about the incident with
10:09:01 10 the soldier who shot the civilian for the palm wine, that took
11 place in Tongo?

12 A. Yes.

13 Q. Thank you.

14 A. Thank you.

10:09:30 15 Q. Mr Witness, you just spoke about I believe two incidents
16 you saw yourself about shooting civilians; is that correct?

17 A. Yes, sir. I saw the civilians who were dead.

18 Q. Did you witness any other shootings of civilians other than
19 the two you just mentioned while being in Tongo in the time frame
10:09:57 20 we speak about now? So before you went to Freetown -- sorry,
21 back to Freetown?

22 PRESIDING JUDGE: Pause, Mr Knoops. Didn't the witness say
23 he was three months in Tongo -- -

24 MR KNOOPS: Yes.

10:10:10 25 PRESIDING JUDGE: -- went to Freetown and returned to Tongo
26 from Freetown. So which period are you talking about?

27 MR KNOOPS: The first period, Your Honour. Sorry.

28 PRESIDING JUDGE: The first period, the first period of
29 three months?

1 MR KNOOPS: Yes, Your Honour, sorry.

2 Q. Mr Witness, just to clarify my question. Do you recall --

3 the two shootings you just spoke about, did they take place in

4 the period of three months that you spoke? The first three

10:10:45 5 months you were in Tongo?

6 A. Repeat it.

7 Q. You just testified that you saw two incidents whereby

8 civilians were shot. Are you speaking here about the xxx

9 months you stayed in Tongo?

10:11:20 10 A. Yes, that was the time.

11 Q. Did you see in that particular period any other shootings

12 of civilians other than the two you just mentioned?

13 A. No. The one I saw -- I did not see that. I did not see

14 any one again.

10:11:53 15 Q. So when you testified on Monday to the Court that you saw

16 it on many occasions when it took place, when you were asked by

17 the Prosecution, "Did you see this happen to civilians in Tongo?"

18 You said, "I saw on many occasions when it took place." You are

19 actually saying you saw it twice; is that correct?

10:12:29 20 A. Yes, I said two things I saw on the mining issue. And the

21 powers -- they fired civilians and they beat civilians and they

22 were undergoing torture --

23 Q. Mr Witness, I am sorry to interrupt. This is not my

24 question. My question is -- I am not asking you about any other

10:12:51 25 incidents or actions regarding civilians. I am asking you when

26 you testified here Monday under oath that you saw on many

27 occasions that civilians were shot in Tongo, do you refer to

28 these two incidents; yes or no?

29 A. Yes.

1 Q. And in your estimation these two incidents mean for you
2 that this happened on many occasions?
3 A. Yes, where life is going to -- there are many.
4 Q. I thank you for this answer. Mr Witness, I move on to the
10:13:45 5 next subject.
6 A. Okay.
7 Q. We are now moving from Tongo to Freetown just for your
8 estimation, Mr Witness. You testified on Monday, Mr Witness,
9 that when you arrived in Freetown you were not introduced to any
10:14:19 10 members of the AFRC; is that correct?
11 A. Let me drink first.
12 Q. Go ahead.
13 A. Yes, sir.
14 Q. Shall I repeat the question for you, Mr Witness?
10:14:56 15 A. I understood, that is why I said yes sir.
16 Q. Sorry. Thank you. You testified on Monday --
17 MR KNOOPS: For Your Honours, page 60 of the transcripts,
18 sentence 11, 12 and 13. "Well, not introduction mostly, but when
19 I was with him," xxxx you are referring to, "the one with
10:15:36 20 whom he had contact, I knew then who were AFRC commanders and
21 when I used to see them."
22 MS TAYLOR: Your Honours, I don't wish to interrupt my
23 learned friend unnecessarily, but I have the transcript in front
24 of me, page 60, and that is not what appears at line 11. I don't
25 know if my learned friend is working off the draft transcript.
26 MR KNOOPS: Yes, I am sorry. I am still working on the
27 draft.
28 MS TAYLOR: Just in case that was unclear for the record.
29 MR KNOOPS: Yes, I am sorry. That is correct. That is

1 correct. I am sorry for the misunderstanding. I put my notes in
2 the draft and I didn't have time to set them over into -- let me
3 see -- I can give you the time, it is 12.28 and 33 seconds.

4 PRESIDING JUDGE: Could you also clarify the date. You
10:16:31 5 refer to Monday, Mr Knoops.

6 MR KNOOPS: Sorry, Tuesday. Sorry, Your Honour.
7 Examination-in-chief.

8 MS TAYLOR: For the record, Your Honours, that is the
9 19th July. And if it does help, it is previously on page 59 of
10:17:03 10 the final transcript at line 26.

11 MR KNOOPS: Your Honour, it is page 56, I am sorry. Page
12 56, line 16, 17, 18.

13 Q. Mr Witness, what do you mean with the words, "when I used
14 to see them"? "The AFRC commanders and when I used to see them."

10:17:47 15 A. I don't understand that question.

16 Q. Let me clarify. Mr Witness, is it correct that you
17 testified on questions of the Prosecution that you did not know
18 any of the AFRC commanders prior to the first meeting in
19 xxxxxx; is that correct?

10:18:47 20 A. Yes, the officers.

21 Q. That was the first time you met them; is that correct?

22 A. Yes, sir.

23 Q. You are saying here to the Court that you used to see the
24 AFRC commanders. How does that fit within your statement that
10:19:20 25 you only met them for the first time in xxxxx
26 mess?

27 A. When I came I said I used to see them. But for me to
28 understand them that this is this, or this one is that, that was
29 the first time we met at xxxx.

1 Q. So, it is correct to say that you never saw them before; is
2 that correct?

3 MS TAYLOR: Your Honour, that is not what the witness has
4 just said.

10:19:58 5 JUDGE SEBUTINDE: Mr Knoops, is there not a difference
6 between seeing someone and meeting someone? Is it the same? I
7 don't think so and that is what the witness is saying, that he
8 used to see them, but he did not know who was who until this
9 occasion when he had occasion to actually meet them and know who
10:20:18 10 was who.

11 MR KNOOPS: Thank you.

12 Q. Mr Witness, who did you see, before the meeting in
13 ~~xxxxx~~, of the AFRC commanders prior to
14 meeting them there?

10:20:49 15 A. Before the meeting who was the AFRC commander I saw first?
16 I saw the army chief of army staff; Kowas. Then I saw Brigadier
17 Koroma, who was the defence staff, before we went to that
18 meeting.

19 Q. So, we are speaking about three persons; is that correct?

10:21:23 20 A. Yes.

21 Q. Which persons did you meet during the first meeting at
22 Wilberforce officers' mess?

23 A. First, when I went there I saw Five-Five there when he
24 went. I saw Bazzy. I saw chief of army staff. I saw General

10:22:42 25 Boupleh, who were the AFRC whom I could remember.

26 Q. Did you meet these persons in person?

27 A. Not in person. I saw them in person, but I did not meet
28 them in person.

29 Q. Mr Witness, do you recall giving a statement to the

1 investigator of the Prosecution on 31st January 2003?

2 A. Repeat it.

3 Q. Can you recall giving a statement to the Office of the
4 Prosecution in January xxxx? It was your first

10:24:12 5 interview to the Prosecution.

6 A. Yes, sir.

7 MR KNOOPS: I will refer Your Honours to page 7448. It is
8 the third -- I think the 13th sentence from above starting from
9 "At that time".

10:25:08 10 Q. I will quote, Mr Witness, from that statement and I will
11 put my question later to you. "At that time my commander,
12 [REDACTED], was appointed as council member of the AFRC."

13 PRESIDING JUDGE: Just a moment, Mr Knoops. I will caution
14 you on use of names. And I will make an order now to any members
10:25:28 15 of the press, media or any other person in the public gallery,
16 that they are not, are not, to repeat the name that has just been
17 said or publish it in any way. With that caveat, please
18 continue, Mr Knoops.

19 MR KNOOPS: Thank you, Your Honours, sorry.

10:25:57 20 Q. "At that time xxxxx was appointed as council member
21 of the AFRC. xxxxxxxx as head
22 of xxxxxx. xxxxxxxx that capacity xx

23 attended some AFRC meetings when I had the opportunity to know
24 other AFRC officials, such as the chairman, Johnny Paul Koroma,
10:26:29 25 the PLO, Gullit, who was also in charge of the mining in Kono. xx
26 xxxxx when he was appointed by Johnny Paul Koroma at
27 his lodge, that is xxxxx. I also at that time knew
28 the chief of defence staff Pa Koroma, was a brigadier and brother
29 to Johnny Paul Koroma. The other official I knew was army chief

1 of staff called Kowas. I knew Gborie also as AFRC council
2 member."

3 Do you remember giving that statement, Mr Witness?

4 A. Yes, sir.

10:27:30 5 Q. You were interviewed by the Prosecution in January 2003,
6 you were not giving the names, at least not all the names you
7 just mentioned; is that correct?

8 A. Yes, sir.

9 Q. What was the reason for doing so?

10:27:57 10 A. Well, what happened -- what happened like this PL01, I
11 never saw him at the meeting, but I saw him at Johnny Paul's
12 compound when he came and he entered to Johnny Paul's house. But
13 during that time xxxxxx, he told me that "that
14 person is PL01". He said he was assigned -- he was assigned at
10:28:38 15 Kono. He was there with one of your xxxxx brother who was xxxxx.
16 That was how I came to know him. This was he. And in that
17 meeting I said I knew a lot of the AFRC people. But I saw very
18 few. I told them I knew more. Okay, all right. If I have added
19 any other person if I remember who was at the meeting, I think it
10:29:07 20 is just a continuation.

21 Q. Mr Witness, I put it to you that you at that time, during
22 this interview, did not know of the names of Five-Five and Bazzy;
23 is that true?

24 MS TAYLOR: Your Honour, that is a bit of a vague question,
10:29:29 25 is that know of the names at all or know of the names in relation
26 to this meeting?

27 PRESIDING JUDGE: I was going to ask you to clarify that,
28 Mr Knoops, because I am not quite clear what you are asking.

29 JUDGE SEBUTINDE: Furthermore, Mr Knoops, are we not

1 talking about two different meetings? I may be wrong. The
2 meeting you have just read out on page 7448 happened at Johnny
3 Paul Koroma's house in Spur Road. The meeting that the witness
4 was attesting to, that happened in **xxxxx**, on
10:30:04 5 the other hand, is a different meeting and I think the answer he
6 just gave a while ago as to why he did not name certain persons
7 at Wilberforce officers' mess, is because these persons weren't
8 there. They were at Spur Road, but not at officers' mess. I may
9 be wrong, but I think this is what the witness is trying to say.

10:30:26 10 MR KNOOPS: Yes. Your Honour, with all due respect, in
11 this statement the witness refers to, "I attended some AFRC
12 meetings when I had the opportunity to know other AFRC officials
13 such as --" et cetera. And on Tuesday he introduced the names I
14 just mentioned as being present during these meetings. So, I
10:30:52 15 don't believe that - we can ask him, of course - that he is
16 merely referring to or only referring to Spur Road. He is
17 referring to the AFRC meetings in general in this statement.

18 JUDGE SEBUTINDE: You see, Mr Knoops, the reason that I
19 made the comments I have just made is, as I have been following
10:31:11 20 your cross-examination, you have been taking him meeting by
21 meeting specifically. You have not generally asked him about
22 meeting generally. You have asked him about locations of these
23 meetings. And I have been following you, you have been at
24 Wilberforce officers' mess, the questions you have been asking
10:31:28 25 and then you read this, which this text out of 7448, in my
26 understanding is a meeting at Spur Road. Right in the middle it
27 says, "I was present when he was appointed by JP Koroma at his
28 lodge at Spur Road, Freetown." I may be wrong. I don't know,
29 but that is how I understand the answer that followed from the

1 witness. That the people who were in these meetings were not
2 necessarily the same individuals. So maybe you can channel your
3 questions for all our clarity's sake so that we know which
4 meetings we are talking about. And if there is an inconsistency
10:32:09 5 we are listening.

6 MR KNOOPS: Your Honours, if the Court pleases, I can ask
7 the witness first.

8 Q. Mr Witness, speaking about --

9 A. Yes sir.

10:32:20 10 Q. -- the words, "I attended some AFRC meetings". Do you
11 refer to the same meetings as you told us of yesterday and the
12 day before in this Court?

13 A. Yes, sir.

14 Q. Do these meetings therefore include the meetings in
10:32:45 15 ~~xxxx~~ mess you referred to?

16 A. Yes, sir.

17 Q. Now, why is it then that your interview in January 2003 did
18 not mention the names Five-Five and Bazzy as belonging to those
19 individuals you had an opportunity to know?

10:33:25 20 A. Yes, sir. But during that time, when I say I knew most of
21 them, I was not concerned about. The major people who were
22 commanders, during that time, on top, superior to these people,
23 those were the only people I stated during that time. But you
24 know as questions were going on, that was -- I included their
10:33:52 25 names as how I knew them because we just met, but this latter
26 part, I came back and what I saw and what I remembered I place
27 it -- I place it on the paper. So if I say so, I say that is
28 what I saw.

29 [AFRC21JUL05B - CR]

1 Q. My question is, Mr Witness, why is it that in your first
2 interview in this regard, speaking about these meetings, you
3 don't mention the names Five-Five and Bazzy, and you did mention
4 them in your testimony on Tuesday?

10:34:47 5 MS TAYLOR: Your Honour, if I may rise. I'm not sure if my
6 learned friend is suggesting the first time they were mentioned
7 in testimony on Tuesday. If it is, it is unfair to the witness.
8 I can draw Your Honours attention to page 8625, paragraph 13,
9 which was additional information disclosed to the Defence prior
10:35:03 10 to this witness giving evidence.

11 MR KNOOPS: Yes, we are familiar with this additional
12 information. I'm speaking about a statement given by the
13 witness, signed by the witness and read out to the witness. My
14 question, Your Honour, is simply why the witness did not mention
10:35:40 15 these two names during this first interview when he spoke about
16 these meetings. He mentioned them either in these additional
17 information sheets from April and May 2005 or his testimony
18 before your Court.

19 PRESIDING JUDGE: I think, in fairness, if that is the
10:36:01 20 question you're putting, you should put it in the form that you
21 have now replied to me in fairness to this witness. In fact, as
22 counsel for the Prosecution has pointed out, he does mention it
23 in 8625 and, in fairness, I think you should put the two pieces
24 together.

10:36:18 25 MR KNOOPS: Yes, Your Honour.

26 Q. Witness, please tell us why is it you did not mention the
27 names Five-Five and Bazzy during your first interview with the
28 Prosecution in January 2003 and only mentioned these names in the
29 context of these meetings in April 2005 to the Prosecution, say,

1 two years later? Why?

2 A. At that time I forgot their names, but, later, I understood
3 about them, so I made an addition. I added more people that I
4 understood their names.

10:37:13 5 PRESIDING JUDGE: Mr Knoops, can I ask if you're continuing
6 on this line of your cross-examination or likely to move into a
7 new area? I'm just looking at the time. I don't wish to
8 interrupt your flow.

9 MR KNOOPS: I think we can take a break here, Your Honour,
10:37:49 10 yes.

11 PRESIDING JUDGE: If that is convenient to counsel, we will
12 do so. As I said, I think this is an appropriate time for the
13 mid-morning break.

14 [Break taken at 10.34 a.m.]

10:53:06 15 [On resuming at 10.55 a.m.]

16 PRESIDING JUDGE: Mr Knoops, please proceed.

17 MR KNOOPS: For Your Honours information, I will try to
18 finish my cross-examination before the lunch break. I will try
19 to indicate - I think I have two major topics to cover. The
11:00:05 20 contents of the meetings in Freetown and afterwards some
21 remaining questions so that will be my two remaining issues for
22 today.

23 PRESIDING JUDGE: Thank you for that indication. You are
24 of course at liberty to put whatever matters that you consider
11:00:23 25 appropriate to the witness.

26 MR KNOOPS: Thank you, Your Honour.

27 Q. Mr Witness, I would now like to take you to Freetown, the
28 meetings themselves that you spoke about earlier during your
29 testimony. Mr Witness, you testified that during the first

1 meeting at the xxxxxx in September 1997
2 several issues were raised. Such as the need for unity, the
3 problem of harassment and international pressure to hand over
4 power; is that correct?

11:01:07 5 A. Yes, sir.

6 Q. Do you recall any other issues which were raised during
7 that first meeting?

8 A. Yes, sir.

9 Q. Could you please tell us what that was?

11:01:36 10 A. The consignment that was about ammunition that had come at
11 Magburaka airfield.

12 Q. So these were the four topics you recall; is that correct?

13 A. Yes, sir.

14 Q. Thank you, Mr Witness.

11:02:09 15 A. Yes.

16 Q. You testified earlier in your testimony that with respect
17 to this first meeting there was no respect between the AFRC and
18 the RUF commanders. That was one of the issues pertaining to one
19 of the topics; is that correct?

11:02:37 20 A. Yes, it was within the topic of discussion.

21 Q. Can you please explain what you meant by the words "there
22 was no respect for each other"?

23 A. Yes, sir. The respect that was not -- after the RUF and
24 the AFRC have come together, the soldiers said they were trained
11:03:17 25 soldiers. They were in charge of some ammunition and they had
26 international recommendation, so RUF were just like civilians, so
27 you see soldiers who is a sergeant, who is a lieutenant, he
28 considers an RUF -- he belittle him, even if he is a captain or a
29 major, there was no respect. So when the RUF and AFRC man made,

1 the RUF man want to show that he's senior to the soldier and the
2 AFRC soldier again says recognise I am a government soldier,
3 whether you are major or captain, and I am a sergeant, so I am a
4 above you, so that problem existed. It existed so much. That
11:04:35 5 was one of the points that was discussed in order for respect to
6 be mutual, no matter your position might be. As long as we had
7 formed one government, so let us respect one another. That was
8 the main problem. That was the problem between the AFRC and the
9 RUF that was discussed.

11:05:01 10 Q. Thank you, Mr Witness. Do you recall whether this issue of
11 mutual respect returned during the other meetings you talked
12 about? The second meeting in - I believe it was October/November
13 you refer to 1997 and the third meeting by the end of 1997. Was
14 this issue of the problem of respect for each other, was that
11:05:41 15 raised during the other two meetings as well?

16 A. Yes. Yes, sir.

17 Q. According to your own recollection, was that problem ever
18 solved during these meetings?

19 A. Well, they talked about it. They reached a conclusion, but
11:06:15 20 to stop the problem, I did not see where it stopped, by the way.

21 Q. So you're saying the problem of respect for each other was
22 a continuous problem; is that what you're saying?

23 A. Until the end of the AFRC.

24 Q. Mr Witness, as you remember, I took you, at the beginning
11:06:54 25 of my cross-examination, to the ideological aspects of the RUF.
26 Can you remember that?

27 A. Yes.

28 Q. And you answered by explaining what ideology was behind the
29 RUF. Do you remember that?

1 A. Yes.

2 Q. In your view was the ideology of the RUF part of the
3 problem of respect for each other?

4 A. Well, the RUF had its own ideology. That did not come up
11:08:00 5 when the AFRC and the RUF met. What they talked about was unity,
6 not about ideology.

7 Q. During these meetings you attended or partly attended
8 because I think you testified in one meeting you were standing at
9 the door. But do you recall that during these meetings the unity
11:08:36 10 was reached between the RUF and the AFRC?

11 A. Repeat.

12 Q. You just said that one of the goals of the meetings was to
13 achieve unity between the two groups. Was this unity ever
14 achieved, based on what you know of these three meetings?

11:09:08 15 A. In terms from the mouth, I saw it, but, actually, it does
16 not exist. Anywhere the AFRC and the RUF met, that problem
17 continued. It was the same problem. They discussed about it and
18 said we will do this, and we will do this, but I did not see it
19 stop.

11:09:42 20 Q. Mr Witness, is it fair to say that during the first meeting
21 you envisioned a power struggle between the AFRC and the RUF?

22 MS TAYLOR: Your Honours, I'm not quite sure what that
23 means.

24 PRESIDING JUDGE: I was actually going to ask you,
11:10:03 25 Mr Knoops, as well. Did you mean he perceived one or did he form
26 an opinion? What exactly are you asking the witness? I'd like
27 to be clear.

28 MR KNOOPS: Actually, Your Honour, I'm asking the witness
29 whether he perceived the meeting as being ruled by a power

1 struggle. If Your Honours --

2 PRESIDING JUDGE: This is the leaders attending the
3 meeting?

4 MR KNOOPS: Yes.

11:10:48 5 PRESIDING JUDGE: You're looking for a more practical --

6 MR KNOOPS: Your Honour, these are not my own words,
7 because the witness has stated this before in his statement.

8 Q. Mr Witness, did you perceive the meeting and the discussion
9 with the leaders at that meeting as amounting to a power
11:11:17 10 struggle?

11 A. Well, it was the same thing of unity of which we were
12 talking. It was about power. If this was a command and that was
13 a command and there was no respect, it was at that meeting he was
14 talking about a power struggle.

11:11:39 15 MR KNOOPS: If Your Honours may, I would like to confront
16 the witness with page 7515 and running through 7516 of his
17 statement of 26 February 2003. Starting from the eighth sentence
18 from below.

19 Q. Mr Witness, please, I ask your patience again for a portion
11:12:24 20 of your statement you gave to the Prosecution earlier - sorry,
21 the investigator of the Prosecution earlier. Please listen
22 carefully and I will ask you the question whether you recognise
23 this statement.

24 "Q. So you arrived in Freetown?

11:12:46 25 "A. Yes. As the coup took over in three weeks' time.

26 ~~xxxxx~~, he arrived here within three weeks' time.

27 "Q. Okay. And how were things working between the AFRC
28 and the RUF? Did things go together well or were they two
29 separate camps?

1 "A. The starting was going on well, but later the power
2 struggle was too much.
3 "Q. Okay. Who was the power struggle between?
4 "A. Because the AFRC who was the leader for AFRC was Johnny
11:13:32 5 Paul Koroma, but he was not getting command and control
6 over even the soldiers. I don't see no RUF at that time so
7 all RUF people were loyal to Mosquito, Issa, Kallon -
8 Morris Kallon.
9 "Q. Okay.
11:13:59 10 "A. So even Mosquito with Johnny Paul, they don't work from
11 him over there without -- you don't see problem. So at
12 that time Mosquito was -- he was living at villa here in --
13 at one of the villas up Hill Station here."
14 Mr Witness, do you recall making this statement to the
11:14:29 15 investigator of the Prosecution?
16 A. Yes, I made it.
17 Q. It's a correct reflection of your words?
18 A. Well, they the way you read it gave me some difficulties.
19 But I said about exact, but you mentioned such words that I made,
11:15:00 20 so I have to agree.
21 Q. So, Mr Witness, did you ever notice yourself, aside from
22 these meetings when you were in the field yourself, did you ever
23 notice this power struggle was ever solved between the AFRC and
24 the RUF?
11:15:34 25 MS TAYLOR: Your Honour, I don't know that's a fair
26 question. The witness has given evidence he perceived a power
27 struggle between commanders. To then generalise that as between
28 one group and another is a very, very broad question, so I do
29 wonder what it is precisely my friend is asking.

1 MR KNOOPS: Your Honours, I'm now referring to the
2 individual soldiers in the field.

3 PRESIDING JUDGE: Are you asking whether there was a power
4 struggle between soldiers of the AFRC and soldiers of the RUF?

11:16:07 5 MR KNOOPS: Yes, in terms of cooperation.

6 PRESIDING JUDGE: I think it would be fair to the witness
7 to put it in that more precise way that you have explained to me.

8 MR KNOOPS:

9 Q. Witness, aside from the meetings we just talked about, did
11:16:29 10 you encounter a similar power struggle between members of the
11 AFRC and members of the RUF in the field as individuals?

12 A. Individually, yes, I saw that.

13 Q. Could you please give an example?

14 A. Like I myself, I can make an example. I saw at one time
11:17:20 15 when I heard -- I mean, I was in xxxx with Mosquito when I
16 heard that Gibril Massaquoi, who was an RUF; Steve Bioh, who was
17 a representative of the RUF made a plan to overthrow Johnny Paul
18 Koroma and remove him from power. So I saw that. Then later I
19 saw when Johnny Paul himself was flushed from Freetown and he
11:17:59 20 went. I saw Mosquito, who I saw an RUF molested him. So I saw
21 that. I heard about it again.

22 PRESIDING JUDGE: Mr Witness, could you please give me the
23 second name, Gabriel (sic) Massaquoi and what was the other name
24 that you said?

11:18:20 25 THE WITNESS: Steve Bioh.

26 MR KNOOPS:

27 Q. Mr Witness, was General Mosquito allowing any other
28 commander to share command with him?

29 A. Yes, since they were AFRC commanders.

1 Q. Would you explain what you mean by AFRC commanders?

2 A. The AFRC soldiers.

3 Q. Were you able to perceive whether this command was accepted
4 by the AFRC soldiers?

11:19:31 5 A. Yes, after AFRC left Freetown and met Mosquito in his base
6 in Buedu, there were few AFRC soldiers who took direct command
7 from him.

8 Q. For how many months, Mr Witness, was this situation going
9 on before Johnny Paul Koroma was disarmed?

11:20:19 10 A. After the disarmament of Johnny Paul Koroma. It was at
11 that time that I saw that took place. Then I saw another one.
12 That is what I saw, really. After the disarmament of John.

13 Q. What I mean, Mr Witness, how much time expired between the
14 first meeting at the Wilberforce officer's mess and the
11:20:51 15 disarmament of Johnny Paul Koroma? How much time did expire, in
16 your estimation?

17 A. I did not understand what happened. Make it clear to me.

18 Q. Mr Witness, you described a meeting at the Wilberforce
19 officers' mess in September 1997; is that correct?

11:21:29 20 A. Yes, sir.

21 Q. The first meeting you attended between AFRC and RUF; is
22 that correct?

23 A. Yes, sir.

24 Q. When was Johnny Paul Koroma disarmed by General Mosquito;
11:21:44 25 can you recall that? Which period?

26 A. Yes, it was in 1998.

27 Q. Could it be that it was shortly after the ECOMOG
28 intervention in February 1998?

29 A. Yes, sir, after the February intervention and the ECOMOG

1 intervention here in Freetown.

2 Q. This would mean as of September 1997 to, say,
3 February/March 1998, the AFRC and RUF tried to cooperate for five
4 months, six months; is that correct?

11:22:43 5 MS TAYLOR: Your Honour, I object to that question. My
6 learned friend put in that question as to the time of the
7 disarming of Johnny Paul Koroma was it shortly after the ECOMOG
8 intervention. The answer of the witness was it was after the
9 ECOMOG intervention. He did not accept the adjective "shortly".

11:22:59 10 It is in my submission, therefore, unfair to the witness to
11 suggest to him he has agreed with the statement it was February
12 or March of 1998.

13 PRESIDING JUDGE: Can you put it to him?

14 MR KNOOPS: I'm happy to ask the witness if he remembers.

11:23:15 15 Q. Mr Witness, could you remember whether the disarmament of
16 Johnny Paul Koroma took place shortly after the ECOMOG
17 intervention in February 1998? Could you give an estimation of
18 weeks, months?

19 A. After the intervention, almost within two weeks.

11:23:56 20 Q. So you think it's fair to say that this disarmament of
21 Johnny Paul Koroma took place, say, at the latest, in March 1998?

22 A. Yes, I think so. I cannot remember the exact time, the
23 exact date, but within that time, just after the intervention,
24 within two weeks. Johnny Paul had been to Buedu with Mosquito.

11:24:29 25 Q. Thank you.

26 A. Thank you, sir.

27 Q. Coming back to my initial question, Mr Witness, is it fair
28 to say that from the first meeting at the Wilberforce officers'
29 mess in September 1997 till March 1998, the AFRC and the RUF

1 tried to work together; is that correct?

2 A. Yes.

3 Q. Can you count for us how many months between which this
4 period lies, please?

11:25:20 5 A. Well, I cannot make an estimate currently.

6 Q. When I say to you this is approximately five to six months,
7 do you agree with that estimation?

8 A. Yes.

9 Q. Do you agree that after this period of five to six months
11:25:50 10 there was no cooperation between the RUF and the AFRC whatsoever?

11 A. After the ECOMOG intervention here in Freetown till 1998
12 until Johnny Paul was disarmed by Mosquito, the whole thing was
13 fragile. There was no unity between the AFRC and the RUF.

14 Q. After this fragile period, I mean, after the disarmament of
11:26:40 15 Johnny Paul Koroma, what happened then between the AFRC and the
16 RUF? They were willing to share meetings?

17 A. Well, there was no unity. There was a final split. The
18 AFRC soldiers were only loyal to AFRC commanders; RUF commanders
19 were only loyal to RUF commanders at that time.

11:27:24 20 Q. Mr Witness, was it at that time that General Mosquito said,
21 "We should organise ourselves"? Is that correct?

22 A. Oh, yes. When we had been in Buedu, when the AFRC
23 soldiers, most of them, the majority, were there. It was only
24 one one that you can find. At that time Mosquito used to call
11:27:59 25 meetings, how to defend ourselves.

26 Q. Mr Witness, to your knowledge, was the AFRC or members
27 thereof invited to speak with General Mosquito about his future
28 plans?

29 A. Say again.

1 Q. Were members of the AFRC, after Johnny Paul Koroma was
2 disarmed, ever invited to meetings which were held by
3 General Mosquito, as far as you remember?
4 A. Well. Except one one AFRC soldiers were with him, a few.
11:28:59 5 So when he summonsed that meeting, I saw them there. I saw the
6 AFRC soldiers there, but they were not in large number. The
7 majority, we had had as a final split. They have split with the
8 RUF.
9 Q. Thank you, Mr Witness.
11:29:25 10 A. Thank you, sir.
11 Q. Mr Witness, is it correct that you have knowledge that
12 General Mosquito gave the order to retreat to Daru at a certain
13 moment?
14 A. Yes.
11:29:45 15 Q. To the best of your knowledge, Mr Witness, did
16 General Mosquito consult any other commanders or members of the
17 AFRC before he decided to retreat to Daru?
18 PRESIDING JUDGE: Mr Knoops, you have actually got two
19 questions in that.
11:30:12 20 THE WITNESS: Well --
21 MR KNOOPS: Shall I cut off the witness, Your Honour.
22 PRESIDING JUDGE: There are two questions. I think you
23 should ask them one by one.
24 MR KNOOPS:
11:30:22 25 Q. Mr Witness, when General Mosquito gave that order to
26 retreat to Daru, did he consult any other commander?
27 A. Well, whether he consulted or not, I did not see that. I
28 only saw him and I heard from him that we should retreat from
29 Kenema. I never saw it.

1 Q. So you have no knowledge whether he consulted, for
2 instance, members of the AFRC; is that correct?

3 A. I cannot remember now.

4 Q. Mr Witness, you testified earlier about Operation Pay
11:31:38 5 Yourself; can you remember that?

6 A. Yes, sir.

7 Q. Is it correct that this operation was launched by
8 General Mosquito; is that correct?

9 A. Yes.

11:31:57 10 Q. Do you have knowledge whether the General consulted any
11 commander before ordering this operation?

12 A. Well, I cannot say that I never saw it, but I saw when he
13 himself started it - he himself.

14 Q. Was General Mosquito in command and control of this
11:32:30 15 operation, in your view?

16 A. Oh, yes, in Kenema in particular.

17 Q. Mr Witness, a few final questions for you. Were you
18 yourself involved in Operation Pay Yourself?

19 A. Yes, I took ~~xxxxx~~. I took my family out, out of ~~xxxx~~.

11:33:12 20 Q. Mr Witness, while doing that, were you involved in any
21 looting activities or any other activities?

22 PRESIDING JUDGE: Just pause, Mr Knoops.

23 [Trial Chamber confers]

24 PRESIDING JUDGE: Mr Knoops, I could recall this coming up
11:35:20 25 before. I do recall these answers. Was this put by you
26 yesterday, this particular line of questioning?

27 MR KNOOPS: Not particularly in the context of Operation
28 Pay Yourself. I asked, indeed, at the start of my
29 cross-examination some general questions about another incident

1 regarding looting. I believe it was Kenema.

2 PRESIDING JUDGE: I do recall the same answer, hence the
3 discussion.

4 MR KNOOPS: I didn't ask strictly with respect to Operation
11:35:57 5 Pay Yourself, Your Honour.

6 [Trial Chamber confers]

7 PRESIDING JUDGE: Mr Knoops, have a seat while we look at
8 this. Thank you.

9 JUDGE SEBUTINDE: This is yesterday after the afternoon
11:37:25 10 break. You asked the witness --

11 MR KNOOPS: Your microphone.

12 JUDGE SEBUTINDE: I am addressing you. I'm saying because
13 you didn't refer to Operation Pay Yourself -- I'm just saying,
14 according to my notes, it was yesterday after the break that this
11:37:52 15 issue arose. What I have recorded is that you asked some
16 questions to this witness whether he himself was engaged in the
17 fighting.

18 MR KNOOPS: That's correct.

19 JUDGE SEBUTINDE: And he says yes. Then you asked him if
11:38:04 20 he himself was involved in looting in Kenema, and he also said
21 yes. He alluded to the xxxx which he took to evacuate his
22 family, but he denied being involved in the burning of the
23 houses; do you recall that? Now, my own understanding was that
24 this was Operation Pay Yourself, because it took place just
11:38:33 25 before the exit out of Kenema. So, if you're asking him the same
26 questions, I don't know --

27 MR KNOOPS: I agree, Your Honour. If Your Honours may
28 allow, I could ask the witness by way of a final question whether
29 the incidents in Kenema and Operation Pay Yourself are the same

1 for him.

2 PRESIDING JUDGE: Yes, please proceed along those lines,
3 Mr Knoops.

4 MR KNOOPS: Thank you.

11:39:04 5 Q. Mr Witness, my last question to you is speaking about
6 Operation Pay Yourself. Do you refer to the same incidents as
7 what happened in Kenema that you testified earlier about?

8 A. Yes, sir.

9 Q. Thank you very much. Thank you for your patience with me.

11:39:33 10 MR KNOOPS: Thank you, Your Honour, for your patience.

11 THE WITNESS: Thank you very much.

12 CROSS-EXAMINED BY MS THOMPSON:

13 Q. Good morning, Mr Witness.

14 A. Good morning, sir.

11:39:59 15 Q. Mr Witness, can I ask you first of all whether you went
16 through the DDR program, the disarmament program?

17 A. Yes, sir.

18 Q. Where?

19 A. Tongo.

11:40:14 20 Q. Did you disarm as an RUF combatant?

21 A. Yes, sir.

22 Q. Were you paid?

23 A. Nothing like pay because we didn't discuss on that.

24 Q. Have they given you any money since the disarmament
11:40:40 25 program, that is?

26 A. Yes.

27 Q. How long after you disarmed did you receive your money?

28 A. Well, the first money as I was disarmed, I was given

29 30,000 Leones. Within a week I had up to 300,000 Leones. I

1 think that was all.

2 Q. Thank you. Now, you've had several interviews with people
3 from the Prosecution; not so - people from the Office of the
4 Prosecution, investigators from the Special Court?

11:41:40 5 A. Yes.

6 Q. Now, when you were being interviewed, were names of certain
7 people put to you? For example, would they put a name to you
8 like Johnny Paul Koroma or Eldred Collins?

9 A. Say again clearly.

11:42:16 10 PRESIDING JUDGE: Ms Thompson, I'm not really sure what you
11 mean by "puts names to". Could you be a little clearer?

12 MS THOMPSON: I will rephrase the question, Your Honour.

13 Q. When you were being interviewed by the investigators, did
14 these investigators put certain names to you when asking you
11:42:31 15 questions?

16 JUDGE SEBUTINDE: Do you mean suggest the names?

17 MS THOMPSON: Yes. I think I will use the word "suggest".

18 Q. Did they suggest the names to you?

19 A. Nobody suggested to me. I showed the names.

11:42:53 20 Q. Did they show you pictures of people when they were
21 interviewing you?

22 A. No.

23 Q. Now, the person you've referred to as Gullit, when was the
24 first time you saw him?

11:43:22 25 A. Well, the first time I saw Gullit, it was in 1997 at Johnny
26 Paul's lodge.

27 Q. Can you remember what month?

28 A. Around November or so. Around that.

29 Q. How did you know the person that you saw was Gullit?

1 A. Well, ~~xxxxx~~, I think he knew him, so I was there when
2 Gullit entered the compound of Johnny Paul. He was going to
3 Johnny Paul, and the way I saw him, I saw him like a commander.
4 I asked, "Who was that man?" ~~xxxxx~~ said he was Gullit, he
11:44:29 5 said his name was Gullit. He was PL01 for AFRC and that he was
6 in ~~xxxxx~~ with ~~xxxxxx~~, who was RUF. So I understood
7 him.
8 Q. You say he held the position of PL01. Do you know whether
9 this person Gullit held the position of PL01 throughout the AFRC
11:45:03 10 time up to February of 1998?
11 A. Yes, he was there until - to what I know - I saw him at
12 Kailahun.
13 Q. After you saw him at Johnny Paul's lodge, and you have told
14 us now you saw him in Kailahun. Can you remember the second time
11:45:43 15 you saw him?
16 A. Yes, it was in 1998.
17 Q. 1998 where?
18 A. At Kailahun.
19 MS THOMPSON: Sorry, Your Honour, I'm looking for a page
11:46:34 20 that I've actually missed, something that I've marked.
21 Q. Now, you recall, amongst other things, you had a meeting
22 with interviewers from the Prosecution office this year; not so?
23 A. Yes, sir.
24 Q. When you were asked to clarify certain things concerning
11:47:15 25 the statement you'd made to the Prosecution; not so?
26 A. Repeat that clearly.
27 Q. You have [microphone not activated] concerning statements
28 you made to the Prosecution.
29 A. Yes.

1 Q. Now, I'm going to read something to you. I will ask you a
2 question about it after I've read it.

3 MS THOMPSON: Your Honours, I'm looking at page 8626, which
4 is part of the additional information provided by this witness on
11:48:02 5 the 14th, 15th, 26th, 28th April 2005 and 7th May 2005. I am
6 reading from paragraph 19 of page 8626.

7 Q. "In October 1997 there was also a meeting for the senior
8 commanders at Johnny Paul Koroma's residence on Spur Road.
9 Participants on the part of the RUF were: Issa Sesay; Morris
11:48:47 10 Kallon; Denis Mingo, aka Superman; Mike Lamin; Commander B;
11 Isaac; Gibril Massaquoi; Eldred Collins; Peter Vandy.
12 Participants on the part of the AFRC were: Johnny Paul Koroma;
13 SFY Koroma; Kowas; Major Dumbuya; Gborie; and others. Gullit,
14 Five-Five and others must have been there as all the honourables
11:49:19 15 were there." Do you recall making that statement to the
16 Prosecution or to the interviewer from the Prosecution?

17 A. Yes, I said so.

18 Q. So is it the case that you actually assumed Gullit was
19 there, or did xxxxx tell you that Gullit was there?

11:49:52 20 A. Well, he told me.

21 Q. Why is it then that in the statement which I have just
22 read, which you confirm that you said, you say that the people
23 Gullit, Five-Five, Bazzy and others must have been there as all
24 honourables were there?

11:50:12 25 [AFRC21JUL05-RK]

26 A. Well, they said all counsel members should go to chairman,
27 so these people were all council members. So that was why I
28 assumed that they were supposed to be there.

29 Q. You're not sure whether he was there or not; you assumed

1 that he was there?

2 A. Yeah, like Gullit I saw him, but like the others, I
3 assumed.

4 Q. Mr Witness, before I leave this point, what I have just
11:51:09 5 read out to you, you have not said that you saw Gullit. You say
6 that you assumed that he was there.

7 A. No, I said I saw Gullit. He told me and when he was a
8 council -- because he was a council member, I had assumed that
9 all council members were supposed to be there. Like Five-Five,
11:51:40 10 Bazzy, they were all members of -- AFRC council members.

11 Q. Mr Witness, you've told us that Mosquito asked you and
12 others to collect Johnny Paul Koroma?

13 A. Yes, sir.

14 Q. The person you know as Gullit, was he there when you went
11:52:09 15 to collect Johnny Paul Koroma?

16 A. No, I was not at that scene, but that time he had gone to
17 Kailahun. He was the first one to leave Kono before even Johnny
18 Paul entered there.

19 Q. Have you ever told interviewers from the Prosecution that
11:52:40 20 Gullit was present when you went to meet Johnny Paul Koroma?

21 A. No.

22 Q. I'm going to read some passages from your interview to you
23 and then I will pose some questions to you after that.

24 MS THOMPSON: Your Honours, I'm starting from page 7450. I
11:53:31 25 will start from the seventh line of the second paragraph,
26 starting from the sentence with the word "whilst".

27 Q. "Whilst there one day, Mosquito told us that he had
28 received a message from General Issa Sesay at Makeni, but Johnny
29 Paul Koroma was there and heading for Kono and we should dispatch

1 to Kono to receive Johnny Paul Koroma and take him to Buedu in
2 Kailahun District where Mosquito was based. Mosquito appointed
3 one Major Gweh to lead the troop. I was among the troop xxxx
4 xxxxx. We left there on foot, through Manawa
11:54:21 5 and other bypasses. Gandorhun in the Gbane Chiefdom, Kono
6 district. At Gandorhun, Johnny Paul Koroma came in a big convoy
7 escorted by General Issa and Brigadier Morris Kallon. Among the
8 convoy were Johnny Paul Koroma's wife; three children, boys; his
9 security, Rambo; Gullit; Five-Five; and others." Do you recall
11:54:52 10 saying that?
11 A. Yes, I talked it, but I never mentioned that Five-Five
12 name, Bazzy. If I put -- if I had placed Gullit in there, well I
13 forgot, but I was not sure, because Gullit reached Kailahun first
14 before ever even those with whom he went, we all went together to
11:55:22 15 receive Johnny Paul who was xxxx. If I said that, well, I
16 cannot remember. I forgot.
17 Q. Did you also forget when you said this -- Your Honours, I'm
18 looking at page 7556. I will start from the question. "So when
19 did you arrive in Buedu?" Answer: "Buedu. So after that month,
11:56:02 20 after that time when we retreated is what I wanted to explain.
21 When we retreated from Kenema, we were in Daru, then Johnny Paul
22 sent a message, said they have retreated from Freetown, so they
23 are heading to Mosquito's locations. They say they meet a lot of
24 hostile groups to cross and the road from Kono now to Kailahun.
11:56:28 25 They need to use force because there is a lot of Kamajors around
26 and they came along with a lot of things. They have some
27 diamonds, some important things with them. So they should send
28 some men to come and collect them on the way. So Mosquito
29 assigned Major Gweh as commander. I was xxxxxx."

1 "For Mosquito?" "No -- yes, xxxxxx because all Johnny

2 Paul" --

3 PRESIDING JUDGE: Take care with that quotation.

4 MS THOMPSON: I have actually written on it, Your Honour.

11:57:03 5 Q. "No -- yes, xxxx now, because all Johnny Paul, they

6 came, they go around with Commander B. Commander B was with

7 them." "With Johnny Paul?" "With Johnny Paul. Commander B,

8 Issa Sesay, Denis Mingo, Morris Kallon, they were all together."

9 "Okay. And were all travelling together?" "Gullit, Five-Five,

11:57:24 10 Rambo were now the security. All of them were together. So they

11 told us to go and receive them in Kono but unfortunately when we

12 reached Kono, Kono only to us by -- Kono to us by Kailahun, one

13 village by Kailahun. There we stayed." Do you recall saying

14 that?

11:57:46 15 A. No. This statement you're saying is embarrassing.

16 Q. I don't mean to embarrass you, Mr Witness. But let me go

17 further. "The next morning they bring Johnny Paul and others."

18 "Who is the 'others'?" I've gone to page 7557 now, Your Honours.

19 "Johnny Paul. I see Gullit; I see Rambo; I see Gweh; I see

11:58:13 20 packing their children." Do you recall saying that?

21 A. No, these are -- this looks a little bit complicating. No.

22 Q. I will put another one to you. Your Honours, page 7559. I

23 will start from the question. "Gandorhun, do you remember

24 meeting there?" "The only meeting is after the arrival from Kono

11:58:59 25 when we were waiting for them in Gandorhun after they moved from

26 Kono, the next morning they get in Gandorhun. They call up the

27 formations. They showed Johnny Paul to us, to the other armies

28 there, went along with us to go and receive him. They told us --

29 they said, 'This is the chairman.' Then this is his wife. This

1 is his wife. Then his children. Then Gullit, PL01. The
2 introductions go on. With Rambo, they say he is a security,
3 commander for him. So with Morris Kallon with Commander B, Issa
4 Sesay and Denis Mingo, most of them, they there share news to us.
11:59:49 5 They say these are the people. These people come to collect, so
6 you are to take care and you are to be vigilant until we reach
7 where we are heading to." Do you remember that?
8 A. Yes, I spoke, but I didn't talk about Gullit there. I
9 cannot remember that. They called a meeting, as you have
12:00:15 10 explained, but I didn't mention Gullit there.
11 Q. Mr Witness, those are three occasions when you've mentioned
12 that you saw this person there. Let me give you one more time
13 when you mentioned that you saw this person there. Page 7650,
14 just halfway down the page, starting from the question:
12:00:53 15 "Kailahun." "Now Tamba Brima Gullit, when was he in Kono. When
16 was he the commander in Kono, do you remember?" Sorry, this one
17 is on -- Your Honours it follows to the next page as well. I'll
18 just read the whole thing for it to make sense. "Who? Gullit?"
19 "Gullit, yeah, Gullit. That time, the AFRC time, that period you
12:01:28 20 want." "No, when he was commander in Kono, do you recall any
21 periods of the time that he was the commander in Kono?" "Since
22 the coup took over, since the coup?" "Yes, since then." "So
23 that's May 1997, 1997 to 1998." "To 1998, yeah?" "When in 1998
24 did he stop?" "A nine-month period?" "A nine-month period,
12:01:54 25 yes." "Okay. So once that was over he wasn't in Kono?" "No,
26 the overthrow took over, then the intervention came and
27 everything was controlled by Mosquito, that's what I told you."
28 How do you know he was in Kono? Did you see him with your own
29 eyes?" "I see him. Then after from there we went and received

1 them." "Okay." "We brought them to the base." "Okay. So you
2 seen him yourself in Kono?" "Yes, I see him?" "Okay. Where in
3 Kono?" "Gandorhun. Gandorhun Kpaneh." Mr Witness, that is four
4 occasions when you claim to have seen a person you've referred to
12:02:41 5 as Gullit in Gandorhun Kpaneh.

6 A. Well, that was what I told you that if this name had been
7 there initially, it was just -- I just forgot about it. But I
8 think I saw Gullit in Kailahun before ever we went for Johnny
9 Paul. If I'm mistaken, if I've made a mistake and placed his
12:03:02 10 name there, then I'm sorry about it.

11 Q. Is it the case that you made a mistake on four occasions
12 or, in fact, this was just a name to you and you did not who this
13 person was?

14 A. No, I know him very well, and he also knows me. I will not
12:03:27 15 say I don't know him.

16 Q. Have you described Gullit as a Mende man?

17 PRESIDING JUDGE: As a what?

18 MS THOMPSON: Mende, Mende tribe.

19 Q. As a person coming from the Mende tribe?

12:04:01 20 A. No.

21 Q. Are you sure?

22 A. Yes.

23 Q. I'll come back to that. Now do you remember the name of
24 the person in Tongo who you referred to as PLO 2? Do you know
12:04:37 25 the name of that person?

26 A. No, I did not know his real name.

27 Q. Do you know what happened to him?

28 A. Yes.

29 Q. What happened to him?

1 A. Well, at one time in the morning he was arrested -- they
2 said he was involved in the death of Yamao Kati. So they said he
3 was involved, he was arrested and brought to Freetown here.

4 JUDGE SEBUTINDE: I'm sorry, I didn't get the word. Whose
12:05:14 5 death?

6 MS THOMPSON: PLO 2 -- Yamao Kati.

7 Q. He was involved in the death of Yamao Kati. That was your
8 answer, wasn't it?

9 A. Yes, sir.

12:05:32 10 PRESIDING JUDGE: That is not quite fair. He said they
11 said he was involved in the death.

12 MS THOMPSON: Sorry.

13 Q. Okay. Do you know how many people were arrested for the
14 death of Yamao Kati?

12:05:51 15 A. Well, they arrested his bodyguards, Yamao Kati's bodyguards
16 but the one who I had concern for was the PLO 2.

17 Q. Do you what they did with the PLO 2?

18 A. Yes, he was brought to Freetown. They said later he was
19 later executed under the AFRC.

12:06:34 20 Q. Do you know about the names or hear about the names of
21 other people who were involved in the death of Yamao Kati?

22 A. No, I cannot know their names.

23 Q. Do you know how many people they executed for the death of
24 Yamao Kati?

12:07:02 25 A. Well, what I heard I only heard about PLO 1's death. That
26 is what I heard. I'm sorry, I mean PLO 2.

27 Q. Now I'm going to put to you your statement again. Starting
28 from page 7575. I'll start from the answer just over halfway
29 down. "The PLO 2 later he was executed in Freetown." "Oh,

1 okay." "Because they make a plot on one commander called Captain
2 Yamao Kati." "Captain Yamao Kati." "He was one of the captains
3 assigned to Tongo as commander. The time Mosquito captured the
4 area and then Yamao Kati was the overall commander there. He was
12:08:10 5 controlling everything. But Gullit and the PLO 2 with all the
6 Yamao Kati bodyguards they make some coup so they execute the
7 captain." Oh, okay." "In the night, in the night they came."
8 "Okay." "So in the morning they arrested some bodyguards. Then
9 the bodyguards explain, they say PLO 2 has hands inside because
12:08:33 10 some of the diamonds issues so they prefer to kill the man. So
11 they took from him. Later they arrested the PLO 1. He wasn't
12 here. Later on the AFRC executed. If you hear about any
13 execution carried on by the AFRC here in Freetown, they the one
14 that they execute. They go under firing squad." Do you remember
12:08:58 15 saying that?
16 A. Yes, I said that.
17 Q. Now I put it to you that there was no PLO 1 or 2 or Gullit
18 in Tongo?
19 A. No, I did not say Gullit. I did not talk about Gullit.
12:09:26 20 Gullit was in Kono during that time. Why should I mention him
21 about Tongo that he killed Yamao Kati?
22 Q. Now you say you've never mentioned to the Prosecution or
23 the investigators that the person you're referring to as Gullit
24 is a Mende man. Your Honours from page 7567, seven lines down.
12:10:05 25 JUDGE SEBUTINDE: Please repeat the page.
26 MS THOMPSON: 7567, Your Honour.
27 Q. "Because there was a lot of armed men who were behind,
28 these are the men for Gullit and Gullit, a Mende. So this other
29 commander a Mende, so all of them were together with Johnny

1 Paul." Do you remember saying that?

2 A. No. I said it, but it was not exactly that I said that

3 that you are now reading.

4 Q. I see. What exactly did you say?

12:10:46 5 A. Well, I did not make the statement like that.

6 Q. Is there an Akim who was a member of the RUF, a person

7 called Akim?

8 A. Yes, this latter part, but he was an AFRC.

9 Q. No, I asked you about Akim being a member of the RUF. Was

12:11:35 10 there an RUF fighter or member called Akim?

11 A. Yes.

12 Q. The person you've referred to, you referred to him earlier

13 called Akim was that an AFRC member or an RUF member?

14 A. He was an AFRC.

12:12:10 15 Q. Are we talking about the same person?

16 A. Yes.

17 Q. So was he a member of the AFRC or was he a member of the

18 RUF?

19 A. He was a member of the AFRC, later he worked with the RUF.

12:12:34 20 That was why I said he was a fighter for the RUF.

21 Q. When did he become a fighter for the RUF?

22 A. In 1998 when we retreated.

23 Q. Was he fighting under RUF command; is that what you're

24 saying?

12:13:05 25 A. Yes, sir.

26 Q. Did you see him fight under RUF command as an AFRC fighter?

27 A. Yes, sir.

28 Q. Where did you see him fighting under RUF command as an AFRC

29 fighter?

1 A. I saw him. They fought in Daru with RUF men. During that
2 time the commander was Mosquito. I saw he came from Buedu
3 directly with a vehicle which was given to him by Mosquito. They
4 all came to that attack. They fought together with RUF.

12:13:56 5 Q. Did you fight in that attack?
6 A. I did not fight.
7 Q. So where were you?
8 A. I was at Gbaima Town.
9 Q. So how did you see him fighting in Daru?

12:14:18 10 A. I saw arms he carried them. They all went and I heard the
11 heavy gun sounds. Even the time he said they wanted to capture
12 the town but there was a problem and they were not able. So he
13 said that when we sat together. So I knew he fought alongside
14 the RUF.

12:14:40 15 Q. But you did not see him fighting alongside the RUF as an
16 AFRC fighter? You made an assumption from what you could gather
17 but you did not see him with your own eyes?
18 A. What I'm saying, I saw him fight.
19 Q. Mr Witness, I'm not clear now because either you saw him
12:15:15 20 with your own eyes or you assumed he was a fighter because he
21 took arms and he came with Mosquito's vehicle, which is it?
22 A. Yes, I saw him come and he went and fought and he came and
23 told me that he fought, so I knew that he fought.
24 Q. So now he told you that he fought?

12:15:40 25 A. Yes.
26 Q. Now you mentioned that you were in Kenema?
27 A. Yes, sir.
28 Q. After -- were you in Kenema when the incident concerning BS
29 Massaquoi took place? BS Massaquoi is a name we've heard in this

1 chamber, Your Honours.

2 PRESIDING JUDGE: Yes.

3 THE WITNESS: Yes, I was there. I heard about it, but I
4 was not at the scene.

12:16:28 5 MS THOMPSON:

6 Q. And you [Microphone not activated] killed him?

7 A. Yes, it was Mosquito.

8 Q. Do you know a person called Komba Gbundema?

9 A. Yes, he was an RUF, an RUF one.

12:17:03 10 Q. Who was in charge of Kono after February 1998?

11 A. Well, I cannot tell you. The only person -- at times I was
12 in Buedu, the only high person that was in high command that I
13 saw was Issa Sesay. I cannot tell you exactly who was taking
14 care of Kono as commander.

12:17:34 15 Q. Was it not Mosquito?

16 A. Yes, Mosquito was having a command over there, but he was
17 not the one that was controlling there as a commander.

18 Q. Now, February ~~xxxxx~~ was the time you were in ~~xxx~~, not so?

19 MS TAYLOR: Your Honour, I'm sorry, I simply didn't hear
12:18:02 20 the question.

21 MS THOMPSON:

22 Q. February ~~xxx~~ was the time you were in ~~xxxx~~; is that
23 right?

24 A. Yes, when we retreated I was in ~~xxxx~~, yes.

12:18:18 25 Q. In February ~~xxxxx~~?

26 A. Yes, sir.

27 Q. Do you recall saying this to the interviewer from the
28 Prosecution. Your Honours, I'm reading from page 7565, starting
29 from the first question on that page which is about four lines

1 down. "Um-hum was anybody ever put in charge of Kono later? Was
2 anybody, anybody? Did Mosquito or Johnny Paul Koroma appoint
3 anybody to be in charge of Kono after that meeting?" "Well after
4 that meeting is what I'm saying now." "Yeah, first before ever
12:19:16 5 this meeting could take place, PLO 1 was in charge of that
6 mining. That is now Gullit." "That was Gullit PLO 1?" "Yes.
7 No, no, Gullit. Gullit, but after they went, we go and received
8 them in Buedu. After they held this meeting he said the meeting
9 did not go well at all with them. Then Mosquito took everything
12:19:40 10 from them with the commander, commandship. Mosquito selected his
11 own commander to be there." Do you recall saying that as regards
12 Kono that Mosquito selected his own commander for Kono?
13 A. No, I did not talk about that.
14 Q. When you say Issa Sesay was in Kono, who was he reporting
12:20:20 15 to, do you know?
16 A. Yes, he went to Kono. He used to report to Mosquito.
17 Q. So was Mosquito in overall command of Kono then?
18 A. The commander who was taking care over the whole Kono, it
19 was Mosquito that was in command of the commandants, the
12:20:58 20 commandants that were there.
21 Q. So they reported to him?
22 A. Directly.
23 Q. Did Mosquito's overall command expand the eastern province?
24 A. Yes. The eastern province wherever the RUF occupied.
12:21:37 25 Q. Kailahun District?
26 A. Yes, yes, Kailahun District.
27 Q. Kenema District?
28 A. Half of Kenema District.
29 Q. Did that half include Tongo Field?

1 A. Yes.

2 Q. And Kailahun included Buedu, Pendembu, those areas?

3 A. Yes.

4 Q. Was there a military police presence in Buedu?

12:22:25 5 A. For the RUF?

6 Q. Sorry, for RUF?

7 A. Yes.

8 MS THOMPSON:

9 Q. Your Honour, may I just indicate to the Court that there

12:22:46 10 are certain questions I would like to put to this witness. One

11 would necessarily go to his identity. The second is to put a

12 name of person to him and I think that person is under protective

13 measures. I think that would be better done in closed session.

14 I haven't got that far yet, but I am shortly away from it. Maybe

12:23:05 15 I will need to do it before the luncheon adjournment. I indicate

16 to the Court now that I haven't spoken to my learned friend for

17 the Prosecution about it.

18 MS TAYLOR: I have no objection to those questions being

19 put in closed session.

12:23:24 20 PRESIDING JUDGE: We will deal with it when it arises,

21 Ms Thompson.

22 MS THOMPSON: Thank you.

23 Q. Did there come a time when you fell out with the RUF?

24 A. Well, we did not separate, but I had a problem with Issa

12:23:48 25 and Mosquito, that is the commanders.

26 Q. What was your problem with Issa and Mosquito?

27 A. Well, the problem at one time xxxxx to go to

28 Manowa, Eagle in order for him to get food so I would bring it.

29 When I reached in xxxxx had a problem, the xxxx

1 with which I was going. I slept there. Early in the morning the
2 Guinean soldiers began by launching Kailahun. I walked and went
3 to the stream. I saw the soldiers from Guinea, they made some
4 boats. They crossed the place and made some boats. During that
12:25:01 5 time we took some men. There were about 20 and we deployed them
6 by that stream in order for them to guide. The soldiers were
7 trying to cross to come to Kailahun to fight them. When we have
8 deployed them there, Mosquito was not around. Issa Sesay was not
9 around. I left them in Buedu. I came. I went to xxxx
12:25:31 10 who was in charge of the xxx. xxxx informed Mosquito and Issa
11 about that particular development that was in that area. But
12 when Issa Sesay came, he metxxxx at that same place with xxxx
13 xxxx. We all sat together. He asked what happened. After I had
14 explained to him everything, while I explained to Issa one of his
12:26:06 15 bodyguards - he was called xxxx- he came running. He said the
16 enemy had crossed, all that xxx told Issa was lies. xxx
17 supported the enemies. Now they have crossed and they are now
18 closer to Kailahun so Issa became angry with me. So he forced xxx
19 and said xx should go and block that point with the manpower that
12:26:31 20 he collected. When we went there, we arrived at the water -- the
21 stream. The soldiers did not cross. Thisxxxx who gave
22 this information was with me. So I said Bra have you seen?
23 These men --
24 Q. I will stop you there, Mr Witness.
12:26:52 25 PRESIDING JUDGE: Ms Thompson, I cannot hear you. Could
26 you repeat what you said.
27 MS THOMPSON:
28 Q. Let me stop you there, Mr Witness. Were you not xxxx by
29 Issa Sesay? Were you xxxxx by Issa Sesay?

1 A. Yes, it was during that last time that Issa Sesay **xxxx**
2 **xxx**.
3 Q. Was it not to do because you were mining?
4 A. Yes, this last time. It was for the mining in **xxxxx**
12:27:29 5 because I **xxxx**.
6 Q. And the RUF did not give you any food after the fighting
7 stopped. They gave you no food or money?
8 A. Nothing.
9 Q. They **xxxx** you because you were mining to **xxxxx**
12:27:51 10 **xxxxx**?
11 A. No. They **xxxxx** because he sent **xxxx**. He was -- the
12 private civilians who were not doing that. He used beat them and
13 undressed them and the diamonds that **xxxxxx**
14 and took them to **xxx**. We did not do anything. So I stopped
12:28:16 15 him. Everywhere he passed his order, if he captured civilians, I
16 would take them all from him and they all dispersed. So he went
17 to **xxxx** an informant that I have **xxx** the men in **xxxx**, so
18 he was **xxxx** to get **xxxxxx** there. So **xxxxx**
19 sent for **xx** to go. **xx** said **xx** not going anywhere. When he was
12:28:43 20 in Kono **xx** said I was not going. So he made a different story.
21 **xx** said **xx** should be **xxx**. I had **xxxx** men. I have **xxx**
22 **xxxx**. So I sat as a **xxxxr**, so they sent -- so he said the
23 **xxxxx** who were there, the **xxxx**, they saw armed men moving about so
24 they sent to **xxxx** to know what happened. Why the **xxxxxF** are in
12:29:09 25 **xxxx**. So **xxxx** did not talk about diamond affairs. He
26 said **xxxxxxxx** another in order to take power and
27 we sign another peace accord. We did not agree for the peace
28 accord. So they went there: **xxxx** and **xxxxx xxxxxx**
29 **xxxxxxx**. They found out it was **xxxxx**, so they put us in

1 xxxx and we came to xxxx. When we came to xxxxx,
2 Opandi --
3 THE INTERPRETER: My Lord --
4 PRESIDING JUDGE: Mr Witness, let us get the answer. The
12:29:57 5 witness was going very fast. Mr Witness, repeat the last part of
6 your answer to let the interpreter interpret it.
7 MR THOMPSON: May I also say, Your Honour.
8 Q. When you repeat the last part of your answer, just pause
9 there, please.
12:30:17 10 A. So xxxxi went. We were there whenxxxxx came. He xxxx
11 xxx. He said xxxxxx. I have xxxxx, so
12 he was going xxxxx. So xxxx and xxxxxx. That
13 was a common thing and he xxxxxx. xx there for
14 up to a month.
12:30:45 15 Q. And it's right to say you actually xxxx?
16 A. Yes, sir.
17 Q. [Microphone not activated]
18 A. Yes, I xxxxx because he was not caring for me. I was
19 there, xxxxx.
12:31:05 20 Q. Okay. Mr Witness, now earlier you told us in
21 examination-in-chief that you were sent by xxxxx to go to the
22 Buedu crossing to stop xxxx because he was about to cross with
23 the diamonds?
24 A. That is not what I said. It is xxxxxx who instructed, not
12:31:38 25 me.
26 Q. Okay, xxxx instructed you to go to Bedu crossing point.
27 Were you amongst the people who dispossessed xxxx -- or who
28 disarmed xxxx?
29 A. Yes, I was among them.

1 Q. Were you among those who took the xxx from him?

2 A. Yes.

3 Q. I put to you that that was the very first time that you saw
4 this person you referred to as xxxx. Before that day you had
12:32:23 5 never seen him before?

6 A. No, that was the second time. Maybe it was -- for him it
7 was the first time that he saw me and knew me, but for as me that
8 was the second time. I saw him in Freetown here and I saw him in
9 Kailahun.

12:32:47 10 Q. Mr Witness, have you been given any money by persons from
11 the Special Court before today?

12 A. Well, I am here, except because they knew I have a family
13 and I have to eat, they used to give me my daily allowance, but
14 before that I have never received any money from them.

12:33:20 15 Q. How much is the allowance?

16 A. 16,000 Leones.

17 Q. Were you given 50,000 on the 27th of March 2004?

18 A. I said it is 16,000. I have never seen that type of money
19 as a total. I have receive 16,000 Leones I know of that.

12:33:48 20 Q. I'm asking about a specific date. On the 27th of March
21 2004, last year, do you remember that [Microphone not activated]
22 money?

23 A. No.

24 Q. What about the 25th of March -- 25th of June, I beg your
12:34:15 25 pardon, 25th of June 2004?

26 A. No, no money was given to me. No other money except the
27 money I'm receiving now. 16,000 that is given to me now for me
28 and my family.

29 Q. What about relocation, have you been promised relocation?

1 A. Well, they have not told me that.

2 Q. Are you hoping for it?

3 A. Well, that one I have not told them that, so I don't have
4 hope. I am not hopeful.

12:34:52 5 Q. What anonymity for life?

6 A. What do you mean about it?

7 Q. You will be secure for life?

8 A. Well, unless where I'm sitting here, when I enter here my
9 security is safe, but nobody has told me about my security since
12:35:20 10 then.

11 MS THOMPSON: I make that application now for the Court to
12 go into closed session. The application being one, to protect
13 the identity of this particular witness and second, to protect
14 the identity of a person who is also under protective measures.

12:35:38 15 JUDGE SEBUTINDE: Ms Thompson, may I ask, are these
16 questions to which the answers could be written in the form of a
17 name on a piece of a paper as an alternative?

18 MS THOMPSON: Yes, Your Honour, but I believe this witness
19 is not ~~xxxxx~~. I think this witness left school in ~~xxxx~~
12:35:56 20 and I wasn't sure whether it would be fair to write down names
21 and he wouldn't be able to read them given that he was asked to
22 spell certain names during his examination-in-chief and he wasn't
23 able to.

24 MS TAYLOR: As previously indicated, I don't have any
12:36:12 25 objection to the closed session.

26 PRESIDING JUDGE: I think I have inadvertently switched off
27 the witness. Madam Court Attendant, thank you.

28 [Trial Chamber confers]

29 PRESIDING JUDGE: This is a ruling on an application in the

1 light of the application and the consent by the Prosecution. The
2 next part of the witness's evidence will be in closed session to
3 protect the identity of this witness and another possible
4 witness.

12:37:27 5 Madam Court Attendant, could you please implement that.

6 [At this point in the proceedings, a portion of the
7 transcript, pages 61 to 63, was extracted and sealed under
8 separate cover, as the session was heard in camera.]

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1 [Open session]

2 [AFRC21JUL05D-SGH]

3 [On resuming at 2.18 p.m.]

14:22:39 5 PRESIDING JUDGE: Good afternoon. Now, Mr Fofanah, you are on
your feet, I presume you are about to start your cross-examination.

6 MR FOFANAH: Yes, Your Honour.

7 PRESIDING JUDGE: Very good. Please proceed.

8 MR FOFANAH: Most grateful.

9 CROSS-EXAMINED BY MR FOFANAH:

14:22:49 10 Q. Good afternoon, Witness.

11 A. Good afternoon, sir.

12 Q. I am going to go through with you some questions which I
13 want you to clarify on what you told the Court. Just listen
14 carefully to the questions and give specific answers to them.

14:23:14 15 Now, we will start with the RUF. Remember you have told this
16 Court that you were trained as a RUF guerrilla sometime in 1991;
17 not so?

18 A. Yes, sir.

19 Q. And the RUF trained you both physically as well as mentally
14:23:39 20 in terms of giving you an ideology; not so?

21 A. Yes, sir.

22 Q. And that ideology was for the RUF to seize power, ultimate
23 power, in Sierra Leone at all costs; correct?

24 PRESIDING JUDGE: I don't recall the all costs, but certainly to
14:24:00 25 seize power.

26 MR FOFANAH: That ideology was for the RUF to seize power
27 in Sierra Leone; not so?

28 A. Yes, sir.

29 Q. Was it the case that you were to seize power in Sierra

1 Leone at any means available at your disposal?

2 A. Yes.

3 Q. And, as a result of that, certain grand structures were put
4 in place to ensure that ultimate power, which was, I mean, to
14:24:50 5 take over any government in Sierra Leone at the time, was to be
6 executed; not so? Those structures were put in place.

7 A. Well, that was the ideology.

8 Q. Okay. I am just going to read out to you an additional
9 information which you gave very recently. And then I just want
14:25:23 10 you to confirm if you made it or not. You can listen carefully.

11 MR FOFANAH: Your Honours, I am looking at page 9511. Page 9511.
12 I am looking at the first paragraph of that page.

13 Q. It starts with -- Mr Witness, listen carefully. You said
14 this was recently sometime ago in 16, 20th and 23rd June 2005.
14:26:18 15 That is just last month. You said as follows: "In early
16 March 1998, the RUF had re-established a proper command
17 structure. Foday Sankoh was still our leader. But he was under
18 arrest. Brigadier Mosquito was acting leader and our battlefield
19 commander. Later, he promoted himself to general. Brigadier
14:26:49 20 Issa Sesay was battle group commander and Mosquito's deputy. At
21 first, Superman was supposed to become the battle group
22 commander, but because of in fighting between him and Issa Sesay,
23 Morris Kallon, he left Buedu for the Lunsar area. Brigadier
24 Morris Kallon was the deputy battle group commander. The next
14:27:24 25 senior commanders below Morris Kallon was Colonel Rambo, who was
26 the overall front line commander, and was later promoted to
27 Brigadier and Brigadier B -- Brigadier B didn't have a particular
28 assignment at that time because Mosquito was angry with him." Do
29 you recall making that statement recently in June?

1 A. Yes, sir.

2 Q. And all of these men were RUF men; not so?

3 A. Yes, sir.

4 Q. Do you also recall giving any information to the effect

14:28:08 5 that the RUF, sometime in March 1998, had two brigades?

6 A. No, what?

7 Q. Do you recall giving any information to members of the

8 Prosecution team that sometime in March 1998 the RUF had two

9 brigades?

14:28:33 10 A. Yes.

11 Q. And that the first brigade was based in Pendembu, Kailahun?

12 A. Yes, sir.

13 Q. Did that first brigade comprise four battalions?

14 A. Yes, sir.

14:29:11 15 Q. Were you a member of the 1st Battalion of that first

16 brigade?

17 A. Yes, sir.

18 Q. Was that first brigade based at Baiima.

19 MR FOFANAH: I will spell. B-A-I-I-M-A, Your Honours.

14:29:26 20 THE WITNESS: No.

21 MR FOFANAH:

22 Q. Where was it based?

23 A. It was based in Pendembu. Pendembu.

24 Q. Was it commanded by a certain Lieutenant Colonel Eagle?

14:29:49 25 A. No.

26 Q. So, who was the commander around March 1998 of the first

27 battalion?

28 A. Well, first battalion it was Colonel Eagle, but you are

29 talking about brigade.

1 Q. No, I was actually talking about the 1st Battalion. Do you
2 still insist that the 1st Battalion was based at Pendembu?
3 A. No, it was based in Baiima. The first brigade was in
4 Pendembu.

14:30:39 5 Q. Okay, no problem. Now, what about the second brigade --
6 the 2nd Battalion, sorry, of the first brigade. Was it based at
7 Kuiva?

8 MR FOFANAH: Kuiva is spelt K-U-I-V-A.

9 A. Yes, it was in Kuiva.

14:31:04 10 Q. Was it under the command of Lieutenant Colonel Manawai?
11 A. Yes, sir.

12 Q. Where was the second brigade based?

13 A. Well, it was in Kono.

14 Q. And this was sometime around 1998; not so?

14:31:35 15 A. Yes, sir.

16 Q. To the best of your knowledge when was the second brigade
17 based in Kono around 1998?

18 A. Well, it was almost towards the end of 1998.

19 Q. So, are you saying that when it was formed in March 1998,
14:32:19 20 it was it not based anywhere? Was it based anywhere when it was
21 formed in March 1998, the second brigade?

22 A. Well, I have almost said it was in Kono.

23 Q. So, you agree with me that the second brigade was based in
24 Kono in March 1998; not so?

14:32:47 25 A. Yes, sir.

26 Q. Who was commanding the second brigade of the RUF in Kono
27 around this time?

28 A. Well, that one I could not say. I cannot say anything
29 about that. I was only concerned about the brigade I was. That

1 was across. I cannot tell you anything about it.

2 Q. Okay, the point is taken. So, by even the stretch of the
3 imagination you cannot tell who was heading that brigade; not so?
4 Do you know or you don't know?

14:33:28 5 A. I don't know.

6 Q. Okay. So am I correct to say that in March 1998 you were
7 at xxx as a member of the xxx Battalion of the RUF?

8 A. Yes, I was around there. I was inxxxx, later in 1998. I
9 cannot say the particular month, but it was in 1998 I was
14:34:16 10 assigned to xxx, the 1st Battalion.

11 Q. Now, I am going to bring you back to a few things you said
12 regarding the RUF ideology as well as the structure. You have
13 already said this that the RUF had its ultimate goal of securing
14 power in the Sierra Leone. Now, to the best of your knowledge
14:34:57 15 did this continue to be the ideology of the RUF throughout the
16 period 1997 to 2000?

17 A. I did not understand. Make it clear for me.

18 Q. Now, was it not part of the ideology when you came to
19 Freetown in 1997 that the RUF should gain ultimate power and
14:35:34 20 control of Sierra Leone?

21 A. Yes, together with the AFRC, that was the idea we had at
22 that time, everybody.

23 Q. I am talking specifically about the RUF. I will come to
24 the AFRC later. Was that not part of the ideology in which you
14:36:14 25 were trained. That, I mean, you should go all out and secure
26 power and that when you came to Freetown in 1997, was that not
27 still part of the ideology that you should gain power and
28 ultimate control of Sierra Leone?

29 A. Yes.

1 Q. And it continued to be like that until you retreated to
2 Kailahun in 1998; not so?

3 A. Yes.

4 Q. And that ideology was even reinforced when Mosquito called
14:37:02 5 you to a meeting in Beudu, sometime in March 1998, and said, "You
6 are all RUF and that you are different from the AFRC government.
7 And that as part of the ideology your aim was to secure power and
8 ultimate power over the Republic of Sierra Leone. And that
9 should be the object of your exercise." Not so?

14:37:43 10 A. Yes, sir.

11 Q. And as a result of that some elaborate mechanism,
12 structure, was put in place which I will just read out to you --
13 which I have just read out to you when I said that in early
14 March 1998 the RUF had to re-establish a proper command structure
14:38:05 15 in which Sam Bockarie was deputising Foday Sankoh as battlefield
16 commander. Correct?

17 A. Yes.

18 Q. Now, you have also said that as an RUF soldier yourself -
19 and you even spoke on behalf of your colleagues - that you were
14:38:31 20 not very happy, you didn't like the idea of soldiers, AFRC
21 soldiers, thinking that you were kind of some lower quality in
22 terms of your military training and up-bringing. You said they
23 disrespected you, correct?

24 A. Yes.

14:39:06 25 Q. And as a result of that you personally and your colleagues
26 did not like them; not so?

27 A. The idea. Not them, but the idea. When they used to come
28 and distinguish themselves from us that you are -- they are RUF
29 soldiers and we are civilians. You cannot call somebody -- say

1 come and then start to tell him he is like this and he is like
2 this. I would not take it kindly.
3 Q. So, from the day they started -- before I come to that, I
4 mean, this started right from the time you came to Freetown; not
14:39:53 5 so? In 1997?
6 A. That is what I saw.
7 Q. And when you saw it, were you personally happy?
8 A. What did I tell you I was happy about?
9 Q. This idea of AFRC soldiers disrespecting RUF men and women?
14:40:23 10 A. No.
11 Q. And did it come from the soldiers themselves the act of
12 disrespecting the RUF soldiers? Did it come from the AFRC
13 soldiers? Did you see it?
14 A. Well, I told you earlier that there was no respect. I saw
14:41:03 15 it.
16 Q. So, if I put it to you that because, according to you, you
17 said you were against the idea and the idea itself emanated,
18 according to you, from the AFRC soldiers, if I put it to you that
19 you did not like AFRC soldiers because you said they were
14:41:20 20 disrespecting RUF men and women; will I be correct?
21 A. I liked the human beings because I never did bad to them.
22 But it was the idea they came with. I did not favour it.
23 Q. Okay, we will come to that later. Let's come now to your
24 journey. Where were you when the AFRC overthrew the government,
14:42:01 25 according to you, in 1997?
26 A. In ~~xxxxx~~.
27 Q. And you are absolutely sure about that?
28 A. Yes. Yes.
29 Q. Have you not told anyone before that you were somewhere in

1 Sierra Leone at that time?

2 A. No.

3 Q. Are you aware that this incident in fact took place on
4 27th May 1997?

14:42:54 5 A. I could not remember, but I could remember that it was in
6 this '97 that the coup took place.

7 Q. I put it to you that when you were giving your statement,
8 that is when you first had the opportunity of telling your story,
9 you told those who took your statement that you were at Buedu,

14:43:11 10 Kailahun District?

11 MR HODES: Your Honours, I am going to object to the form of the
12 question. If Defence counsel is suggesting that there is a statement in
13 which the witness made this statement, I would ask that the statement,
14 the date and the location of the statement be also addressed to the
14:43:36 15 witness.

16 PRESIDING JUDGE: That is the proper procedure, Mr Fofanah.

17 MR FOFANAH: Thank you very much, Your Honour. I am sorry
18 about carrying on this way.

19 Q. Mr Witness, do you recall making a statement on the 31st
14:43:52 20 day of January 2003? Did you give statement to investigators
21 of the Special Court on 31st January 2003 at **xxxxx**?

22 A. Yes.

23 Q. And was that statement read out to you when it was taken?

24 A. Well, not exactly.

14:44:26 25 Q. What do you mean by that?

26 A. They questioned me and they wrote it and later they did not
27 give the whole book to me for me to know exactly what they wrote.
28 So what do you expect me to say?

29 Q. Now, I will try to distinguish between the two. The first

1 thing that they did to you was to take a statement from you. It
2 is different from the interview which they later conducted with
3 you in February 2003. I am referring to a statement where you
4 said you were saying the truth and whatever you say will be the
14:45:10 5 truth and it may be used as part of your story and as a result of
6 that it was read over to you. You said you understood it and you
7 admitted it to be your true and correct statement. This was on
8 31st January 2003. It is different from the interview which was
9 subsequently conducted by a number of other investigators in
14:45:36 10 February 2003. So, I am referring to the statement. I think
11 this was the very first time you had the opportunity of telling
12 your story. Do you recall whether that statement was read over
13 to you and explained to you?

14 A. Yes.

14:46:04 15 Q. And did you tell the statement-taker that you understood it
16 to be true and correct?

17 A. What I said was the truth.

18 Q. And what you said was what they put in the statement which
19 was read over to you; not so?

14:46:24 20 A. Well, exactly.

21 Q. So in that case, I am going to put a statement in that
22 statement to you and you tell me whether you recall making it or
23 not.

24 MR FOFANAH: Your Honours, I am referring to page 7437. 7437. I
14:46:54 25 will start reading from the second line which is somewhere in the
26 middle. The second line, it says -- listen carefully, Mr Witness, tell
27 me if you recall making it. It says: "We were always in constant radio
28 communication with Foday Sankoh. Even during the time he was arrested
29 in Nigeria. The only time communication stopped between us was during

1 the time when AFRC took over power from President Tejan Kabbah. This
2 was so because he went over radio BBC because he told the RUF fighters
3 to leave the bush and join the AFRC. At that time I was in Buedu in
4 Kailahun District. Mosquito was also in Buedu and had taken over
14:48:07 5 command of the RUF from instruction of Foday Sankoh as Mohamed
6 Tarawalie, alias Zeno, had gone missing in action." Do you now recall
7 that statement?

8 A. Yes, I did say so, but I did not mention the name of
9 Buedu. All what you have said I did say it, but I did not say
14:48:43 10 Buedu. I was in xxxx when the coup took place.

11 Q. Did you also mention Kailahun District in that statement?

12 A. Yes. I said Mosquito by then was in Kailahun as the
13 overall at the time Pa Foday Sankoh was arrested and he was in
14 Buedu.

14:49:08 15 Q. When was the first time you saw xxxxxx in xxxx?

16 A. It was in here, I saw xxxx. Both of us went up to
17 xxxx. They were arrested. I escaped and come back to
18 xxxx. I was there till xxx met me there in xxxx.

19 Q. So, you actually left the xxxx before 'xxx; not so? You
14:49:46 20 left xxxxx?

21 A. Yes. '96 by then we were close to achieving peace. The
22 time that peace -- the Yamoussoukro Peace Accord was signed.

23 Q. So when was Foday Sankoh arrested?

24 A. I think it was round 1996, '97, when he was arrested in
14:50:29 25 Nigeria. I cannot tell the exact date, but it was in -- it was
26 between 1996 and 1997.

27 Q. Was that after the Yamoussoukro peace agreement, according
28 to you? Yamoussoukro peace agreement?

29 A. Yes, it was during that period. The peace agreement was

1 on. They had not come to conclusion by then until he was
2 arrested in Nigeria.

3 Q. So, are you actually saying that when Foday Sankoh was
4 arrested you were in xxxx?

14:51:13 5 A. I came there. I was at -- I was where xxxx was in
6 xxxxx. He left us there and went to Nigeria and he was
7 arrested. He left myself and xxxxx there. He too and xxx
8 xxxx was also arrested. I was also afraid and I escaped and came
9 down to xxxx.

14:51:35 10 Q. So, it is a very simple question. You were in xxxx
11 when xxxxx was arrested; not so?

12 A. After the arrest of Foday Sankoh it was the time I came to
13 xxxx.

14 Q. So where did you come from when you came to xxxxx?

14:52:06 15 A. xxxxxx.

16 Q. How long did you spend in xxxx before you came to
17 xxxx?

18 A. I was there roughly three months.

19 Q. And did you remain in xxxxx until xxxx joined you
14:52:29 20 there when you came from xxxxxx?

21 A. Yes, sir.

22 Q. You are absolutely sure about that?

23 A. Yes.

24 Q. Well I am putting it to you, Mr Witness, that when you
14:52:46 25 first started testifying before this Court, I think it was on
26 Tuesday, this was what you told the Court.

27 MR FOFANAH: I do not have the transcripts, Your Honour,
28 but I have my notes. I just want to see if they synchronise with
29 Your Honours.

1 Q. You said you worked with Sankoh for four to five months at
2 Zogoda When he sent you to Kailahun and that you remained in
3 Kailahun until Sankoh's arrest." That is what I recall you
4 telling this Court?

14:53:29 5 A. I did not say that yesterday.

6 MR FOFANAH: Your Honours, I have just printed out the transcript
7 I will just see if I can quickly trace that from the transcript. I am
8 actually reading from my notes. I don't know if they synchronise with
9 Your Honours. It is just before the mention -- just after the word
14:53:54 10 "Sankoh Strike Force." It is actually at the beginning of his
11 testimony. I am sorry, Your Honour, I seem to be wasting a bit of time.
12 But that is what I actually have in my notes. He told the Court that he
13 worked for Sankoh for four to five months until he was sent to Kailahun
14 where he remained until Sankoh's arrest.

14:54:52 15 PRESIDING JUDGE: Mr Fofanah, I think we will just wait and
16 get the transcript, as I am just looking at my own notes and I do
17 have a bit about Sankoh's Strike Force. But I am not ad idem
18 with you on what you have read out and I would prefer to have the
19 official record. If you wait, please, and we will get that.

14:55:17 20 THE WITNESS: It is not in there. I did not say that.

21 PRESIDING JUDGE: Have you been able to get a copy,
22 Mr Fofanah, of the official record?

23 MR FOFANAH: Yes, I am just trying to locate the exact
24 portion where that falls. It was actually a question I have
14:56:41 25 seen, but then it seems the answer was kind of extracted by order
26 of the Court. There is a question at page 8, line 10. So, it
27 says, "All I want you to do is try to tell the Court and the
28 lawyers how long you worked for Foday Sankoh xxxx? Was
29 xxx the end of time you worked for Foday Sankoh xxxxxx?"

1 In any case, I will move forward. I will come back to that, Your
2 Honour, because it seems the questions were repeated on and off.
3 Q. Okay, Mr Witness, we are now coming to Monrovia. You said
4 you left xxx and came to xxxwhere xxxxxxxx
14:57:35 5 joined you. Do you recall saying that xxxjoined you
6 after the coup in xxxxx?
7 A. Yes.
8 Q. Now, was it immediately after the coup, because I have told
9 you that the coup was on 27th May 1997? Was it on 28th May; can
14:58:02 10 you recall?
11 A. No.
12 Q. Did it take up to one, two or three weeks before he joined
13 you?
14 A. Yes, roughly two weeks. Let me accept it that way.
14:58:30 15 Q. So, if it is roughly two weeks, then I put it to you that
16 it was the second week of June because the coup, like I told you,
17 happened on 27th May 1997. So, if it was roughly two weeks that
18 xxx took to join you in xxxxxx, I am putting it to you
19 that it was in the second week of June 1997 that he joined you
14:58:51 20 there.
21 A. Well, you may say so. But my estimate is within two weeks
22 time after the coup.
23 Q. Do you also recall saying that when he came and you met - I
24 don't know if it was xxxxx - do you recall that name?
14:59:26 25 The xxx of the soldiers, the xxxxx,
26 xxxxx.
27 A. Yes, sir.
28 Q. So, you recall that you went to this xxxxxx and,
29 according to you, there was a communication between him and

1 Mosquito; not so?

2 A. Yes, sir.

3 Q. And do you recall saying that you spent another two to
4 three weeks in xxxx before you finally travelled to Freetown?

15:00:04 5 A. Yes. After the coup it was nearly a month before we
6 arrived. Nearly.

7 Q. Was it nearly a month before you left xxxx after the
8 coup?

9 A. It was up to three weeks after the coup before we came.

15:00:30 10 Three weeks. Let me just accept it that way.

11 Q. Yes, but we have established one thing that xxxxxx
12 joined you two weeks after the coup from xxxx. He joined
13 you in xxxx two weeks after the coup. And I just put it to
14 you that if it was two weeks after the coup, then it may have
15:00:47 15 been in the second week of June 1997. And you said you don't
16 mind that answer.

17 A. I told you that after the coup xxxx came and met me
18 in two weeks' time. Altogether we took three weeks in xxxx
19 before coming to Sierra Leone. Because we -- I took two weeks,
15:01:18 20 xxxxx came there and met me. We were there up to a week
21 before we entered xxxxx.

22 Q. So, am I right in saying that it was in the third week of
23 June that you left xxxx for xxxx? Because you are
24 now saying you only took one week after xxx joined you in
15:01:40 25 Monrovia.

26 A. Yes.

27 Q. That was in the third week of June 1997?

28 A. Yes.

29 Q. And when you left xxxxx you came to a village called

1 xxxx; not so?

2 A. Yes.

3 Q. Your Honour, I think it is xxxx. How long did it take

4 you to -- or how did you travel? How did you come to xxxxx?

15:02:20 5 A. Well, we took our vehicle. It was a vehicle that brought

6 us to xxxx. There he left us. Then we took a footpath. We

7 walked on foot and entered Buedu.

8 Q. How long did it take you to travel from xxx to xxxx?

9 A. It was up to four to five hours.

15:02:51 10 Q. And you said you came to Buedu?

11 A. Yes, sir.

12 Q. Now, when you came to Buedu some soldiers joined you, RUF

13 soldiers; not so? To come to Kenema?

14 A. Well, I came together with xxxxx.

15:03:14 15 Q. Are you saying that you came along with xxx, he did

16 not come with soldiers of the RUF?

17 PRESIDING JUDGE: Mr Witness and Mr Fofanah, please take care with

18 the names you are using.

19 MR FOFANAH: As Your Honour pleases. I have been extremely

15:03:29 20 careful.

21 PRESIDING JUDGE: I know you have. But unfortunately you

22 repeated what the witness said. Mr Witness, just remember --

23 THE WITNESS: Yes sir.

24 MR HODES: Your Honours, can we have that struck or changed to

15:03:44 25 reflect what has been used previously?

26 PRESIDING JUDGE: We will direct that the record show that

27 in the question. Excuse me, in the answer and in the subsequent

28 question the term "xxxx" be used in the record.

29 MR FOFANAH: As Your Honour pleases.

1 Q. Mr Witness, are you saying that when you travelled to
2 Kenema you only travelled with xxxx alone?
3 A. We were many but for Kenema it was only both of us. Those
4 that we came with, we left them in Buedu. Only both of us came
15:04:40 5 to Kenema.
6 Q. And how long did it take you to come to Kenema?
7 A. From where?
8 Q. Buedu.
9 A. Buedu, it was just a day from Buedu to Kenema.
15:05:19 10 Q. Did you spend time at Buedu?
11 A. It was like an hour that we took because we arrived there
12 very early in the morning.
13 Q. So, I take it that when you finally came to Kenema it was
14 still sometime in the third week of -- was it towards the end of
15:05:48 15 the third week of June?
16 A. Yes.
17 Q. Of 1997? In that it was to the end of the third week?
18 A. Like so.
19 Q. Is it so or like so; which one?
15:06:10 20 A. I said so. It is like that.
21 Q. Okay. And you said when you came to Kenema you spent three
22 weeks in Kenema and xxxx left -- xxxxxxx for
23 xxxxx and you spent three weeks in Kenema; not so?
24 A. Yes, the very day we arrived, xxxxx came down to
15:06:38 25 Freetown and he left me there together with xxxxx.
26 Q. He left you with xxxxx. He spent three weeks in Kenema?
27 A. Yes.
28 Q. At the beginning of the fourth week you went to xxxxx to
29 mine diamonds; not so?

1 A. Yes.

2 Q. Will you agree with me, looking at the calculations, you
3 came to Kenema around the end of the third week of June and you
4 spent three weeks in Kenema and you left at the beginning of the
15:07:21 5 fourth week. Will you agree with me if I say that you in fact
6 left Kenema in the third week of July 1997?

7 A. Well, it may be so, but because I didn't take note of the
8 time, I only knew of the year. The month I cannot determine.

9 Q. Yes, Mr Witness, I am merely doing the calculations based
15:07:49 10 on the information you are supplying. You said, you were very
11 categorical about it, that you spent three weeks in Kenema.

12 MR HODES: Your Honours, I am going to object again. There has
13 actually been nothing categorical or definitive in terms of the time
14 issues and the witness has said over and again that it is approximately
15:08:11 15 two weeks, perhaps three weeks maybe that much time. But there has been
16 nothing definitive from the witness about the timing.

17 PRESIDING JUDGE: Mr Fofanah, the witness has made it
18 clear. He said it may be so because I don't remember the year.
19 I think it is unfair to press him when he has made it quite clear
15:08:30 20 that he is estimating and is not sure.

21 MR FOFANAH: I entirely agree with Your Honours. The only
22 thing is I will stand guided by the record on the period he spent
23 in Kenema because he was very clear about that, that he spent
24 three weeks in Kenema. If he is estimating the other period no
15:08:47 25 problem, but I stand guided by the transcript. He said he spent
26 three weeks in Kenema.

27 PRESIDING JUDGE: You asked -- your question was -- I will
28 record the witness's comment.

29 THE WITNESS: Two to three weeks.

1 MR FOFANAH: Okay, no problem. Two to three weeks in
2 Kenema.

3 Q. So, that still brings us to sometime mid-July 1997; not
4 so?

15:09:12 5 A. Yes.

6 Q. Just one last question on this time frame. You have been
7 asked a number of questions both by the Prosecutor and my
8 colleagues by the Defence that the time you spent in Togo. You
9 were very clear that you spent three months in Togo; not so?

15:09:44 10 A. Yes, up to that. I did say that.

11 Q. What is it? Is it three months or up to three months?

12 A. Well, it is the three months because I was there. I cannot
13 say exactly, yes, it was three months. So I took it.

14 Q. At least we are clear about that it was three months. So,
15:10:21 15 if it was three months and you left Kenema in mid-July, then I
16 put it to you that you left Togo in mid-October.

17 A. No, well, it was in September. I told you, it was in
18 September. Towards the end of September. By then September had
19 not finished, it was in September.

15:10:53 20 Q. Okay. You left and you came where when you left towards
21 the end of September? Where did you come?

22 A. xxxxx came for me in xxx. Went for me and
23 brought me to Freetown.

24 Q. Mr Witness, I am putting it to you that you had earlier
15:11:27 25 given an interview in which you said that when you came to xxxx
26 xxxx from xxxx, when you went to Kenema you went straight to
27 Freetown.

28 A. Well, I did not say that.

29 Q. So, you still stand by your information that you only came

1 to Freetown at around the end of September; not so?

2 A. Yes. Yes. With kind permission, I want to ease myself.

3 PRESIDING JUDGE: Yes, that is permissible. You are not to
4 discuss your evidence. Would you understand that? And would a member
15:12:28 5 of the Witness Support please assist the witness. Just pause, please.
6 Madam Court Attendant, would you assist there, please?

7 [Witness stands down]

8 PRESIDING JUDGE: Mr Fofanah, please proceed with your
9 questions.

10 MR FOFANAH: Thank you very much, Your Honour.

11 Q. So, Mr Witness.

12 A. Yes.

13 Q. In fact, I am putting it to you that you had earlier given
14 an interview in which you said when you left ~~xxxxx~~ you came
15:16:32 15 straight to Freetown with ~~xxxxxxx~~.

16 A. No.

17 Q. Okay.

18 MR FOFANAH: In that case, Your Honours, I am referring to
19 the interview given by the witness. He has earlier said that he
15:16:56 20 gave this interview through cross-examination by my colleagues.
21 So I am merely going to refer to it. It was made on February 26,
22 2003. Your Honours, I am referring you to page 7515. It is just
23 below -- it should be like the second paragraph which starts with
24 the question.

15:17:23 25 [AFRC21JUL05E - CR]

26 Q. It says, "Okay, that's good. Now in Freetown after the
27 coup, you were in ~~xxxxxx~~ when it happened. And what came down
28 to Commander X to come up to ~~xxxxxx~~ to be part of this." That
29 was the question, and you said, "Yeah." The other question was,

1 "Okay. So the coup happened in May. How long before xxxxxx
2 and yourself arrived in xxxx?" Your answer was, "That is,
3 when the coup took over, let me say between one to two months'
4 time." Then the next question, "One to two months' time?" And
15:18:39 5 your answer was, "Yeah." Question: "So you arrived in
6 Freetown?" And then you said, "Yeah."

7 PRESIDING JUDGE: Mr Fofanah, I'm going to stop you there.
8 Because I understand the bit "So you arrived in Freetown."
9 "Yeah." I think it has been put by Mr Knoops. The preceding
15:19:05 10 part has not been put.

11 MR FOFANAH: I will stop there.

12 JUDGE LUSSICK: Another thing, Mr Fofanah, you have been
13 referring to Commander X. It is xxxxxx.

14 MR FOFANAH: Oh, I'm very sorry.

15:19:18 15 Q. Mr Witness, I actually meant xxx and notxxxxxx
16 xxx. Whatever I read, my reference was to xxxxx. Do you
17 recall making that statement to the interviewers in February
18 2003?

19 A. No.

15:19:37 20 Q. You did not say this at all?

21 A. At all, at all. I didn't say that.

22 Q. In that case, we'll move on. You tried to come to Tongo.
23 You said when you left Kenema, you went to Tongo. You've agreed
24 with me it was sometime in May/July that you went to Tongo?

15:20:19 25 A. Yes, I have agreed.

26 Q. Now, you said there was a Major Gweh who was mining
27 diamonds for Mosquito in Tongo; not so?

28 A. Yes.

29 Q. And that Major Gweh was RUF; not so?

1 A. Yes, sir.

2 Q. You also said there was an AFRC soldier by the name of
3 Yamao Kati who was in charge of the soldiers in Tongo at that
4 time; not so?

15:21:02 5 A. Yes.

6 Q. And he was also in charge of operations there; not so?

7 A. He was the commander, yes.

8 Q. Now, wasn't this Yamao Kati directly answerable to
9 Mosquito, according to your testimony?

15:21:30 10 A. No.

11 Q. Mr Witness, I'm putting it to you that you told this Court
12 that he was directly answerable to Mosquito.

13 A. Yes, he was his commander, but that he was answerable, no.

14 Q. Can I put it this way: Did he report directly to Mosquito
15:22:03 15 on everything that happened in Tongo?

16 A. Well, from what I knew, he did give information, but
17 according to Yamao Captain, he said he was under the brigade. He
18 was sending direct reports to his brigade commander.

19 Q. Mr Witness, I still insist that when you were testifying,
15:22:33 20 you told this Court that Kati reported to Mosquito in Kenema as
21 his overall commander.

22 A. Yes, he was his commander. He did give him information.

23 Q. Was it not also the case that Kati's deputy, Major Eagle
24 was RUF?

15:23:06 25 A. Yes.

26 Q. Was it not also the case that another senior commander in
27 Tongo at that time, whom you have called Amuyepe was also RUF?

28 A. Yes, I said he was a captured former soldier, but he had
29 been with the RUF.

1 Q. And he was in Tongo; not so, around that time?

2 A. Yes, sir.

3 Q. Did Mosquito go to Tongo during this period?

4 A. Yes.

15:24:01 5 Q. Were you aware he was in overall command of Tongo?

6 A. It was Yamao Captain.

7 Q. I mean, wasn't it the case that Mosquito was in overall

8 command of both Kenema and Tongo around this time?

9 A. Yes.

15:24:32 10 Q. Okay. Now, Mr Witness, did you not involve civilians in

11 the mining of diamonds yourself?

12 A. They gave me civilians. I told you, it's in my statement.

13 When xxxxx sent me to go and mine diamonds there, after

14 they had captured civilians, they gave me up to ten civilians

15:25:28 15 every day to go and do the mining.

16 Q. These civilians did not mine for you voluntarily whilst

17 they were with you; not so?

18 A. No. Yes, because they were forced.

19 Q. Let's forget about the "they". Let's forget about the

15:25:52 20 "they", I am talking about you. They have given you civilians

21 and you were in control of them. I'm saying when they were

22 mining for you, they did not voluntarily - you?

23 A. Yes. Yes, they were not happy.

24 Q. You forced them to mine for you?

15:26:18 25 A. I did not do it directly, I wasn't going on the site. When

26 I went there, I was a xxxx. When I went there I was signed

27 up with a commander called xxxx, he was in charge. So after

28 they have put the manpower together, they hand them over toxxx

29 and xx would in turn hand them over to Kamara who was on the site.

1 It was just like that. When I got there, I didn't force anybody,
2 I will give them food, I will give them money. All I wanted was
3 for my work to go ahead.

4 Q. So you had other **xxxx** who were under you in Tongo;
15:26:50 5 not so?

6 A. Yes, I told you. We went to together from Freetown all
7 way.

8 Q. How many commanders did you have under your control in
9 Tongo?

10 A. Not a commander. Not a commander, but a soldier who was a
11 security. They were security guards for **xxx**, but just
12 because I was their head, that's why they were with me.

13 Q. You just said that the commander who was in charge of the
14 mining, whom you posted - in fact, you said you were posting
15:27:38 15 commanders now and again to the mining site. You said it was
16 those commanders who were forcing people to mine for you. You
17 used the word "commanders"?

18 A. I said the soldier called **xxxxxxx**, I made him a commander
19 for the mining, for that particular mining that I was conducting.

15:27:58 20 Q. After **xxxxxxx**, whom else did you make commander?

21 A. No, no. I didn't make any other commander. The two of us
22 went together, so he was the only one.

23 PRESIDING JUDGE: Mr Fofanah, I just interpose here. We've
24 had a printout of the closed session which appears to be relevant
15:28:38 25 to the questions you were trying to locate. Perhaps I will ask
26 our legal officer to print one for yourself and one for the
27 Prosecution as well.

28 MR FOFANAH: If Your Honour pleases. I'm most grateful.

29 PRESIDING JUDGE: If you wish to continue in the interim,

1 Mr Fofanah.

2 MR FOFANAH: Yes.

3 Q. You also told the Court about mining committees comprising
4 civilians in Tongo.

15:29:33 5 A. Yes, sir.

6 Q. Did you say or do you recall saying at any point outside
7 this Court that that mining committee comprised Kamajors as well?

8 PRESIDING JUDGE: I don't understand the reference to
9 "outside this Court". Do you mean as a casual remark somewhere?

15:30:00 10 MR FOFANAH: Yes, I will be referring him to additional
11 information he gave.

12 PRESIDING JUDGE: Then I think it should be put in the
13 proper form.

14 MR FOFANAH:

15:30:10 15 Q. Now, did Kamajors form part of that civilian committee?

16 A. Yes.

17 Q. Who are Kamajors?

18 A. They are civilians.

19 Q. Just civilians? Are they not armed civilians who were
15:30:40 20 fighting the RUF and the AFRC?

21 A. Well, those were Kamajors who were initiated. They were
22 chiefs; they were not fighting. But they were Kamajors.

23 Q. And they were part of this mining committee; not so, in
24 Tongo?

15:31:09 25 A. Yes, sir.

26 Q. Was it not the case that it was the RUF, in fact, under the
27 commandership of Sam Bockarie, Mosquito, that this committee came
28 into being?

29 A. Well, I can't tell that one, because I met the committee --

1 had been set up. I didn't know if it was by the instructions of
2 Mosquito, but I saw the committee set before that.

3 Q. Well, you don't know if Mosquito was involved; not so?

4 A. No.

15:32:03 5 Q. Was he aware about the formation of that civilian
6 committee, to the best of your knowledge?

7 A. Yes.

8 Q. And he approved of its operation as overall commander; not
9 so?

15:32:29 10 A. Yes.

11 Q. Good. Was it the case that when members of the committee
12 discovered diamonds, they also received their own share of the
13 diamonds?

14 A. Yes, it was like that, but I didn't see directly, but they
15:32:59 15 were saying they had their own share. I heard them say it in my
16 presence.

17 Q. Well if you're not very sure, I'll put to you what you had
18 said confirming that they received their own small share.

19 MR FOFANAH: Your Honours, I'm referring to page 8624 to
15:33:19 20 8625, the sixth paragraph.

21 THE WITNESS: What I said was that they were giving them
22 commission, but I didn't see that, but I was present when they
23 said it.

24 MR FOFANAH: Your Honours, paragraph six reads at page
15:33:46 25 8624: "The AFRC/RUF set up a committee which was chaired by Pa
26 Morrison Farmer. The committee included elder civilians and even
27 members of the Kamajors and was originally meant to reduce the
28 harassment of civilians. The committee had to provide civilians
29 who were then forced to mine for the RUF/AFRC. The committee

1 also helped the AFRC/RUF to evaluate diamonds which were found
2 during the mining. In return, the members of this committee
3 received a small share."

4 Q. Do you now recall that? You made that very recently,
15:34:40 5 in May 2005. That is when you said that.

6 A. Yes, that is what I said, that they were giving them
7 commission on the diamonds. I didn't see it happen, but they
8 said it. When the diamonds have been valued, they said, "We will
9 take this and we will bring a commission for you." I didn't see
15:35:00 10 them give it to them, but I heard them say it.

11 Q. Why didn't you say you heard? Instead in your statement
12 you said, "In return, the members of this committee received a
13 small share."

14 PRESIDING JUDGE: There is a subtlety there that I'm not
15:35:24 15 quite getting, Mr Fofanah. He said, "In return, the members of
16 the committee received a small share." What is it you're asking
17 him? What are you challenging him on?

18 MR FOFANAH: He said he heard that. He said he was not
19 aware. The statement is not saying he has got that information
15:35:49 20 from some third party. It is very straightforward. It says, "In
21 return, the members of this committee received a small share."

22 Q. Why didn't you say you heard this information, instead of
23 just saying in your statement, which was very recently, in May
24 2005 - you said, "In return, the members of this committee
15:36:12 25 received a small share."

26 MR HODES: Your Honours, I rise to object. I think that's
27 exactly correct what Your Honour has just indicated. In the
28 statements, sometimes witnesses will not say, "I saw this" or "I
29 heard this." Simply, "This is what I know." So to suggest that

1 he somehow wasn't telling the truth about this, I don't
2 understand the question, to be honest with you.

3 JUDGE LUSSICK: I think what you say is correct, Mr Hodes.
4 Mr Fofanah, normally when people give statements, unless they are
15:36:58 5 asked otherwise, they just give statements of the information
6 they have. They only expand on that if they're asked how they
7 come to know that. It doesn't appear that this witness was asked
8 that in that statement. I think the objection is well founded
9 and upheld.

10 JUDGE SEBUTINDE: Were you, Mr Fofanah, suggesting there is
11 a prior inconsistency with the witness's statement in Court, with
12 his testimony in Court? Has he said differently in Court?

13 MR FOFANAH: No, I was just challenging him on the idea
14 that he said he heard, he didn't say he actually knew that they
15:37:43 15 were receiving a small share. In any case, I will just leave
16 that. That is not very crucial to my case. I will just move on
17 since his Honour Justice Lussick has ruled.

18 Q. Mr Witness, we'll move forward now. I was just trying to
19 find that out on this question of mining in Tongo. There is
15:38:27 20 another point that I want to clarify with you, Mr Witness. When
21 you were asked a question about who was responsible for the
22 formation of this civilian committee, you said it was the AFRC;
23 do you recall that?

24 A. Yes.

15:38:49 25 Q. You even said it was the AFRC who was involved in mining
26 diamonds in Tongo.

27 A. Yes.

28 Q. But in this statement I've just read out to you, you said
29 it was the AFRC/RUF. Why did you leave out the RUF in your

1 testimony?

2 A. I just felt, since the coup in 1997, they called upon the
3 RUF, the soldiers who overthrew President Kabbah, called RUF, so
4 there was no distinction between RUF and AFRC. All of us became
15:39:38 5 AFRC. That is why I said it was the AFRC who had control over
6 the mining in Tongo.

7 Q. Mr Witness, this is very strange. You have been given
8 testimony from yesterday and you have been consistently saying
9 that the AFRC and RUF, AFRC and RUF. You even categorised
15:40:00 10 commanders whom you said were RUF and you categorised others whom
11 you said were AFRC. Why are you giving us this other definition?

12 A. Well, that's what I said. We were just making it, because
13 AFRC is AFRC. They are the same at that time, so that's it. But
14 we know that it was a joint force, that we had one government and
15:40:37 15 it was that government that was in operation. That's why I said
16 it that way.

17 Q. So you agree with me, in fact, there was an RUF faction
18 that mined diamonds in Tongo around this time, since you have
19 said it was two factions that came together to form the
15:40:56 20 government?

21 A. I said it was AFRC that had control over the mining in
22 Tongo.

23 Q. Did RUF mine diamonds in Tongo?

24 A. Yes, because Mosquito did mining. I told you earlier that
15:41:36 25 they sent Major Gweh to mine diamonds. I too went there to find
26 my living and I was mining diamond, so RUF did mine diamonds.

27 Q. When you were mining these diamonds, you were still RUF;
28 not so?

29 A. Yes, sir.

1 Q. Okay. Let's go back to Freetown before going to Kenema.
2 You have spoken about a number of meetings in Freetown. Although
3 I put it to you that you might have been or you might have left
4 Tongo sometime in late October 1997, you said you came to
15:42:31 5 Freetown towards the end of September 1997. Do you recall that?
6 A. Yes.
7 Q. So was it in the last week of September that you came to
8 Freetown?
9 A. Yes. Let me say so, second to last week.
15:43:03 10 Q. Was it in the second week or the last week? Which one? I
11 don't understand. Was it in the third or the fourth week, let's
12 put it that way.
13 A. Well, let me say it was - it remained up to eight days from
14 September to end when I came.
15:43:34 15 Q. That must have been on the 22nd September 1997.
16 A. Yes, by your estimates.
17 Q. So when you came to Freetown how long did it take you
18 before you started attending meetings of xxxxx with
19 xxxxx?
15:44:01 20 A. Only one day. The following day, I went to the xxxx'
21 meeting.
22 Q. Where was this?
23 A. At the xxxxxx in Freetown.
24 Q. Now, I put it to you that there are two xxxxxx at
15:44:31 25 xxxxx in Freetown. One is called xxxxx. I think it is
26 spelt xxxxx. Then there is another one called -- yes,
27 there are xxxxx. There is another one called
28 xxxx, spelt xxxxx. Do you know about that?
29 A. Well, I don't know those names. I don't know the

1 individual names of the **xxxxx**. The place where I
2 attended, I know there and I know the location, but I do not know
3 its name or if it has a different name, or this or that. I don't
4 know. I didn't know about that.

15:45:33 5 Q. Are you aware that there are two **xxxx** there?

6 A. No, I didn't know. I was not a soldier. The place I went
7 to and they told me this is the officers' mess, that is where I
8 know about.

9 Q. Okay. This first meeting which you said **xxxx** of the AFRC
15:46:01 10 chaired, didn't **xxxxxx** of the RUF indicate that the
11 government should continue until Foday Sankoh was released in
12 that meeting?

13 A. Yes, he said it, because the pressure was there. But he
14 said before ever they could say anything, let him try to find a
15:46:37 15 solution relating to Foday Sankoh, because he was the deputy to
16 Johnny Paul as vice chairman, so nothing should go on on his
17 behalf.

18 Q. Now, was that not the objective of the RUF in joining the
19 government to ensure that Foday Sankoh was released from prison?

15:47:08 20 A. Yes.

21 Q. And you were prepared to go to every extent to ensure he
22 was released; not so - Foday Sankoh?

23 A. Yes.

24 Q. Emphatic, okay. Now, you said you identified somebody whom
15:47:39 25 you called Bazzy. Were you the one who identified him, or was it
26 **xxxx** who identified him to you?

27 A. Well, I saw him. They showed me to him. I saw him and I
28 know him.

29 Q. Did you know him before that meeting, Bazzy?

1 A. No, no, no. I had heard his name. I had seen him on the
2 charts, but to see him in person, it was at that meeting that I
3 saw him.

4 Q. So who introduced him to you?

15:48:27 5 A. Well, it was himself, because it was a self-introduction,
6 so when somebody is doing it, I turned -- when he did his, I
7 turned and looked at him and I knew that was him.

8 Q. How did he introduce himself to you?

9 A. Not to me.

15:48:53 10 Q. You're saying now he introduced himself to you. That's
11 what you just said a few seconds ago.

12 A. Yes, I said it was a meeting like this. They said
13 individuals should present themselves, so it was like that.
14 Everybody would stand up and say, "I am this. This is my name."

15:49:21 15 That was it.

16 Q. So everybody in that meeting introduced themselves; not so?
17 One after the other; not so?

18 A. Yes, sir.

19 Q. So why was it the case that only Bazzy and the other names
15:49:42 20 that you mentioned that you can recall, Bazzy and Five-Five? Why
21 was it that it was only those names that you recall?

22 A. Well, there were many. Those whom I could recall, I
23 recall. I cannot recall all of them.

24 Q. When he stood up, how did he introduce himself in the
15:50:13 25 meeting?

26 A. Well, he called his name, which I have forgotten, and he
27 said he was a member of -- he was a council member. He was one
28 of the council members of the AFRC.

29 Q. So he called a name which you cannot now remember; not so?

1 A. Yes.

2 Q. Mr Witness, I'm putting it to you that you do not know
3 anybody by this name. I mean you do not know Bazzy.

4 A. I know Bazzy Kamara. I have recalled. That's his name.

15:50:54 5 He called his name and he stood up. I know him. Yes, I know
6 Bazzy very well.

7 Q. I'm putting it to you that somebody suggested this name to
8 you?

9 A. Yes, he had called his name. Not anybody else. He himself

15:51:16 10 had called his name.

11 Q. Now, do you recall any name called Gborie, G-B-O-R-I-E in
12 the meeting?

13 A. Yes, I heard it and I saw him.

14 Q. So what group did he belong to? Was he AFRC or RUF?

15:51:50 15 A. He was AFRC.

16 Q. And you saw him?

17 A. Yes.

18 Q. Okay, help us if you recall making this statement.

19 MR FOFANAH: Your Honours, I'm referring to page 8625.

15:52:10 20 Q. At least now, Mr Witness, you recognise that there is a
21 difference between the AFRC and the RUF; not so, because you said
22 Bazzy was AFRC and Gborie was AFRC.

23 A. Yes.

24 Q. I'm reading from paragraph 13, page 8625. Now, before I

15:52:51 25 read the paragraph, do you roughly recall how many people were
26 present in this meeting?

27 A. Yes, there were up to 50. I have told you.

28 Q. But there were not above 50; not so?

29 A. Oh, above 50. It was above.

1 Q. Were they more than 55?

2 A. It was more than that.

3 Q. Okay. Well, let me tell you what you said. You said at
4 paragraph 13 --

15:53:34 5 PRESIDING JUDGE: Mr Fofanah, you will note the name there
6 and change it?

7 MR FOFANAH: Yes, I have marked it, Your Honour.

8 Q. You said at paragraph 13, "I recall four meetings in
9 Freetown. The first meeting took place around mid-September 1997
15:53:53 10 at Wilberforce Barracks. Between 60 to 70 RUF/AFRC officers,
11 including myself, attended this meeting. Some of the RUF
12 commanders were Issa Sesay; Morris Kallon; Commander B; Denis
13 Mingo, also known as Superman; Eldred Collins; Rambo; Peter
14 Vandy; Colonel Isaac; and Gborie. Amongst the AFRC commanders, I
15:54:33 15 recall Kowas, the army chief of staff who chaired the meeting;
16 Gullit; Bazzy; and Five-Five." Do you recall making that
17 statement?

18 A. Yes, I know, but I didn't mention Gborie under the RUF,
19 because I was not a fool then.

15:54:58 20 Q. So that was the only mistake in this statement; not so,
21 that Gborie was not an RUF?

22 A. Yes, that's how they wrote it. It could have been a
23 mistake.

24 Q. It was the only mistake you can recall?

15:55:22 25 A. Yes, sir.

26 Q. Was it also a mistake that you said in this statement that
27 the meeting took place around mid-September 1997? Remember, you
28 came to Freetown on 22 September 1997.

29 A. I estimated it. I said around that. I didn't know the

1 specific date that today was Monday or the 21st or this or that,
2 but I knew it was in September 1997.
3 Q. You did not say to us, "Around mid-September"; not so?
4 A. I said around that. I said so. I said around that.
15:56:08 5 Q. But it was not on 22nd September; not so?
6 A. There were no specific dates on that.
7 Q. Okay. Let's go on. Now, the second meeting, where did you
8 say this was?
9 A. At Youyi building.
15:56:40 10 Q. Around what time was it?
11 A. Well, maybe within November, within that.
12 Q. It was in November 1997; not so?
13 A. Yes.
14 Q. Again, Kowas chaired this meeting.
15:57:10 15 A. Yes, sir.
16 Q. Do you recall saying that Steve Bioh also represented the
17 RUF in this meeting and then insisted he should continue the
18 fight until Foday Sankoh was released and also addressed the
19 issue of salaries for RUF soldiers?
15:57:47 20 A. Yes.
21 Q. So you agree with me Steve Bioh was merely echoing the
22 words of Eldred Collins that until Foday Sankoh is released, you
23 should continue the fight?
24 A. Yes.
15:58:10 25 Q. Now, did you see Bazy in this meeting?
26 A. Yes.
27 Q. Mr Witness, I'm putting it to you that you had earlier told
28 this Court -- first of all, you said it was between October
29 and November that this meeting occurred; not so. You told the

1 Court when you were testifying. You did not say it was within --

2 A. Yes.

3 Q. Okay.

4 A. I said around that. I just said around November. So if it
15:59:07 5 is October to November and I say it is around November, I'm not
6 sure I would be wrong.

7 Q. So what is it? Was the meeting held in October
8 or November? Let's be very specific.

9 MR HODES: Your Honours, I'm going to object. The witness
15:59:23 10 has said over and over again that he doesn't have specific dates.

11 PRESIDING JUDGE: I agree with you, Mr Hodes. This witness
12 has not got a -- I don't know what he has got. But he has
13 certainly made it clear he does not have a specific recollection
14 of these dates and he's estimating and I do not think you can
15:59:41 15 force him in this way.

16 MR FOFANAH: At least, Your Honours, he said it was
17 within November. When I first confronted him with the question,
18 he said it was within November.

19 MR HODES: Then, Your Honours, in a follow-up, he
15:59:56 20 said October or November, approximately, and he wasn't sure of
21 the timing, but that it was approximately in those months.

22 MR FOFANAH: In that instance, I think it would be proper
23 if he can clarify if it was in October or November. I stand
24 guided by the Court.

16:00:19 25 THE WITNESS: Well, I said around that, but I wouldn't tell
26 you whether it was in October or November, but it was around
27 that.

28 PRESIDING JUDGE: [Microphone not activated] know the
29 answer.

1 MR FOFANAH:

2 Q. Do you know, roughly, how many people attended that
3 meeting?

4 A. Yes.

16:00:43 5 Q. How many?

6 A. It was over 60 to 70 people - a lot of people.

7 Q. This was at Youyi building; not so?

8 A. Yes, sir.

9 Q. Now, there was also a third meeting which you said occurred
16:01:12 10 at Johnny Paul's lodge; not so?

11 A. Yes, sir.

12 Q. Spur Road?

13 A. Yes, sir.

14 Q. Do you recall what month that was?

16:01:25 15 A. Yes.

16 Q. What month was it?

17 A. It was around November, about that same time. After the
18 Youyi building meeting, it was not long. It didn't even take a
19 week.

16:01:44 20 Q. But was it in November, because "around November" is vague.
21 Was it in November? You've now said it was one week after the
22 Youyi building meeting.

23 A. Let me say in November. Let me clear that up.

24 Q. Let me say, was it in November, just say yes or no.

16:02:10 25 PRESIDING JUDGE: He said, "Let me say it was November."
26 That is your answer, Mr Fofanah.

27 MR FOFANAH:

28 Q. So this third meeting was in November, okay.

29 A. Yes, sir.

1 Q. Mr Witness, I'm putting it to you when you recently had the
2 opportunity of going over your statement, you said this meeting
3 happened in October 1997.

4 A. Okay, if that is what happened. I have told you that I do
16:02:44 5 not have the document. I don't recall it. I'm just thinking
6 what happened and what I saw and what I'm saying here.

7 Q. Are you saying that these two meetings happened in October?
8 Are you now saying that?

9 MR HODES: Your Honours, I'm going to object. Again, the
16:03:03 10 witness testifies over and over and over again that he does not
11 know the exact dates of these meetings; he's only approximating.
12 He's just suggested it could have been October, it could have
13 been November. He does not know the exact dates.

14 MR FOFANAH: He just said, "Let me say" and I was very
16:03:26 15 clear about that. He said, "Let me say it was in November." I
16 think that is clear enough. That's why I put that to him,
17 whether it is a yes or no answer, but her Honour ruled, "Let me
18 say" is a clear answer. That is why I went ahead. In any case,
19 I will read from page 8625, Your Honours, at --

16:03:47 20 PRESIDING JUDGE: Are we talking about the Johnny Paul's
21 lodge Spur Road meeting now?

22 MR FOFANAH: Yes, Your Honour. Page 8626, at paragraph 19.

23 Q. Mr Witness, this is what you said in that statement. You
24 said, "In October 1997 there was also a meeting for the senior
16:04:23 25 commanders at Johnny Paul Koroma's residence on Spur Road.
26 Participants on the part of the RUF were: Issa Sesay; Morris
27 Kallon; Denis Mingo alias Superman; xxx; Isaac; Gibril
28 Massaquoi; Eldred Collins; Peter Vandy. Participants on the part
29 of the AFRC were: Johnny Paul Koroma; SFY Koroma; Kowas; Major

1 Dumbuya; Gborie; and others. Gullit, Five-Five, Bazzy and others
2 must have been there, as all the honourables had been there."
3 You recall making that statement; not so?
4 A. Yes.
16:05:11 5 Q. And it was in October 1997 that this meeting was held?
6 A. Yes.
7 Q. Okay. Now, we'll move to the last meeting. You also said
8 there was another meeting. Again, at Johnny Paul Koroma's
9 residence. Now, do you recall the month? I'm not asking you for
16:05:35 10 the date, the month that that last meeting was held?
11 A. Yes, in November. I said so.
12 Q. Now, when ~~xxxxxx~~ came from the third meeting which you
13 have said was in October 1997, he also told you that the RUF
14 insisted that Foday Sankoh should be released before any peace
16:06:14 15 talks; not so?
16 A. Yes.
17 Q. Did he tell you the same about the last meeting? Did he
18 say the RUF made a position at the last meeting at Johnny Paul's
19 residence that there will be no peace talks until Foday Sankoh is
16:06:35 20 released?
21 A. Well, they said before they could hand over -- before they
22 could hand over power, Foday Sankoh should be released. That's
23 what he told me, that that was what they said.
24 Q. Wasn't it the case, Mr Witness, that in all of these
16:07:09 25 meetings which you recount, the first, second, third and fourth,
26 the RUF had a clear position that until Foday Sankoh was
27 released, the government should not hand over power and that
28 there should be no peace talks; was that not the case?
29 A. Yes.

1 MR FOFANAH: In light of the time, Your Honours, I would
2 like to continue tomorrow.

3 PRESIDING JUDGE: Yes, I was going to ask you if you had
4 many more questions, Mr Fofanah, in the circumstances. Do you
16:07:51 5 have any more?

6 MR FOFANAH: I will round up in the morning tomorrow.

7 PRESIDING JUDGE: That's not the answer to the question.
8 The question was: Do you have many more questions?

9 MR FOFANAH: Yes, a little more, Your Honour.

16:08:04 10 PRESIDING JUDGE: Very well. We will adjourn to tomorrow
11 at 9.15. Mr Witness, you will recall that I had warned you
12 yesterday that you must not discuss your evidence with any other
13 person until all your evidence is finished.

14 THE WITNESS: Yes, ma'am.

16:08:26 15 PRESIDING JUDGE: I give you that same instruction. We
16 will continue this tomorrow.

17 THE WITNESS: Yes, ma'am.

18 PRESIDING JUDGE: Thank you, Mr Witness.

19 [Whereupon the hearing adjourned at 4.05 p.m.,
20 to be reconvened on Friday, the 22nd day of
21 July 2005, at 9.15 a.m.]

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