

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

WEDNESDAY, 2 AUGUST 2006
9.15 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Ms Maja Dimitrova (Case Manager)

For the accused Alex Tamba
Brima:

Mr Koj o Graham

For the accused Brima Bazzy
Kamara:

Mr Andrew William Kodwo Daniels

1 [AFRC02AUG06A - MD]
2 Wednesday, 2 August 2006
3 [The accused present]
4 [The witness entered court]
5 [Open session]
6 [Upon commencing at 9.15 a.m.]
7 WITNESS: DBK-063 [Sworn]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: Yes, Mr Manly-Spain; what is this
10 witness's number?
11 MR MANLY-SPAIN: Good morning, Your Honour.
12 PRESIDING JUDGE: Good morning.
13 MR MANLY-SPAIN: The number is DBK-063 and I believe he's
14 number 46 on the list of summaries. He will be giving evidence
15 in Krio.
16 EXAMINED BY MR MANLY-SPAIN:
17 PRESIDING JUDGE: Yes, Mr Hardaway.
18 MR HARDAWAY: Yes, Your Honour. As with all prior
19 witnesses there is no objection to leading the witness on
20 biographical and non-contentious information, Your Honour.
21 PRESIDING JUDGE: Thank you, Mr Hardaway.
22 MR MANLY-SPAIN:
23 Q. Mr Witness, good morning.
24 A. Good morning. How is the morning? How did you sleep? How
25 is your life?
26 Q. Mr Witness --
27 A. Yes.
28 Q. You are a Sierra Leonean by nationality?
29 A. Yes, ma.

1 Q. And you about 38 years old?

2 A. Yes, ma.

3 Q. Yes, actually. Okay. I take it that the two or more than
4 one, that is why he is saying "yes, ma."

5 PRESIDING JUDGE: I see, Mr Manly Spain.

6 MR MANLY-SPAIN:

7 Q. You were born in Kono District?

8 A. Yes, ma.

9 Q. And you are Kono by tribe?

10 A. Yes, ma.

11 Q. You are a Christian by religion?

12 A. Yes, sir.

13 Q. And presently, you work as a cleaner in xxx?

14 A. Yes, sir.

15 Q. Mr Witness, I want you to recall the year 1993, where were
16 you?

17 A. I was -- I was in Koribondo.

18 MR MANLY-SPAIN: I believe we have had the spelling before
19 but it is K-O-R-I-B-O-N-D-O.

20 Q. Before I go Mr Witness, are you a person who can read and
21 write?

22 A. Well, I didn't further my education, sir.

23 Q. So you cannot read and write well?

24 A. Yes, sir.

25 Q. Where is Koribondo in Sierra Leone?

26 A. It's by the Bo District, sir.

27 Q. What were you doing in Koribondo at that time?

28 A. When I was in Koribondo, I went there as a volunteer. I
29 was doing the job of a soldier, sir.

1 Q. Volunteer to do what?

2 A. Volunteer, a volunteer at that time, they said the burglars
3 were coming into the country so it was at that time that the
4 government asked for help, so whoever should -- could volunteer
5 can volunteer. So it was at that time that we volunteered. That
6 was at that time that the RUF were entering the country.

7 Q. How long were you there as a volunteer?

8 A. I spent six good months there.

9 Q. And after six month at Koribondo, did anything happen to
10 you?

11 A. No, ma.

12 Q. Did you continue to stay at Koribondo?

13 A. No, sir, I did not continue to stay there. I was
14 transferred to Normafai ma.

15 Q. Normafai ma?

16 A. Yes, Normafai ma.

17 MR MANLY-SPAIN: Your Honours, that is N-O-R-M-A-F-A-I-M-A.

18 Q. Where is Normafai ma?

19 A. It is in the Kenema District area, sir.

20 Q. What did you go to do there?

21 A. Well, at that time the rebels attacked the place and they
22 took us there to go and repel the attack.

23 Q. Did you go to Normafai ma?

24 A. Yes, sir. I went to Normafai ma, sir.

25 Q. And did you go there alone?

26 A. No, no, I was not the only person who went. We went as a
27 reinforcement. We were about 70 who went there, it was Tom Nyuma
28 who took us there.

29 Q. Where is Normafai ma?

1 MR HARDAWAY: Objection, Your Honour. I believe that's
2 asked and answered.

3 PRESIDING JUDGE: Well, he said the Kenema District. Maybe
4 he's looking for something more specific than that, Mr Hardaway.
5 I will allow the question.

6 MR MANLY-SPAIN: Thank you, Your Honour.

7 Q. Where is Normafaima?

8 A. Okay. Normafaima, it's when you are going towards the
9 Zimmi area, from Gofa area going towards the Zimmi area, that's
10 where Normafaima is.

11 Q. Z-I-M --

12 A. To go to.

13 Q. Whom did you go to reinforce at Normafaima?

14 A. We went to reinforce our colleague soldiers whom we met
15 there. We went to reinforce them.

16 Q. How long did you serve as a volunteer?

17 A. I served three years as a volunteer.

18 Q. Do you recall the years?

19 A. I can remember the years, sir. From '93, '94 and '95.

20 Q. In 1995, did anything happen to you?

21 A. Nothing happened to me.

22 Q. After 1995 did you continue to be a volunteer?

23 A. At that time, our numbers were changed. I continued the
24 job.

25 Q. As what did you continue the job?

26 A. Sierra Leone Army. Sierra Leone Army. SLA.

27 Q. At that time did you go anywhere?

28 A. Yes.

29 Q. Where did you go to?

1 A. At that time we were transferred to Waterloo, by Four Mile.
2 It was at that time that we were transferred there.

3 Q. Do you know what part of the country Waterloo by Four Mile
4 is?

5 A. Yes.

6 Q. Where is it?

7 A. It is by the Lumpa end because at that time that is what it
8 was called.

9 Q. L-U-M-P-A-I [sic].

10 JUDGE SEBUTINDE: Mr Manly-Spain, avoid speaking over the
11 testimony of the witnesses. We have had complaints from Court
12 Management that they can't easily identify what you are saying if
13 two people are speaking over each other.

14 MR MANLY-SPAIN: Yes, I'm sorry, Your Honour.

15 Q. Yes, Mr Witness, how long did you stay at Waterloo?

16 A. In Waterloo, I did not even take three months there.

17 Q. Did you go to Waterloo alone?

18 A. No, no, sir. I was not the only person who went to
19 Waterloo. We were 85 who went, we had four officers and we were
20 81 SLAs, private soldiers.

21 Q. What did you go to do at Waterloo?

22 A. We went there again as a reinforcement. At that time, the
23 RUF had said they were going up to Freetown, to capture Freetown.

24 Q. When you were there, did you have somebody in command of
25 the SLAs?

26 A. Yes, sir. There was a commander, sir.

27 Q. And do you remember who this commander was?

28 A. Well, it was Tom Nyuma, who was commanding the area, sir.
29 He had four officers with him there.

- 1 Q. You have said that you did not do even four months there;
2 from there, did you go anywhere?
- 3 A. Yes, yes, sir. We went to another place again.
- 4 Q. Where did you go to?
- 5 A. Okay. They took us again and they said we should return to
6 Kono.
- 7 Q. Thank you very much. With whom did you go to Kono?
- 8 A. Well, it's the same officer, Tom Nyuma. We went together
9 to Kono again.
- 10 Q. And did you stay at Kono?
- 11 A. Yes, we stayed there for some months.
- 12 Q. Where did you stay at Kono?
- 13 A. In Ngai a, that is where we were. That is where the
14 headquarters the battalion headquarters was at that time.
- 15 Q. Ngai a, I believe is spelt N-G-A-I-A. When you got to Ngai a
16 was there somebody as commander of the SLAs?
- 17 A. Yes, sir.
- 18 Q. Do you know who that person was?
- 19 A. Yes, sir.
- 20 Q. Who was that person?
- 21 A. It was Colonel Si nah.
- 22 Q. Do you recall what work you did at Ngai a?
- 23 A. Yes. I can remember the work I was doing there.
- 24 Q. And can you please tell the Court?
- 25 A. I was doing driving there. I was driving for the soldiers
26 there. At the time we called it ATS, Army Engineer Transport.
- 27 Q. Thank you. For how long did you stay in Kono?
- 28 A. In Kono at that time I didn't even spend, let me say, six
29 months in Kono at that time.

1 Q. After that, did you go anywhere else?

2 A. Yes, sir. I went to another place.

3 Q. Which place was that?

4 A. I went to Mile 91. That was where I was.

5 Q. Is there anything at Mile 91?

6 A. In Mile 91? Yes, sir. Something was there because that
7 was why they took me there.

8 Q. What was there?

9 A. In 91 we met the rebels, the RUF, we met -- they have
10 attacked the place very seriously so we went to put the
11 situation under control.

12 Q. Do you know, was there a commander at Mile 91?

13 A. Yes, sir.

14 Q. Tell us?

15 A. Yes, sir.

16 Q. Do you remember who he was?

17 A. Yes, sir.

18 Q. And who was he?

19 A. It was Major BK Mara. He was the one who was there as the
20 battalion commander.

21 Q. Thank you. When you went there, apart from Major Mara,
22 were there other SLA officers --

23 A. Major B K Mara.

24 Q. Apart from him, were there other SLA officers at Mile 91?

25 A. Yes, sir. They were in Mile 91.

26 Q. What other officer?

27 A. Other officers were there.

28 Q. Do you remember any of them?

29 A. Yes, I can remember them. I can remember, let me say

1 Lieutenant-Colonel Yanka.

2 Q. Yes.

3 A. And I can remember Captain Sillah. I can remember
4 Lieutenant Dumbuya. I can remember -- now he is a major, Major
5 Pademba and we had, at that time, Lieutenant Tee Boy. Now he is
6 a major, Major Tee. Those are the ones I can remember and
7 Lieutenant Tai koh. A fair in complexion officer. He was so
8 handsome, like a women.

9 Q. Can you -- you said Lieutenant Tai koh?

10 A. Yes.

11 Q. I believe it's T-A-I-K-O-H. Did Lieutenant Tai koh have
12 another name?

13 A. Well, that's the name that I knew in the Sierra Leonean
14 Army. That was what they used to call him, Lieutenant Tai koh.
15 That is what they used to say.

16 Q. Thank you very much. What about -- didn't you say
17 Lieutenant Yamba who you called Lieutenant Tee, you said. Did
18 Lieutenant Tee --

19 A. Yes. Yes, he had Tee, the name that he had was the one
20 they called Lieutenant Tee Yamba. That was what they used to
21 call him at that time but now he is a major. He spells his name
22 as T-E-E, that is how he spells his name but the name he has,
23 when his father showed us his name it said he is called Tamba
24 Yamba.

25 Q. Thank you very much. Mr Witness --

26 A. Yes.

27 Q. -- do you remember the year that you went to Mile 91?

28 A. Yes, sir.

29 Q. What year was that?

1 A. It was in 1996, sir.

2 Q. Apart from the SLA soldiers that were in Mile 99 [sic],
3 were there any other soldiers there?

4 MR HARDAWAY: Excuse me, Your Honours, it was Mile 91.

5 MR MANLY-SPAIN: Mile 91.

6 MR HARDAWAY: Yes. You said 99.

7 MR MANLY-SPAIN: Sorry.

8 THE WITNESS: Okay.

9 MR MANLY-SPAIN:

10 Q. Mile 91?

11 A. In Mile 91, the other soldiers who were there were, let me
12 say, the Civil Defence Forces because I saw those there. They
13 were calling them with tea. That's what they were calling them
14 there, in Mile 91. They said by Tee.

15 Q. Thank you. We have had that spelling before.

16 Mr Witness --

17 A. Yes, sir.

18 Q. -- at the time you went to Mile 91 do you remember which
19 government was in power in Sierra Leone?

20 A. Yes, sir.

21 Q. Can you please tell this Court?

22 A. It was, his Excellency Ahmad Tejan Kabbah, he was in power
23 at that time. When I was in 91.

24 Q. Okay. Thank you. Thank you. At the time you joined the
25 army do you remember which government was in power in Sierra
26 Leone?

27 A. Yes, sir. I can remember.

28 Q. Can you please tell the Court?

29 A. It was the NPRC that was at that time.

1 Q. Thank you, Mr Witness. Mr Witness, I want you to remember
2 the year 1997. Do you remember that year?

3 A. Yeah, I can remember that year. I can remember it, sir.

4 Q. Where were you in 1997?

5 A. In 1997 I was from 91 to Freetown, that was where I was.

6 Q. Where were you serving in 1997?

7 A. JUDGE SEBUTINDE: Sorry, I haven't understood that answer.

8 MR MANLY-SPAIN: That is what I'm trying to clarify. He
9 said he was in Mile 91 and Freetown, or something to the effect.

10 THE WITNESS: You do not understand?

11 MR MANLY-SPAIN:

12 Q. No. Please explain the answer to us?

13 A. Okay. I've not got your question.

14 Q. My question is: In 1997 where were you -- where were you
15 serving?

16 A. Okay. In 1997 I was serving here, in Freetown. I was
17 serving the Sierra Leone government in Freetown.

18 Q. I want you to recall specifically the month of May 1997.
19 Where were you?

20 A. I was in Freetown here at Calaba Town, at the time.

21 Q. Do you recall 25 May 1997?

22 A. Yes, I can remember.

23 Q. Do you remember what day of the week that was?

24 A. Yes, I can remember that day. At that time the country was
25 going up and down. Let me say people, the people were so
26 confused because during that 1997, everybody was going up and
27 down.

28 Q. Yes, I'm asking you, please, about 25 May 1997, whether you
29 recall that particular day?

1 A. Yes, I can remember.

2 Q. And do you recall whether anything happened in Sierra Leone
3 on that day?

4 A. Yes, I can remember.

5 Q. Please tell this Court what you remembered -- you remember
6 happened on that day?

7 A. Yes.

8 Q. Please tell the Court.

9 A. Well, at that time 1997, when I was here in Freetown, June,
10 June 25, ha? Okay, at that time people were going up and down.
11 At that time they had overthrown the country. They were going up
12 and down. There was confusion everywhere at that time.

13 Q. You said they had overthrown the country. What do you
14 mean?

15 A. They said, they said, well, now, now there is another
16 government. At that time they had changed the SLPP. We just had
17 the AFRC.

18 Q. Where were you when you heard that?

19 A. Well, I was here in Freetown, man.

20 Q. Who did you hear that from? Did you hear that from
21 anybody?

22 A. Yes, yes. I heard it from somebody. At that time I was
23 monitoring the person. And that person was Corporal Gborie, he
24 was the person I can remember at that time that he had overthrown
25 the SLPP, Sierra Leone People's Party.

26 Q. When you heard that -- where did you hear that first of
27 all?

28 A. Okay. It was at Mile 91 that I heard that.

29 Q. What were you doing at Mile 91, then?

1 A. In Mile 91, at that time, I was -- I became a bodyguard to
2 Tamba, Major Tamba Yamba because now he is a major, that's what I
3 can call him. At that time he was a lieutenant. I was a
4 bodyguard and driver at that time to him.

5 Q. You said you heard Corporal Gborie. How did you hear him?

6 A. I heard him over the set, the communication set that was
7 there. It was the operator who called. He said "Come, something
8 has happened in Freetown. Come and listen." He said "It is
9 Corporal Gborie speaking." He said that corporal was here in
10 Mile 91. He has overthrown the SLPP government.

11 Q. Thank you. Did you do anything after you heard that?

12 A. I? I? Or Corporal Gborie?

13 Q. No, you, you, did you do anything?

14 A. Okay. Yes, sir. At that time they even, in fact, we were
15 monitoring him. He said that he needs reinforcement from any
16 battalion, so let them move to go to Freetown and, at that time,
17 I too said, "Okay, we'll try and go there." We'll see, to know
18 what had happened and none of us had uniforms on at the time we
19 were going but when we went, we met one officer who, too, was in
20 Camp Charlie. That is Lieutenant-Colonel Yanka. We met him.

21 THE INTERPRETER: Your Honours, can he -- he called the
22 name of a place but I didn't get it clearly.

23 MR MANLY-SPAIN:

24 Q. You said you met Lieutenant-Colonel Yanka; where did you
25 meet him?

26 A. At Konta, at Kontakuma. Kontakuma.

27 Q. I believe that is K-U-N-T-A, K-U-M-A [sic]?

28 A. JUDGE SEBUTINDE:

29 Q. And the name of the Lieutenant?

1 MR MANLY-SPAIN: Yanka. Y-A-N-K-A.

2 Q. Mr Witness, you said you left Camp Charlie. Did you leave
3 Camp Charlie alone?

4 A. No, no, no sir. I was not the only person who left Camp
5 Charlie, sir.

6 Q. With whom did you leave Camp Charlie?

7 A. Okay. We left Camp Charlie, I and one officer and I had
8 called his name, Lieutenant Tai koh.

9 Q. Yes?

10 A. And then they gave us an order in front of soldier, one
11 woman, who was Major Tamba Yamba's wife. I took her and brought
12 her to Freetown, at that time.

13 Q. Thank you. Just hold on there. After you met with Yanka,
14 I believe you said Major Yanka, what happened?

15 A. Then he said "I am not going there. I'm waiting here."
16 Then we too passed through. He gave us the clearance that we
17 should pass through, because we had met. They had put check
18 points, so he said we should pass through and we passed through
19 and we went to Masiaka and they said we should go in and they
20 said everything was okay, so we came to Jui and at Jui they
21 stopped us there.

22 Q. When you said you met check points and they said okay go
23 through, who said you could go through?

24 A. Well we met, because at that time there were two combined
25 forces there. The STF were there and at that time they called
26 them ULIMO but later they were changed to STF. It was one
27 Captain Zigi who said go because he was the person who was there
28 as the commander for STF, late Captain Zigi.

29 Q. You mentioned ULIMO. U-L-I-M-O, abbreviations for a name

1 or number of words. Do you know where ULIMO soldiers came from?

2 A. Yes, sir. I know where they had come from. They had come
3 from Liberia.

4 Q. And do you know with whom they were working?

5 A. Yes, yes, sir. They were working for the Sierra Leone
6 government. They were working for the Sierra Leone government.

7 Q. When you say the Sierra Leone government, which one do you
8 refer to?

9 A. SLA, they were working for it at that time.

10 Q. Thank you very much. After you had gone through these
11 checkpoints where they were ULIMO soldiers, did you go anywhere?

12 A. No, I did not go to any other but I went to Masiaka. That
13 it was only place because I had crossed there and I arrived in
14 Masiaka.

15 Q. Did you stay at Masiaka?

16 A. No. No sir. I did not stop at Masiaka. I continued my
17 journey.

18 Q. Do you recall how you were travelling on this journey?

19 A. Yes, yes, sir. I can remember how I travelled.

20 Q. How did you travel?

21 A. Well, we travelled, when we arrived at Masiaka, all of us
22 removed our uniform. There was a woman among us so that's how we
23 travelled. We removed our uniforms and we travelled and when we
24 came, and arrived in Jui, they stopped us. They halted us. The
25 ECOMOG, the Nigerians, they halted us with a gun. They asked us
26 where we were going. We did not talk. It was the woman who
27 spoke. She said she was going to take her mother. Her mother
28 was there and she had brought other people so she was going to
29 take her mother. So they searched our vehicle but they did not

1 use their hands to search, they just looked at us and they
2 allowed us to pass through, then we passed through. When we
3 passed through and came to Grafton Junction - it is called
4 Furniture Junction - we met soldiers. SLA soldiers, we met them
5 there at the Grafton Junction. Then they said --

6 Q. Okay finish the sentence then you stop?

7 A. Then, they said okay, we should pass through to
8 Calaba Town. That was where we stopped at Calaba Town.

9 Q. Yes. I want to ask you with what were you travelling?

10 A. I was travelling in a vehicle.

11 Q. At that time you said at Masiaka you removed your uniforms;
12 am I right or was it at [overlapping speakers]?

13 A. Yes, that's correct. Correct.

14 Q. What were you dressed in after that, when you removed your
15 uniform?

16 A. Well, at that time everybody wore civilian clothes. That
17 was what we wore.

18 Q. And did you do anything with your uniform -- uniforms, I
19 mean?

20 A. The uniform? We kept them. We kept them. We kept them
21 inside the vehicle. We put them inside the vehicle.

22 Q. And apart from your uniforms did you have anything else
23 inside the vehicle?

24 A. Yes, I wouldn't tell lies about that. We had it at that
25 time. We had --

26 Q. What did you have?

27 A. -- we had, we had our weapons. We put them in the vehicle
28 at the back of the seat. That is where we kept them.

29 Q. Can you tell this Court what type of weapons you had in the

1 vehicle.

2 A. It was AK and we were issued with one RPG tube. AK-47.

3 Q. Where were you issued with these weapons?

4 A. It was the RPG that was only issued to us when they opened
5 the armed -- the arms store because when you become a soldier,
6 you would be armed. So you have to -- you have to take care of
7 your gun because your gun was your wife. At that time that was
8 what they would tell you, that that gun is your wife, so if you
9 sit by and they take it away from you you'd have to -- you have
10 to give back another gun.

11 Q. Thank you. Where were you issued with this RPG?

12 A. It was at Mile 91. It was there that they issued it to us.

13 Q. Thank you, Mr Witness. On this journey, where did you get
14 to next?

15 A. The journey? At that time, now I have stopped at
16 Calaba Town. One day, I took a drive with a commanding vehicle.
17 I said I was going to meet the MPs on the way and they said "Come
18 here. Where are you going? You do not stay at your guard post
19 where you have been posted. Now we are going to take you and
20 carry you to the leader Johnny Paul Koroma." So I was taken
21 there. That is down quarry by Wilkinson Road. They took me
22 there and they said: "We have met this man. He had abandoned
23 his guard post." And they said: "Okay, he is one of the strong
24 men that I have been looking for because I know this man. I had
25 worked with him in Mokangi, so he should be at my lodge." Then
26 we said, okay. Then we went there. Then he --

27 Q. Please stay there. You spoke about guard post; where was
28 this guard post you are talking about?

29 A. It's, it's at Calaba Town. It was at Calaba Town that the

1 guard post was.

2 Q. How did you come to be there?

3 A. Well, you know, when you become a guard post commander, you
4 have to be patrolling around the area, just for you to know the
5 environment where they were placing us, so I wouldn't just sit
6 without looking at my back and always looking in front of me.
7 No, that should not happen. When you go for some time you have
8 to turn and look back, so that was what I was trying to do. I
9 didn't even go at a fair distance in that Wellington area. That
10 was where they put me in another vehicle until looting. So took
11 my own vehicle and they drove until quarry where they parked both
12 vehicles and the Pa said: "Take down the man's name, his number
13 and his rank so that he would be at my lodge" and return his
14 vehicle to him and they returned my vehicle to me and I was at
15 the lodge with him. From there, they sent us one day --

16 Q. Hold on now, Mr Witness. I want you please to listen to
17 the question. You were telling us about this journey to
18 Freetown. Then you told me also that you were at a guard post in
19 Calaba Town. Did anybody send -- that's a leading question. How
20 did you come to be deployed at this guard post?

21 A. Okay. When I had come to the guard post, the person whom I
22 met at that guard post was Brigadier Mani. At that time they
23 said he was the army chief of staff. He was the one I met there.
24 He asked us to disembark and he asked us: "How did you come?"
25 Then we said: "We had come like men, the way we should come."
26 So he gave us a gross of pega pack and 20,000 leones and a gross
27 of 55 cigarette and he said we should stay at Calaba Town.

28 Q. So did you stay there?

29 A. Yes, I stayed there, because they had given me my

1 assignment area, so I had to stay there.

2 Q. Thank you very much, Mr Witness. Mr Witness, how long did
3 you stay there before you met these anti-looting patrols who took
4 you to Johnny Paul Koroma? How long did you stay at Calaba Town
5 before that?

6 A. In Calaba Town? I did not even stay to up to a month in
7 Calaba Town. I did not stay there for even a month.

8 Q. Thank you, Mr Witness. When they took you to Johnny Paul,
9 you've explained, I think, what happened; did you go back to
10 Calaba Town?

11 A. No, no, no sir, I did not return to Calaba Town. I stayed
12 at his lodge. He put me at his lodge. He himself put me at his
13 lodge that I should stay at his lodge as lifeguard security.
14 That was what he told me.

15 Q. Thank you very much. Do you remember where the lodge was?

16 A. Yes, I can remember where the lodge was.

17 Q. Sorry, please tell the Court where it was?

18 A. The lodge, it was at quarry called Wilkinson Road by
19 pipeline. That was where it was. At that time that he was
20 there, we were working at the army headquarters. When he was as
21 president, he was working at the army headquarters, but later he
22 changed the lodge. He sent it by, up by Spur Road. That was
23 where he transferred it, near the British High Commissioner's
24 place. It was there that his lodge was, his other lodge.

25 Q. Thank you very much. At the time you were taken to meet
26 Johnny Paul Koroma at the first lodge, did you meet any persons
27 there?

28 A. Yes. I met people there. I met my colleague soldiers
29 there and also some other people. I met them there.

1 Q. Do you recall how many of your colleague soldiers you met
2 at this lodge?

3 A. Yes, I can remember.

4 Q. How many were there?

5 A. At that time, when they were checking us at the muster
6 parade, including the officers and every other person, people,
7 were about 229. We were 229 that were with him because they
8 would check us every morning at the muster parade.

9 Q. Thank you very much. You said that the residence, the
10 lodge of Johnny Paul Koroma was moved to Spur Road by British
11 High Commission. Did you go there alone when Johnny Paul moved
12 to that residence?

13 A. No, I was not the only person that went there because when
14 he, he was moving, we who were lodged down at the quarry had to
15 move together with him, together with his wife; went together
16 with him, near the British High Commissioner.

17 Q. Thank you very much, Mr Witness. When you were -- sorry.
18 How long did you take working as a guard to Johnny Paul, Major
19 Johnny Paul Koroma?

20 A. Okay, okay. I was with him for, let me say nine months I
21 worked with him.

22 Q. Thank you, Mr Witness. Whilst you were working with him,
23 did you have cause to go anywhere else?

24 A. Yes, sir. They transferred me to some other place. I was
25 sent to Kenema. That was where I was sent, to go to Tongo
26 because Kenema was where the headquarter was. It was from Kenema
27 that I was despatched, where I should be sent to my assignment
28 area but should be reporting to Kenema.

29 Q. Thank you, Mr Witness. Mr Witness, did you arrive in

1 Kenema?

2 A. Yes, sir.

3 Q. When you arrived in Kenema, did you report anywhere?

4 A. Yes, sir. I reported at the brigade.

5 Q. Where?

6 A. I reported at the brigade.

7 Q. Did you report to any particular person at the brigade?

8 A. Yes, sir. I reported to major -- because now he should
9 have been Lieutenant-Colonel Sheik Mahmoud. He was at the
10 brigade at that time and I recognised him and even now I know
11 him.

12 JUDGE SEBUTINDE: Do you have some spellings, please?

13 MR MANLY-SPAIN: Yes, Your Honour. I think Sheik is like
14 the word S-H-E-I-K and Mahmoud, M-A-H-M-O-U-D.

15 Q. Who was Sheik Mahmoud?

16 A. He was an officer at that time, when he was there. He was
17 the brigade deputy at that time.

18 Q. And do you know in what army he was an officer?

19 A. Pardon?

20 Q. Do you know what army he was an officer of?

21 A. It was SLA. He was serving the SLA at that time.

22 Q. When you reported to him, did anything happen?

23 A. Yes, sir. When I reported to him he said I should go to
24 Kenema because they were -- they were mining at the place, at
25 Tongo, too much, so we should go and put the situation under
26 control.

27 Q. Mr Witness, you have said you should go to Kenema, later on
28 you said Tongo; which one, which place did he say you should go
29 to?

- 1 A. They said I should go to Tongo. That was my assignment
2 area, where I was sent.
- 3 Q. Did you go to Tongo?
- 4 A. Yes, sir, I went to Tongo, sir.
- 5 Q. And did you go alone?
- 6 A. I was not alone.
- 7 Q. With whom did you go to Tongo?
- 8 A. We went with one officer who was called saloon officer,
9 Major Alimamy Kargbo. We went together with him. Major Alimamy.
- 10 Q. Alimamy, Your Honours, is A-L-I-M-A-M-Y. When you got to
11 Tongo with Major Alimamy Kargbo, did you do anything?
- 12 A. When we went there, we went to put the situation under
13 control, and that was what we went, so to save life and property.
14 That was the reason we went there.
- 15 Q. You are saying "we." Who do you refer to as "we"? "We
16 went to put life" -- who do you refer to as "we"?
- 17 A. We? Let me say we, because we were many who went there;
18 that's why I said "we."
- 19 Q. These people you went with, did they belong to the SLA?
- 20 MR HARDAWAY: Objection, Your Honour. Leading.
- 21 PRESIDING JUDGE: Yes, it is leading, Mr Manly-Spain.
- 22 MR MANLY-SPAIN: I am sorry. I am sorry.
- 23 Q. Who are the people that you went with?
- 24 A. We went with colleague soldiers again. We went together
25 with them because when an officer's moving he must have his
26 bodyguards behind him when he's moving.
- 27 Q. Did you -- sorry, when you got there with this officer and
28 the other, your other colleagues, did anything happen in Tongo?
- 29 A. Yes, something happened in Tongo.

1 Q. Please explain to the Court.

2 A. When we went to Tongo, at that time, one brother, there was
3 one brother, Sam Bockarie, who was the RUF commander. At that
4 time they had gathered some diamonds because when the diamonds
5 are given to him, he gave to the man and the man is kept the
6 diamond and go towards the Kono axis and went to Guinea. He
7 escaped with the diamonds. So that was the reason why we -- the
8 main reason why we were there. Because they had put a ban on
9 mining, so that is why we were there. We were still there when
10 one of his -- because there was one of his officers who was
11 called Captain Yamao Kateh. At the time when they were being
12 stopped from digging the playing field, the place was called
13 Cyborg Pit. That was how RUF was referring to the place. When
14 they were being stopped from digging the place Mosquito, because
15 that is what they called him, Mosquito, one of his securities had
16 to fire a shot and he shot at the officer and the officer died.
17 So the officer was brought to Freetown and he was buried.

18 Q. Okay. I want you to explain it step-by-step so that the
19 Court and my colleagues will understand. When you went to Tongo,
20 did you meet anyone there?

21 A. The RUF you mean?

22 Q. I'm asking you: Did you meet anyone there?

23 A. Yes, in Tongo, I met people there.

24 Q. Who did you meet in Tongo?

25 A. Tongo, I met the RUF while in Tongo and the SLA also in
26 Tongo.

27 Q. Mr Witness, did you observe anything happening in Tongo
28 when you got there?

29 A. Yes, when I arrived there I observed the things that were

1 going on there.

2 Q. Yes. Please tell this Court what you observed?

3 A. When I was there?

4 Q. In Tongo.

5 A. When I arrived in Tongo, at that time, just as I have been
6 explaining why I went to Tongo because I was sent there and I can
7 still explain because what I saw is what I explained here. What
8 I did not see I will not say. When I went to Tongo, these
9 diamonds had been stolen, all of them, and those diamonds were --
10 Mosquito, who is Sam Bockarie, the RUF leader at that time, his
11 own security had kept the diamonds, a parcel of diamonds, which
12 were given to him. So that that was the reason was sent to go
13 and put a stop on the mining that was there. But before we had,
14 before we went even, this officer Captain Yamao Kateh had been
15 killed. So that was the reason we were sent to put the situation
16 under control but still the RUF, they were loose, they were not
17 taking any command from anybody. They were not under control.

18 Q. Thank you. When you got there in Tongo, were people doing
19 anything there?

20 A. They attacked us once. They attacked us in Tongo at that
21 time.

22 Q. Who -- who attacked you?

23 A. Well, it was the Civil Defence Forces, the Kamajors,
24 because that was how they were called at that time. They were,
25 they were brought from Bo, Bo District.

26 Q. You have told us --

27 A. They attacked to us.

28 Q. Thank you. You have told us about Mosquito and his
29 bodyguard et cetera et cetera. Were you in Tongo when that

1 happened?

2 A. Well, I just met -- on the way, I heard it, when we were
3 going. At that time they were bringing the corpse of the
4 officer, Captain Yamao Kateh, the late officer.

5 Q. What is the name again?

6 A. Captain Yamao Kateh. Captain Yamao Kateh. He himself used
7 to call himself that name. "Me, Captain Yamao Kateh." That is
8 what he used to say.

9 Q. Please hold on. I will hazard a guess as to the spelling.
10 Yamao, Y-A-M-A-O, and Kateh, K-A-T-E-H. Mr Witness, how long did
11 you stay in Tongo?

12 A. Tongo, I left there -- let me say I was in Tongo for about
13 six, six months. I spent six months there.

14 Q. Thank you, Mr Witness. Mr Witness, from Tongo, did you go
15 anywhere?

16 A. Yes, sir, I went to another place. I came back to Kenema.

17 Q. When you went back to Kenema, where in Kenema did you go
18 to?

19 A. I was at the brigade headquarters. That was where I was.

20 Q. Whilst you were there, at the brigade headquarters, did
21 anything happen?

22 A. Yes. At that time something happened in Kenema, again.

23 Q. Please explain to the Court what happened.

24 A. Okay. At that time, 1998, they said: "Your men have been
25 dislodged in Freetown." I said: "Well, let me go to the brigade
26 and stay there." And I went to the brigade, the brigade
27 headquarters, to the communication set and I sat there. While I
28 was sitting there it didn't take too long when Mosquito came and
29 when he was coming he brought a big man who was in Kenema, I

1 think he was called BS Massaquoi, who was there, and he brought
2 him and he said: "These are the main people, the number one
3 people who are the supporters of the SLPP, so take him and put
4 him to the set. That is the guard room." So he was put into the
5 guard room. The security let the man to escape and at that time
6 he was rearrested and was brought back and he said that he should
7 be beaten. He, the Sam Bockarie, passed the order that the man
8 should be beaten and they started beating him but when his shirt
9 was taken off, I saw him. God is my witness. When his shirt was
10 taken off, his underpants were the skin of a human being, so he
11 was beaten to death. That Mosquito, Sam Bockarie, passed the
12 order. At that time it was and I see that he was putting up and
13 he came to the brigade. That was where he passed the command.

14 Q. Okay. Thank you.

15 JUDGE SEBUTINDE: Mr Manly-Spain, I don't know about you
16 but I am totally lost with this evidence. If you could lead your
17 witness step-by-step, we could know who was beaten, who escaped.
18 Right now we don't know who did what.

19 MR MANLY-SPAIN: I am going to Your Honour --

20 PRESIDING JUDGE: See, you are letting him ramble on, Mr
21 Manly-Spain, and then you have to go back over the whole thing
22 again. It's time-consuming.

23 MR MANLY-SPAIN: I realise that, Your Honour, but my
24 problem is that I don't want to stop him in the middle of his
25 statement.

26 Q. Mr Witness, please give us short answers. You stop at a
27 point and then continue so that we will understand, so I don't
28 have to go and ask you all over again. Okay? Do you understand
29 that?

- 1 A. Yes. Yes. Yes, sir.
- 2 Q. Who was beaten?
- 3 A. It was --
- 4 Q. On the orders of --
- 5 A. It was BS. It was BS Massaquoi .
- 6 Q. Who beat him up on the orders of Mosquito?
- 7 A. His boys, his security, who were there.
- 8 Q. And where did this happen?
- 9 A. In Kenema.
- 10 Q. I'm asking you, what part of Kenema did this happen? Where
- 11 in Kenema did this happen?
- 12 A. By Hangha Road, inside the town, Kenema. That is where it
- 13 happened.
- 14 Q. And were you present when this thing happened?
- 15 A. Yes, sir. I cannot tell a lie here. That is what I'm
- 16 telling you. I was there at present and I was not going
- 17 anywhere. I was nearer the set at the brigade.
- 18 Q. Just hold on there. You also said that Mosquito stayed at
- 19 NIC; what is NIC?
- 20 A. Well, it's -- that is what I was saying because the sign
- 21 board was by the bank. On the inscription board it was written
- 22 and I see. I think it was an office. That was where he put up.
- 23 Q. Thank you, Mr Witness. Mr Witness, you said you were by
- 24 the set monitoring the set. Whilst you were there monitoring the
- 25 set, did you hear anything?
- 26 A. Yes, sir. I heard something that happened. He, the
- 27 Mosquito, was speaking because at that time, we, the SLAs said
- 28 was locked, but the RUF had a way, how they could manage and
- 29 manage the channels. They knew each other. They could talk to

1 each other. They had their own codes. So the Sierra Leone Army
2 as well had their own codes. So he was speaking. One of his
3 security men was around -- around sending the message to him.
4 And he said: "You sitting like this? You have been dislodged in
5 Freetown. Just be sitting like this. You have been dislodged
6 from State House." That is what he was talking. You've been
7 dislodged from Cabala Town. Well, everything is finished now.

8 Q. Stop there. Who was talking?

9 A. Mosquito, Sam Bockarie was talking, the rebel commander.

10 Q. Thank you. Step-by-step. What did he say?

11 A. He said: "You are sitting like this? You have been
12 dislodged from State House." From there, then we heard, he said
13 again, "Our men have, Uppun, I have heard they have been
14 dislodged again from Uppun turntable," and we heard again that
15 they had been dislodged from Wellington, so this -- everybody
16 should go. This is an operation period. Then he passed the
17 message. Then he named the operation, Operation Pay Yourself.
18 That was Sam Bockarie's -- that was what Sam Bockarie did, his
19 RUF commander.

20 Q. Stop there. Who was Mosquito talking to, telling these
21 things?

22 A. It was at the Kenema brigade. We, who were around, he was
23 talking to us. He was talking to us who were around. We, the
24 soldiers, with his own soldiers as well.

25 Q. Thank you. You said he said you should all leave? I have
26 not got an interpretation.

27 JUDGE SEBUTINDE: Witness hasn't said anything.

28 MR MANLY-SPAIN:

29 Q. Yes, Mr Witness. You said just now that Mosquito said you

1 should all leave. Did he say anything else?

2 A. Yes. He said Operation Pay Yourself. He said let's -- we
3 should all go. He was going to Liberia. That was what he said.

4 Q. What did you understand what he meant when he said
5 Operation Pay Yourself.

6 A. Mummy, sorry, daddy, he said whatever you could take, take
7 it up for yourself and go. Pay yourself and go. That is what we
8 understood. That was what he was saying. He said Operation Pay
9 Yourself. Whatever you get is yours. Let's go to Liberia.

10 Q. Thank you, Mr Witness.

11 A. Who is willing to go, let's go.

12 Q. When he said that, did he stay in Kenema?

13 A. No, sir, he did not stay in Kenema; he went. He went
14 straightaway towards the Kailahun area. We were struggling
15 behind him now and we followed him together with the SLA officers
16 and we went.

17 Q. Do you know how he left Kenema?

18 A. Yes, sir.

19 Q. Please tell the Court.

20 A. I know how he left Kenema. When he left Kenema, he had a
21 vehicle, 130 Land Rover, and he took the radio set and put it in
22 the car and took his boys and said: "Let's go." He took his
23 wife and said: "Let's go."

24 Q. Thank you, Mr Witness.

25 A. Then --

26 Q. Do know, let me put it first of all. At the time Mosquito
27 said this, do you know whether there were any SLA officers at the
28 brigade?

29 A. Yes, they were there. Those who -- I cannot tell lies on

1 them. Everybody was looking for ways to go. I can remember the
2 officers that were there. I know them.

3 Q. Please tell this Court who they were.

4 A. Okay. The battalion commander was around that asked us to
5 enter Kenema by Hangha Road, he was called Captain Rogers. Then
6 there was Lieutenant American. Then there was Lieutenant
7 Hindolo.

8 Q. Just a minute please. The first one was Rogers. Rogers,
9 Your Honour, is the normal spelling R-O-G-E-R-S. And the next
10 one?

11 PRESIDING JUDGE: Next was Lieutenant America and the next
12 was Lieutenant Hindolo after that.

13 MR MANLY-SPAIN:

14 Q. Did you know American by any other name?

15 A. No, I can't tell a lie, because that is how he was called,
16 American.

17 Q. Hindolo, Your Honour, is H-I-N-D-O-L-O. Yes, who else?

18 A. Then Captain Alimamy Kargbo, who is now a major. Then
19 there was Forbie. Then there was Lieutenant Forbie. Then there
20 was Eddie Kanneh. Eddie Kanneh himself was there.

21 Q. Hold on a second. Forbie, Your Honour, is F-O-R-B-I-E and
22 you mentioned Eddie Kanneh, whose name I believe has come up
23 before. Who was Eddie Kanneh? Hold on. Carry on, carry on.
24 Have a drink first.

25 A. Eddie Kanneh at that time was an SOS -- like when you would
26 say minister, he was the SOS minister. He was there.

27 Q. Thank you very much. After Mosquito had left, did you and
28 the other SLAs that were there do anything?

29 A. Mummy, we also decided to follow them and go. Went our own

1 way.

2 Q. Did you actually leave Kenema?

3 A. Yes, sir. I left Kenema. I was not alone. We left
4 Kenema.

5 Q. Please tell this Court who you left Kenema with?

6 A. Well, it was the officers that I have called just now, we
7 left and went. We went by Hangha Road, went through Segbwema and
8 went and based in Daru.

9 Q. Before, apart from the officers, did you leave Kenema with
10 anyone else?

11 A. For that, I can't tell a lie, yes, because at that time the
12 place was with some kind of confusion, everybody was taking his
13 or her own bundle, and the civilians mostly were taking the
14 bundles, and the soldiers, all of us went.

15 Q. You said you went to Daru and stayed there; do you recall
16 how long you spent at Daru?

17 A. Daru? We did not even take a month there. We did not take
18 a month there.

19 Q. Whilst you were at Daru, did anything happen?

20 A. Yes. When I was in Daru, something happened. There was
21 one officer who came from Zimmi, who also came with his own men.
22 He came and we were all met, were all combining Daru. The
23 officer's name was, he is now a colonel. No, sorry, he is now,
24 he is major. Major Fayama Mara, he was the only officer that
25 came from Zimmi. He came with a truck of soldiers, Toyota.

26 Q. Hold on. Fayama is probably F-A-Y-A-M-A, Mara?

27 A. Fayamba, Fayamba Mara.

28 Q. F-A-Y-A-M-B-A. You say you were in Daru; do you know what
29 district Daru is?

1 A. Daru, they say it's within the Kenema District, but I know
2 it's in the Kailahun District.

3 Q. Thank you. Is there anything in particular in Daru?

4 A. Yes.

5 Q. What is it?

6 A. Well, the thing that was in Daru was the -- let me say I
7 saw this soldier, because the RUF commander, who was Mosquito, I
8 saw him with Issa. Then, I saw Morris Kallon. Then I -- those
9 are the people that I saw at the brigade, at the -- let me say
10 the roundabout there in Daru Town but not in the barracks itself.
11 In the town going towards the barracks.

12 Q. Hold on --

13 A. They brought a brand new vehicle.

14 Q. Hold on. You -- I asked you was there anything else in
15 Daru, anything in particular in Daru? Now you have mentioned
16 that these people, the RUF people were not in the barracks. Who
17 were in the barracks at Daru?

18 A. It was the Sierra Leone soldiers at that time but when we,
19 when there was the air raid, everybody left the barracks and came
20 to town.

21 Q. Which air raid are you talking about?

22 A. The jets.

23 Q. And which jets are you talking about?

24 A. The Alpha Jet, because that was how it was called. That
25 thing that flies up like a plane.

26 Q. Did you know who was flying the Alfa Jets?

27 A. I just heard it because it was up. I was down. I couldn't
28 have known who was flying it.

29 Q. Okay. Do you know who this jet belonged to?

1 A. The jet, because when we were there, some would say it was
2 coming from Guinea, some would say it was coming from Liberia.
3 And others would say it was coming from Sierra Leone. That is
4 what we used to hear.

5 PRESIDING JUDGE: Mr Manly-Spain, I think you ought to
6 discipline your witness to answer your questions. You didn't ask
7 where the jet was coming from.

8 MR MANLY-SPAIN:

9 Q. Mr Witness, please answer the question. Don't go talking
10 on and on and on. If you know who the jet belonged to just tell
11 us. If you don't know say you don't know. Do you know who the
12 jet belonged to?

13 A. The jet? I don't know who owned the jet.

14 Q. Thank you. When this jet bombed the barracks, as you said
15 --

16 JUDGE SEBUTINDE: He did not say it bombed the barracks.
17 He said it flew like other planes fly.

18 MR MANLY-SPAIN: Much obliged.

19 Q. When the jet flew over Daru, did it do anything?

20 A. Yes, sir. It did something. It dropped bombs at the
21 place. It dropped about four bombs, big ones, when I saw, I saw
22 them, because they did not explode.

23 Q. Where did you see them in Daru?

24 A. It was up the air.

25 Q. [Microphone not activated]?

26 A. They were just passing in the town. Up the air.

27 Q. I'm talking about the bombs which you said did not explode.
28 Where did you see them?

29 A. Okay. One was in the oil palm plantation. The other one

1 was right in the barracks, the officers' mess. Right there was
2 where it was dropped. The other one was outside. It was in one
3 village. There it was dropped and the other one was in one of
4 the barriers.

5 Q. Thank you.

6 A. It was even fenced.

7 Q. Thank you, Mr Witness. After the bombs, the unexploded
8 bombs had been dropped, did anything happen?

9 A. Nothing happened after that. People just left.

10 Q. Left where?

11 A. Going towards Pendembu area. They were going there.

12 Q. Thank you. Did you do anything after that?

13 A. No, sir. I did not do anything after that.

14 Q. Thank you. You said earlier on that whilst you were in
15 Daru you saw Sam Bockarie and Issa Sesay; is that so?

16 A. Yes, sir; it's true.

17 Q. At the time you saw them, did anything happen?

18 A. Yes, sir. When I saw them something happened.

19 Q. Please explain to the Court what happened?

20 A. When they came, they stopped at Daru Town. They were
21 driving brand new cars. They had to narrate the story to us that
22 Johnny Paul had come. He was in Kailahun. So, so let's stay in
23 Daru. But at that time something else came. With one person
24 they said was a collaborator, and they brought the person, and
25 they brought another again and he -- so they left one of the
26 collaborators with us, and they called Mosquito master, that was
27 the word he was called, master. This one was captured, this one.
28 We don't know what to do. And he told the next man nearer, that
29 was Issa Hassan Sesay, and he told him, he said: "You should

1 keep the man in Daru Town" and the man was fired.

2 Q. Hold on. Hold on.

3 A. The man was lying there.

4 Q. Sorry, Your Honours, I have to go over that.

5 A. For up to three days.

6 Q. I tried my best to get it. Mr Witness, please go
7 step-by-step, not long, long narrations; okay. You said they
8 brought a man termed the collaborator; who brought him?

9 A. His security men brought him.

10 Q. Whose security's men?

11 A. Sam Bockarie's security men, the RUF commander.

12 Q. Thank you. Did you know this person, termed the
13 collaborator, who was brought?

14 A. I can't tell a lie; I don't know him.

15 Q. After he was shot, you say he was shot by Issa?

16 PRESIDING JUDGE: He said fired, which I take to mean
17 dismissed.

18 MR MANLY-SPAIN: I get the point, sir.

19 Q. When Mosquito told Issa to execute the man, you said Issa
20 fired him. What do you mean by "fire"?

21 A. He killed him.

22 Q. What did he use to kill him?

23 A. He used a pistol which was a revolver. He had it, with a
24 silver colour. He just put his hand in his coat and took -- took
25 out the pistol and he shot at him.

26 Q. At that time, when this incident happened, do you know
27 where the other officers and SLAs that you had gone to Daru with,
28 where they were?

29 A. Not -- at that time everybody was just saying: "I am

1 going, I am going to Liberia." So that is how they went.

2 Q. So what happened after that?

3 A. Well, while we were there, after that, they came and took
4 us away from the town and we went and stayed seven miles away
5 from Daru. The place was called Tikonko.

6 Q. Hold on there. Who came and took you?

7 A. Well, that -- when -- you know, there was a problem. We
8 went on our own. Nobody took us there because we were trying to
9 pull out.

10 Q. Who do you refer to as "we"?

11 A. It was because we were many; that is why I'm saying "we."
12 Went. Because I can't just mention myself alone.

13 Q. Who were these other people?

14 A. The SLA brothers, we went together with the RUF,
15 Revolutionary United Front. We went together with them, there,
16 because at that time all the officers had escaped. They were
17 just going and leaving us behind. So we had nothing else to do,
18 so we said: "Let's go."

19 Q. What place did you say you went to?

20 A. Tikonko. We went and stayed there.

21 MR MANLY-SPAIN: Tikonko, Your Honours, is T-I-K-O-N-K-O.

22 PRESIDING JUDGE: Thank you. That might be an appropriate
23 place to have a break, Mr Manly-Spain.

24 MR MANLY-SPAIN: Thank you, Your Honour.

25 PRESIDING JUDGE: Mr Witness, we are going to have a short
26 break now. I am telling you that you are not permitted to
27 discuss this case or the evidence you are giving with any other
28 person while you are in the course of giving evidence. We will
29 adjourn the Court now until 11 o'clock.

1 [Break taken at 10.45 a.m.]

2 [Upon resuming at 11.03 a.m.]

3 PRESIDING JUDGE: Yes, go ahead, Mr Manly-Spain.

4 MR MANLY-SPAIN: Thank you, sir.

5 Q. Welcome back, Mr Witness. Mr Witness, you have taken us up
6 to the point --

7 A. Yes.

8 Q. -- when you went with other SLAs to Tikonko. Where, what
9 district is Tikonko?

10 A. In the Kailahun District.

11 Q. What did you go to do at Tikonko?

12 A. They said we should stay there as a blocking force.

13 Q. Please answer the question; what did you go to do at
14 Tikonko?

15 A. In Tikonko? We stayed there.

16 Q. Why did you go there?

17 A. Well, they said we should stay there so, when we went
18 there, we went there to save our lives; that was why we went
19 there.

20 Q. Who said you should stay there?

21 A. It was Sam Bockarie, the RUF commander.

22 Q. Thank you. What do you mean that you went there to save
23 your life?

24 A. Because that was what they were telling us.

25 Q. Who were telling you that?

26 A. It was the RUF commander, Sam Bockarie.

27 Q. When you went to Tikonko, with the other SLA soldiers, did
28 anything happen?

29 A. Yes, it happened there.

1 Q. Please tell this Court what happened?

2 A. When we stayed in Tikonko, ECOMOG and the Kamajors attacked
3 us there. When they attacked us there, we left. We decided to
4 go inside to Bobugao but before we went there we still captured
5 Tikonko.

6 Q. When you say "we," who do you mean?

7 A. That means we were many. That's what I mean.

8 Q. And what were these men you talk about?

9 A. At that time we were all, at that time we were all rebels
10 now, RUF. RUF. Because that is what they were saying, that now
11 that you've come here this place is the Revolutionary United
12 Front.

13 Q. How many SLA soldiers were with you who were now RUF?

14 A. Pa, that one, I wouldn't know the number, because I don't
15 want to tell lies, sir, but we were -- we were many. Let me not
16 tell lies. I didn't count at that time because even to take
17 nominal role at the time, they didn't to write our names so we
18 would know one another, no.

19 Q. Thank you. How did you know that the attack on you at
20 Tikonko was by ECOMOG and the Kamajors?

21 A. That one, let me not tell lies. I was present. I saw it.
22 Because the RUF captured one armoured car, by that Tikonko area,
23 they captured a man, diesel truck that had ammunition and a
24 ration.

25 Q. Thank you, Mr Witness. You said that after this attack you
26 went somewhere; where did you go to?

27 A. We went -- we went up to Buedu, because I was called, so I
28 left the other men. Five of us went to Buedu.

29 Q. Hold it there. We have had Buedu before, Your Honours.

1 Five of you; who were the other four people who went with you?

2 A. Well, it was the Revolutionary United Front. There were,
3 the other men went with us. Five among them, because I had a
4 feeling that they were not Sierra Leone Army, this was RUF, so I
5 was the only one who was there.

6 Q. Thank you.

7 A. So I had joined them as RUF.

8 Q. Thank you. Who sent for you to go to Buedu?

9 A. It was Sam Bockarie, the RUF commander. He sent a message
10 that we should go to Buedu.

11 Q. Okay. Before we continue with Buedu, what do you mean that
12 you recaptured Tikonko?

13 A. Because they dislodged us from there, we were on the
14 highway. We returned because when we reached there we returned
15 there and recaptured there.

16 Q. Thank you. Mr Witness, did you arrive at Buedu after this
17 call by Mosquito?

18 A. Yes, sir. Yes, sir.

19 Q. Did you meet anyone there, when you arrived?

20 A. Yes, sir.

21 Q. Whom did you meet there?

22 A. I met Mosquito himself, and he said they should go and call
23 Johnny Paul Koroma, because he was at Kangama at that time. So I
24 met him there. I met his Control. He had his man who sent
25 messages on the set. I met him there.

26 Q. Hold on.

27 A. I met his security. CSO.

28 Q. Hold on a minute. You met Johnny Paul where?

29 A. In Buedu, Buedu. Buedu. Seven miles to go to Foyah in

1 Liberia, that was where I met him.

2 Q. Thank you. Foyah I guess is F-0-Y-A-H. Where did you say
3 Johnny Paul was?

4 A. In Kangama.

5 Q. Which is K-A-N-G-A-M-A. In what district was Kangama?

6 A. In Kailahun District.

7 Q. Thank you. Mr Witness, when you went to Buedu, did you see
8 Mosquito, Sam Bockarie, alias Mosquito, did you see him
9 personally?

10 A. Yes, sir, yes, sir. I myself saw him with my own eyes.

11 Q. You said he sent for Johnny Paul; is that so?

12 A. Yes. Yes, sir.

13 Q. Did you see Johnny Paul personally?

14 A. Yes, sir.

15 Q. And did you see him with anyone else that you know?

16 A. Yes, sir. I saw him with people whom I know.

17 Q. Who were these people?

18 A. His soldiers, who were with him.

19 Q. Do you know their names?

20 A. Yes, sir, I know their names.

21 Q. Can you tell this Court their names?

22 A. Yes, sir. I can tell the Court their names, sir.

23 Q. Please, slowly tell the Court one by one?

24 A. Okay. I saw Honourable Adams. I saw him there. Then I
25 saw --

26 Q. One by one, please. Adams is the normal spelling. Yes?

27 A. Then I saw Honourable Laggah.

28 Q. Laggah is L-A-G-G-A-H. Yes, please, go on.

29 A. I saw Honourable Sammy.

1 Q. Thank you. Sammy is S-A-M-M-Y. Thank you. Please go on.

2 Did you see anybody else that you recognised?

3 A. Yes. Yes, sir.

4 Q. Please tell us.

5 A. Honourable Hector.

6 Q. Thank you. Please go on.

7 A. Then I saw his CSO called Rambo, huge one. Very huge. He
8 was called CSO Rambo.

9 Q. What do you mean by CSO?

10 A. States -- states -- state of security.

11 Q. If Your Honour, please. Yes, did you recognise anybody
12 else?

13 A. Yes, sir. And the Control who said like this one I am
14 talking through, he was talking in the set. He was the one I saw
15 there.

16 Q. Thank you. Did you -- do you know the name of this person
17 you refer to as his Control who had the set?

18 A. That was the name that was how we used to call him,
19 Control, Control. I can't search -- I was unable to search out
20 his name at that time but when they called him Control he would
21 come running.

22 Q. Thank you. Is that all?

23 A. Yes, sir.

24 Q. Thank you, Mr Witness. Mr Witness, for how long did you
25 stay at Buedu?

26 A. Buedu? I did not even -- I did not even spend up to four
27 months in Buedu.

28 Q. Thank you. Whilst you were in Buedu, did you know who was
29 in charge, or in control of Buedu?

1 A. Yes, sir.

2 Q. Who was it?

3 A. It was Sam Bockarie, who was the RUF commander. He was
4 commanding there. And all instructions were to be taken from
5 him.

6 Q. Whilst you were -- at the time you were in Buedu, did you
7 go to any other place in the Kailahun District?

8 A. Yes. I used to go there. I used to go to the crossing
9 point by this place where Johnny Paul was. By that Kangama end.
10 Koindu, Koindu.

11 Q. We already have that spelling, sir. Did you go to that
12 place, Koindu, alone?

13 A. No, sir.

14 Q. With whom did you go there?

15 A. We went with one officer called Lieutenant AB. That is
16 what they used to call him.

17 Q. Do you know what force that officer belonged to?

18 A. Yes, sir.

19 Q. Which force was that?

20 A. It's the Revolutionary United Front officer. That is where
21 he was. RUF.

22 JUDGE SEBUTINDE: Sorry, Mr Manly-Spain. That was
23 Lieutenant AB or Levy?

24 MR MANLY-SPAIN: AB, just initials.

25 THE WITNESS: Lieutenant AB that is what they used to call
26 him. Lieutenant AB. Those are his initials.

27 MR MANLY-SPAIN:

28 Q. Thank you, Mr Witness. What did you go to do in this place
29 with Lieutenant AB?

1 A. When we went they said we were going for fuel. We had gone
2 there to collect fuel.

3 Q. From whom did you collect the fuel?

4 A. From one village, which is close to the crossing point,
5 that is where we took the fuel from and brought it to Buedu.

6 Q. Yes. Who did you get the fuel from?

7 A. It was from the people from the village, that we got the
8 fuel.

9 Q. Do you know in which country the village you got the fuel
10 from, is? Which country is this village?

11 JUDGE SEBUTINDE: I thought he said Koindu, is that the
12 village we are talking about, Koindu?

13 MR MANLY-SPAIN:

14 Q. Koindu or some other place?

15 A. Yes, sir.

16 Q. Listen to me where did you go to, for this fuel?

17 A. In Koindu. Close to one village, Koindu. That's where we
18 went for the fuel. They brought the fuel across in our presence.
19 The Guineans, they were the ones who brought the fuel across.
20 They brought diesel and petrol and they would buy foreign
21 exchange. They would come and buy coffee and cocoa and they
22 would take it back. If you see the river it's the Moa. That's
23 where they would cross.

24 Q. Thank you. Where is this village, which country, this
25 village?

26 A. In the Kailahun District. They would come across and meet
27 us in the village.

28 Q. Mr Witness, I just want to take you back a little bit then
29 we will go ahead. When you said you saw Johnny Paul in Buedu,

1 where in Buedu did you see him?

2 A. Because at that time they were calling that place ground.
3 That is Mosquito's ground. That's what they used to call him.
4 It was at the ground that I saw him.

5 Q. A place called Mosquito's ground?

6 A. They said, yes, sir, yes, sir. That is what they used to
7 call him. Whatever you wanted they would tell you go to the
8 ground. Go to the ground. Go to master, that is what they used
9 to call him, they wouldn't even say -- they would call him
10 master. They wouldn't call him Sam Bockarie.

11 Q. Thank you. In all these places that you went to in
12 Kailahun District, do you know who was in charge?

13 A. Yes, sir.

14 Q. Who was that?

15 A. It was Sam Bockarie who was in charge.

16 Q. Thank you, Mr Witness. Mr Witness, do you remember the
17 name of the place you went to to get these commodities, the fuel
18 and the exchange of cocoa et cetera, coffee?

19 MR HARDAWAY: Objection, Your Honour, asked and answered.

20 MR MANLY-SPAIN: I am sorry, if I have asked again but I
21 didn't get the name of the place he said.

22 JUDGE SEBUTINDE: He said Koi ndu.

23 MR MANLY-SPAIN: Koi ndu a village nearby.

24 JUDGE SEBUTINDE: No, he said Koi ndu was the village.

25 MR MANLY-SPAIN: May I be permitted just to ask

26 [overlapping speakers].

27 THE WITNESS: Near.

28 MR MANLY-SPAIN:

29 Q. Near where?

1 A. It's close to the village to go to Koindu. That was where
2 we took the fuel from because at that time that was where I saw
3 with my own eyes they were putting the coffee and the cocoa. It
4 was a fool who would cross the river because the river was near
5 the village.

6 PRESIDING JUDGE: You haven't been asked any of that, Mr
7 Witness. You were not asked any of that. You're simply being
8 asked --

9 MR MANLY-SPAIN: Whether he knew the name of that village,
10 that is what I asked.

11 PRESIDING JUDGE: You want to ask him the name of the
12 village near Koindu --

13 MR MANLY-SPAIN: Yes, Your Honour.

14 PRESIDING JUDGE: -- where the fuel was exchanged?

15 MR MANLY-SPAIN: Yes, Your Honour that is what I'm asking.

16 Q. If you don't remember, just tell us?

17 A. I can't remember.

18 Q. Mr Witness, for how long did you stay in Kailahun District.

19 MR HARDAWAY: Objection, Your Honour, asked and answered.
20 He said it was up to four months.

21 MR MANLY-SPAIN: Thank you.

22 Q. Mr Witness, when you left Kailahun District after four
23 months, did you go anywhere?

24 A. Yes, sir. We went to another place.

25 Q. Where was that or what was that place?

26 A. We went to Kono District.

27 Q. With whom did you go to Kono District?

28 A. It was Issa Hassan Sesay. We went together to Kono
29 District.

1 Q. Apart from Issa Hassan Sesay, did you go with anyone else
2 to Kono District?

3 A. Yes, sir.

4 Q. Who did you go with?

5 A. Mike.

6 Q. Pardon?

7 A. It has not come on. I went with xxx xxx. I went again
8 with xxx xxx because they were calling him Brigadier xxx
9 xxx.

10 Q. Thank you. Who was he?

11 A. Well he's an RUF. He's an RUF strong man. They said they
12 had him in the RUF.

13 Q. Thank you. Where did you meet him?

14 A. I met him in Bonumbu. That was where I met him.

15 Q. Thank you.

16 PRESIDING JUDGE: Mr Witness, Mr Witness, are you having
17 trouble with those headphones of yours? Are you having trouble
18 hearing.

19 THE WITNESS: Yes, it's maybe it's short-circuiting, maybe
20 it cuts off from here. It's not me. Sometimes it will come on
21 and after some time you know you see when I'm talking it takes
22 some time before it comes on. I'm not having a problem with it.

23 PRESIDING JUDGE: You are not having problems with it? All
24 right.

25 THE WITNESS: I am having, you are listening, is that how I
26 get the problem. It stops. When I want to talk it stops by
27 itself. When I'm talking like I'm doing now you are getting me
28 clearly but it cuts off. I don't know. I don't know why.

29 PRESIDING JUDGE: It might have something to do with the

1 interpreter cutting in as well to interpret what you are saying
2 but you can hear clearly what I'm saying now; is that correct?

3 THE WITNESS: Yes, I can hear.

4 PRESIDING JUDGE: Go on Mr Manly-Spain.

5 MR MANLY-SPAIN:

6 Q. Mr Witness, please wait for the interpreter. When I put
7 the question wait for the interpreter to interpret it to you
8 before you answer. Mr Witness, what did you go with Issa Sesay
9 and Mike Lamin to do in Kono?

10 A. Well, when we went to Kono they said we should go to Makeni
11 to put the situation under control. The RUF had, had captured
12 some observers. That was why we went to Kono, to go to Makeni.
13 They said we should go and put the situation under control, to
14 get them out of there.

15 Q. At this time, when you were going to Kono, who sent you to
16 go to Kono? Who told you to go to Kono?

17 A. It was Sam Bockarie, who sent us.

18 Q. Did you actually get to Kono?

19 A. Yes, sir.

20 Q. And what, when you got to Kono, did anything happen?

21 A. In Kono, nothing happened there. It was only in Makeni
22 that I heard about.

23 Q. You say he sent you to go to Kono and then to Makeni. Did
24 you go to Makeni?

25 A. Yes, sir.

26 Q. At the time you were going to Makeni, did you know who were
27 in Makeni?

28 A. Yes, sir.

29 Q. Who was it that were in Makeni?

- 1 A. It was the RUF who were in Makeni .
- 2 Q. And did you know who the commander was?
- 3 A. Yes, sir.
- 4 Q. Who was it?
- 5 A. It was Superman. That was what they used to call him.
- 6 Q. Do you know him by any other name?
- 7 A. That's the only name that I know for him. That's what I
- 8 heard them calling him.
- 9 Q. Thank you, Mr Witness. Mr Witness, did you go to Makeni
- 10 with anything?
- 11 A. Yes, sir.
- 12 Q. What did you go with?
- 13 A. We went with vehicles.
- 14 Q. What were you going to do there?
- 15 A. In Makeni , when we went, they said we should go and put the
- 16 situation under control . That is why we went to Makeni .
- 17 Q. What do you mean by put the situation under control ?
- 18 A. At that time the RUF were there. They had captured some
- 19 observers. They captured them and they tortured them very
- 20 seriously. That was why we went to Makeni .
- 21 Q. Did you arrive at Makeni ?
- 22 A. Yes, sir.
- 23 Q. And did anything happen there?
- 24 A. Except, nothing happened there because it was only that we
- 25 removed the men in Makeni . That's what I saw.
- 26 Q. Which men did you remove from Makeni ?
- 27 A. The RUF were the ones we removed from Makeni because we,
- 28 too, were the same. They called us RUF but they were not
- 29 listening to Mosquito, Mosquito's order that they passed onto

1 Superman, Superman would just say "sit there you are behind
2 there." They were in front. That was why.

3 Q. How did you put the situation under control?

4 A. Because when we came they started shooting at us so we
5 returned the shooting so they were unable to stay there. They
6 were climbing on top of a big stone in Makeni close to the water
7 works. That's where they were all running to.

8 Q. What happened after that?

9 A. After that, people started saying "this is my ground, look
10 at my gun we are the ones who were here." So they were taking
11 the guns and putting them aside. Later everything came too.

12 Q. And did you put the situation under control?

13 A. Yes, sir.

14 Q. At the time you went to put the situation under control,
15 who commanded you? Did you have a commander?

16 A. Yes, sir.

17 Q. And who was that commander?

18 A. It was Issa. Issa Hassan Sesay.

19 Q. Thank you, Mr Witness. Mr Witness, you said that Superman
20 was in control at the time -- of the town, Makeni, when you went
21 to put the situation under control. Do you know what happened to
22 Superman after that?

23 A. Well, that one I do not know what happened.

24 Q. And did you go into Makeni yourself?

25 A. Yes, sir. I myself went in there.

26 Q. And did you stay in Makeni?

27 A. Yes, sir.

28 Q. Do you remember for how long or until when you stayed in
29 Makeni?

1 A. Yes, sir.

2 Q. When did you, up to when did you stay in Makeni?

3 A. The year 2000.

4 Q. In that year, did you do anything?

5 A. No, no sir, we did not do anything.

6 MR HARDAWAY: Objection on the grounds of relevance.

7 PRESIDING JUDGE: What is that.

8 MR HARDAWAY: I'm objecting on the basis of relevance, Your
9 Honour, because the year 2000 is outside of the indictment
10 period.

11 MR MANLY-SPAIN: My learned friend is quite right but that
12 is probably my last question to give a conclusion to his story,
13 as to what he did.

14 PRESIDING JUDGE: I see. You are just pointing out he
15 ended up in Makeni and was there until 2000, that is the end of
16 it.

17 MR MANLY-SPAIN: Yes, he did something after that. Just
18 one question.

19 PRESIDING JUDGE: All right. Go ahead.

20 MR MANLY-SPAIN:

21 Q. What happened to you in the year 2000?

22 A. They said that was the time for us to hand over the
23 weapons, to hand over the guns, coming into 2000. They were
24 talking to us in 2000 and 2001 we should hand over our guns. At
25 that time it was the time for disarmament.

26 Q. Thank you. Thank you. Did you go through the disarmament?

27 MR HARDAWAY: Objection, Your Honour.

28 MR MANLY-SPAIN: I withdraw the question. That is all for
29 this witness. Thank you, Mr Witness.

1 THE WITNESS: Thank you too, man.

2 PRESIDING JUDGE: That was a common witness, I take it,
3 Mr Manly-Spain?

4 MR MANLY-SPAIN: Yes.

5 PRESIDING JUDGE: Anything else in chief.

6 MR DANIELS: Good morning, Your Honours. Just a couple of
7 questions.

8 EXAMINED BY MR DANIELS:

9 MR DANIELS: Good morning, Your Honours. Just a couple of
10 questions.

11 Q. Good morning, Mr Witness.

12 A. Yes, morning, sir.

13 Q. Mr Witness, you told us that earlier on in your testimony
14 that at Mile 91 you were issued with arms and an RPG on the way
15 to Calaba Town; do you remember?

16 A. Yes, sir. I can remember, sir.

17 Q. What was the reason for you being supplied with arms then
18 and RPG?

19 A. At that time they said we should come to Freetown. That
20 was the reason why they give us, to come to Freetown.

21 Q. To do what?

22 A. They said we should come because it was a radio message
23 that we received at that time. They said we should come to
24 Freetown. The Armed Forces Revolutionary Council had overthrown
25 the SLPP government and it was Corporal Gborie who --

26 PRESIDING JUDGE: He has given evidence of this already, Mr
27 Daniels.

28 MR DANIELS: I am not going I just want to know why he was
29 given the arms. That is the only reason.

1 THE WITNESS: When they soldier they give you weapons they
2 should give you weapons.

3 Q. And you also mentioned that one Captain Yamao Kateh was an
4 SLA soldier was killed in Tongo?

5 A. Yes, sir.

6 Q. Do you know why he was killed?

7 A. Yes, sir.

8 Q. Why was he killed?

9 A. He stopped the people from mining diamonds so they shot and
10 he was caught by the bullet.

11 Q. And by the people, you mean?

12 A. He want, he went to stop the mining at the site. You know,
13 who were people because there were many, he went to stop people
14 from mining at the site, that nobody should mine at the site.
15 Nobody should mine.

16 Q. And, Mr Witness, you told us that you spent six months in
17 Tongo?

18 A. Yes, sir.

19 Q. From when to when?

20 A. That was from, from the time that they just brought rebels,
21 that they should call them to come out. It was at that time that
22 I was there. At that time.

23 Q. Do you know the month?

24 A. The month is, is, the time that I went there it was in '97
25 that I went there but the other month that I went there, it was
26 during '94 that I went there.

27 Q. Thank you. And at the time you were in Tongo were there
28 any commanders in Tongo?

29 MR HARDAWAY: Objection, Your Honour. I believe that's

1 been asked and answered.

2 PRESIDING JUDGE: That has been. That's quite correct. I
3 will uphold that objection.

4 MR DANIELS: Please can you assist me. I didn't have the
5 answer before.

6 MR HARDAWAY: He had mentioned Sam Bockarie, Your Honour.

7 MR DANIELS: Thank you.

8 Q. Mr Witness, you told this Court that Sam Bockarie was in
9 charge of Tongo. Do you know whether he was reporting to anyone?

10 A. He was not reporting to anybody. Let me not tell lies.

11 Q. And I'm taking you now to Kenema. You told this Court that
12 the battalion commander in Kenema was Captain Rogers. Do you
13 remember?

14 A. Yes, sir, yes, sir.

15 Q. Do you know who, if at all, he was reporting to?

16 A. It was to the brigade commander that he reported.

17 Q. Do you know his name?

18 A. Yes, sir.

19 Q. What is his name?

20 A. It was Sheikh Mahmoud.

21 Q. I think we have the spelling. You also told us that AB
22 went to collect fuel in a village near Koindu; you recall?

23 A. Yes, sir.

24 Q. Do you know what the fuel was to be used for?

25 A. Yes.

26 Q. What was it to be used for?

27 A. To light the machine on the ground. They had vehicles,
28 too, that they put the fuel in to be used.

29 Q. Thank you very much.

1 MR DANIELS: No further questions.

2 PRESIDING JUDGE: Yes. Anything else in chief?

3 MR GRAHAM: Your Honours, just a few questions for the
4 witness thank you.

5 EXAMINED BY MR GRAHAM:

6 Q. Mr Witness, good morning. Mr Witness, earlier on when you
7 were testifying on events in Kenema, I believe and I stand to be
8 corrected, you told this Court that a big name by name BS
9 Massaquoi was killed on the orders of Mosquito. And Mr Witness,
10 I'm asking you how did you know that his name was BS Massaquoi?

11 A. Because that one, one of his assistant's relative was
12 calling out his name, when we were going BS Massaquoi. He said
13 he is his uncle, that is what he was telling me on the way.

14 Q. When you were going where, Mr Witness?

15 A. When, when we were going by the Daru area.

16 Q. And Mr Witness, apart from BS Massaquoi, do you know
17 whether any persons were killed in Kenema on the orders of
18 Mosquito?

19 A. Except that man, that I have mentioned, there was the one I
20 saw that was killed.

21 Q. And, Mr Witness, the day you said Mosquito ordered that BS
22 Massaquoi be killed, do you recall who was present with you at
23 the time?

24 A. Yes, sir.

25 Q. Please tell this Court?

26 A. It was this AB whom we went to take the fuel with, he was
27 there. We heard the lieutenant, the lieutenant-colonel at that
28 time, Sheikh Mahmoud, he was there. Captain Rogers was there, in
29 Kenema.

1 Q. Thank you, Mr Witness. Mr Witness, do you -- you also told
2 us that when Mosquito was leaving, and I stand to be corrected,
3 he left with his wife. Do you know who Mosquito's wife was?

4 A. Yes, I knew her. I used to know her. She had given birth
5 to two children for him.

6 Q. Do you know her name, Mr Witness?

7 A. Yes. They were calling her Aunty Kadie. That is what they
8 called her.

9 Q. Witness if I may spell Kadie, K-A-D-I-E. And, Mr Witness,
10 how do you know that she had borne two for Mosquito?

11 A. Woman, I would not tell lies about what I'm telling you I
12 saw with my own legal eyes, I saw his children. The other one
13 was called Corpul. That's what they called that child, his son.
14 I saw him. Even if he brought the picture here I will tell you
15 who Mosquito is. Even had a picture on the calendar that --

16 PRESIDING JUDGE: You've answered the question. You were
17 asked how do you know there were two children, you said you've
18 seen them, that's the end of the answer.

19 MR GRAHAM: Thank you.

20 Q. Mr Witness, I'm going to -- you told this Court that you
21 were present when Mosquito mentioned Operation Pay Yourself. Do
22 you know whether as a result of what Mosquito said regarding
23 Operation Pay Yourself, whether anyone did any thing, whether
24 those who were present acted, sorry, Your Honours. Mr Witness,
25 do you know whether any of those who were present responded to
26 Mosquito when he said Operation Pay Yourself?

27 A. Yes, sir. I know them.

28 MR GRAHAM: Your Honours, I don't think I have any further
29 questions for the witness at this point I'm grateful.

1 PRESIDING JUDGE: Thank you, Mr Graham. Yes, Mr Hardaway.

2 CROSS-EXAMINED BY MR HARDAWAY:

3 MR HARDAWAY: Thank you, Your Honours.

4 Q. Mr Witness, good morning, sir.

5 A. Good morning, sir.

6 Q. I have some questions for you, sir and for the most part
7 they can be answered either yes, no, or I don't know. Do you
8 understand, sir?

9 A. Yes, sir.

10 Q. And I want you to listen carefully to the questions and
11 then answer them concisely, please. Mr Witness, you testified
12 that when you had joined the army the NPRC was in power, is that
13 correct?

14 A. Yes, sir.

15 Q. During your time in the army, during the NPRC regime did
16 you happen to see or hear of a soldier by the name of Tamba
17 Brima?

18 A. No, sir. I did not see him, sir.

19 Q. Did you hear of a soldier, during the NPRC named Tamba
20 Brima?

21 A. I don't know him. I did not know him at that time.

22 Q. Did you happen to see or hear of a soldier by the name of
23 Corporal Santigie Borbor Kanu?

24 A. That one I used to hear but I did not see him. Let me not
25 tell lies I used to hear.

26 Q. How did you hear of him during the NPRC regime, sir?

27 A. That man, he was a servant at the time, he was serving in
28 the Sierra Leone government. That's where I knew him.

29 Q. Did you ever know of Corporal Kanu to serve at Camp Charlie

1 during the NPRC regime.

2 A. Well, I heard but I did not meet him there. Let me not
3 tell lies. I heard but I did not meet him there because what I
4 heard was that they said they had brought people from ECOMOG
5 during the NPRC days. That was the SLPP government. That is
6 what I heard.

7 Q. So did you hear of Corporal Kanu serving under ECOMOG in
8 Liberia?

9 A. Yes, sir.

10 Q. And just so I'm clear, did you ever hear of Tamba Bri ma
11 serving under ECOMOG in Liberia?

12 A. Yes, sir.

13 Q. Mr Witness, where were you, if you could clear up something
14 for me: Where were you exactly on the day that the SLPP was
15 overthrown by the AFRC?

16 A. At Mile 91.

17 Q. And what district is Mile 91 in, sir?

18 A. It's under the Yoni.

19 Q. I'm sorry, I didn't get that, sir?

20 A. They say Yoni Bana area, that's how it's called.

21 Q. How far is that from Freetown, sir?

22 A. It's 91 miles.

23 Q. Is Mile 91 the same as Camp Charlie?

24 A. Yes, sir.

25 Q. Now, you had testified that you had heard of the coup from,
26 over the radio, from Corporal Gborie; is that correct?

27 A. Yes, sir. Corporal Gborie spoke.

28 Q. Did you ever hear of Johnny Paul Koroma being on the radio
29 announcing anything as related to the overthrow of the SLPP

1 government?

2 A. He just said he had heard the power. What I heard was what
3 Corporal Gborie said.

4 Q. You did not hear Johnny Paul Koroma on the radio; is that
5 what you are testifying to, sir?

6 A. He spoke over the radio. But that he -- but to say that he
7 said that he over through the SLPP government, no. I heard that
8 from Corporal Gborie. He spoke just like me here, in Krio.

9 Q. What did Johnny Paul Koroma say over the radio, sir?

10 A. He said they had given him the presidency, that was what I
11 heard, that he was the president.

12 Q. Did Johnny Paul Koroma ever come over the radio and request
13 that all battalion commanders send reinforcements to Freetown?

14 A. Yes sir.

15 Q. Now when you were in Freetown, you said you served as a
16 guard or security and please correct me if I am wrong, for Johnny
17 Paul Koroma; is that correct?

18 A. Bodyguard, yes, sir.

19 Q. How long did you serve as a bodyguard for Johnny Paul
20 Koroma before you were transferred?

21 A. I served to him, I served nine, seven months, I served nine
22 months. Then I left.

23 Q. So you were in Freetown for nine months serving as Johnny
24 Paul Koroma's bodyguard before you were transferred; is that what
25 you are saying, sir?

26 A. No, I was there seven months before I was transferred there
27 for two months. That made it up to nine months.

28 Q. Okay. Now, were you just primarily stationed at the lodge
29 or did you accompany Johnny Paul Koroma on his travels and to

1 meetings?

2 A. Yes, sir.

3 Q. I will breakdown the question, Your Honour. Did you
4 accompany Johnny Paul Koroma to meetings?

5 A. No, sir. I did not travel with him except when he was
6 going to his office.

7 Q. All right. Now, did Johnny Paul Koroma hold meetings in
8 his office?

9 A. No, sir, I did not witness that.

10 Q. Did Johnny Paul Koroma ever hold meetings at the lodge
11 where you were stationed as a bodyguard?

12 A. Well except, no, no, no he never had meetings except
13 prayers. He had Muslims this way but that is what I saw. The
14 Christians were on this other side holding the Bible and the
15 others were on the other hand praying. That is what I saw.

16 Q. You would agree with me, sir, that while Johnny Paul Koroma
17 was in charge that the RUF had joined the AFRC government;
18 correct?

19 A. Yes, sir.

20 Q. During your time in Freetown, serving as a bodyguard for
21 Johnny Paul Koroma, did you ever see or hear of the name Tamba
22 Bri ma as being one of the people involved in overthrowing the
23 SLPP government?

24 A. That one, I did not see that.

25 Q. Did you --

26 A. Those that I saw I called them.

27 Q. Did you hear it? Did you hear the name Tamba Bri ma as
28 being one of those responsible for overthrowing the SLPP
29 government?

1 A. I used to hear but I did not see with my eyes.

2 Q. Thank you, sir. Did you see, well, did you hear of the
3 name Ibrahim Bazzy Kamara, as one of those responsible for
4 overthrowing the SLPP government?

5 A. Well, that name I came to hear about it later.

6 Q. But you did hear that name, in relation to the overthrow of
7 the SLPP government; yes?

8 A. Yes.

9 Q. Did you hear the name of Santi gie Borbor Kanu as being one
10 of the people responsible for the overthrow of the SLPP
11 government?

12 A. No, that one I did not -- I did not hear that name that
13 Santi gie Borbor, I was not hearing that name.

14 Q. Did you hear the name Five-Five as being one of the people
15 responsible for the overthrow of the SLPP government?

16 MR MANLY-SPAIN: Your Honour.

17 THE WITNESS: That one I heard the name.

18 PRESIDING JUDGE: What's --

19 MR MANLY-SPAIN: The connection between Santi gie Borbor
20 Kanu and Five-Five. We don't know whether he's talking about the
21 same person.

22 PRESIDING JUDGE: Well he just asked a straight out
23 question that's capable of an answer.

24 MR MANLY-SPAIN: As Your Honour pleases.

25 PRESIDING JUDGE: He doesn't have to link it up.

26 MR MANLY-SPAIN: As Your Honour pleases.

27 PRESIDING JUDGE: Repeat that, Mr Hardaway.

28 MR HARDAWAY:

29 Q. Mr Witness, did you hear the name Five-Five as being one of

1 the people responsible for the coup that over through the SLPP
2 government?

3 A. I heard the names as honourables, Honourable Five-Five.
4 That's what I heard.

5 Q. Thank you, Mr Witness. Did you hear, or see the name Tamba
6 Brima as being part of the AFRC government?

7 A. I heard.

8 Q. Did you see, or hear, the name Santigie Borbor Kanu as
9 being part of the AFRC government?

10 A. I heard. But I did not see. Those that I saw I have
11 called their names but I used to hear the names Five-Five but --

12 Q. Go ahead. Go ahead.

13 A. Like, you know, just like when people are popular,
14 Five-Five, you know, I used to hear their names but I didn't see
15 them. Even Corporal Gborie himself, I don't know him. I only
16 heard the name Corporal Gborie, Corporal Gborie, but I did not --

17 Q. Mr Witness, I did not ask you about Corporal Gborie. As I
18 stated before I began questioning, please listen very carefully
19 to my questions. They can generally be answered yes, no or I
20 don't know, okay?

21 A. Okay, sir.

22 Q. Now you were saying did you hear the name Five-Five as
23 being a part of the AFRC government?

24 A. Yes.

25 Q. Now, the names that I have mentioned to you, Tamba Brima,
26 Santigie -- Ibrahim Bazy Kamara and Five-Five, were they all
27 known as honourables in the AFRC government?

28 A. Yes, sir.

29 Q. Did you ever hear the name of Bazy as being part of the

1 AFRC government?

2 A. No, sir. I did not come across Bazzy. Bazzy.

3 Q. But did you hear the name Ibrahim Bazzy Kamara as being
4 part of the AFRC government?

5 A. I did not hear. I did not hear.

6 Q. Mr Witness, did you see or hear -- let me strike that,
7 Your Honour. Did you hear the name Tamba Brima as being a member
8 of the Supreme Council of the AFRC?

9 A. Yes, that one I heard.

10 Q. Did you hear the name Ibrahim Bazzy Kamara as being a
11 member of the Supreme Council of the AFRC?

12 A. No. No. No.

13 Q. Did you hear the name Five-Five as being a member of the
14 Supreme Council of the AFRC?

15 A. Yes.

16 Q. I put it to you, sir, that Ibrahim Bazzy Kamara was, in
17 fact, a member of the Supreme Council of the AFRC; what is your
18 response?

19 A. Well, you see, if you know someone you'll say it but for
20 me, that name I did not hear it. I don't want to tell lies here.
21 The names that I used to hear I've named, I've called them.
22 Those that I heard but I didn't see I've named them here.

23 Q. With the Court's indulgence for one moment, Your Honour?

24 A. I can still remember them.

25 PRESIDING JUDGE: I'm sorry Mr Hardaway.

26 MR HARDAWAY: I apologise for speaking over the witness as
27 well, Your Honour. Court's indulgence for just one moment.

28 Thank you, Your Honour.

29 Q. Mr Witness, I asked you a question, it was a group

1 question, I want to break that up for you to make it easier for
2 you. Did you hear the name Tamba Brima as being an honourable in
3 the AFRC government.

4 MR MANLY-SPAIN: That's already been answered.

5 THE WITNESS: Yes, I heard that.

6 PRESIDING JUDGE: That's been clearly answered before.

7 MR HARDAWAY: Very well, Your Honour I'll move on.

8 Q. Mr Witness, I will put it to you that Ibrahim Bazy Kamara
9 was a member of the AFRC government?

10 MR DANIELS: Answered already. Objection.

11 PRESIDING JUDGE: Well, I think the question was a member
12 of the supreme -- you put it to him that Ibrahim Bazy Kamara was
13 a member of the Supreme Council of the AFRC and he has already
14 answered "I did not know that name."

15 MR HARDAWAY: Right. So I'm just putting the case to him
16 as relates to Ibrahim Bazy Kamara.

17 PRESIDING JUDGE: I appreciate that Mr Hardaway but that's
18 a question that has already been put to him.

19 MR HARDAWAY: Very well, Your Honour, I'll move on.

20 Q. Mr Witness when you stated that you were deployed to the
21 brigade in Kenema, which brigade was that?

22 A. Third brigade. That was how it was called.

23 Q. And you would agree with me, sir, that while you were
24 deployed with the third brigade in Kenema that the RUF was
25 present there as well; correct?

26 A. Yes, sir.

27 Q. And you would agree with me, sir, that while you were in
28 Kenema the RUF and the SLA worked together; correct?

29 A. Were not working together.

1 Q. I put it to you sir that while in Kenema, the RUF and the
2 SLA did work together; what is your response?

3 A. Because they were not taking command. So they were not
4 working together but we were together but they were not taking
5 command.

6 Q. Mr Witness, I want to take you to the point about the
7 beating of BS Massaquoi. When BS Massaquoi was beaten to death,
8 were there SLA present?

9 A. Yes, sir.

10 Q. Did the SLA assist in the beating death of BS Massaquoi?

11 A. No, sir.

12 Q. I put it to you, sir, that the beating death of BS
13 Massaquoi was caused by a joint force of RUF and SLA soldiers?

14 A. No, sir.

15 Q. Mr Witness, when you testified that Mosquito was present in
16 Kenema, and then at some point he left Kenema; is that correct?

17 A. Yes, sir.

18 Q. Were there SLA that went with Mosquito when he left Kenema?

19 A. Yes.

20 Q. And was it from Kenema that you went to Kono, sir?

21 A. No, sir.

22 Q. Where did you go after Kenema, sir?

23 A. After Kenema? We went to Segbwema area.

24 Q. What district is that in, sir?

25 A. It's in the Kailahun District. Kailahun District.

26 Q. Mr Witness, you had mentioned a -- strike that,
27 Your Honours. I want to take you to your time in Kono, now, sir.
28 When did you first arrive in Kono? Let me phrase the question
29 better for you, sir. When did you arrive in Kono after leaving

1 Kenema - and the time period I'm referring to is after the death
2 of BS Massaquoi?

3 A. Well, that was the time when the SLAs were disturbing
4 Makeni, that is where I passed through Kono, to come to Kono.

5 Q. Now, you had mentioned Tongo. That's in Kono?

6 A. No, sir.

7 Q. Where is Tongo?

8 A. Tongo is under the Bambara Chiefdom, Kailahun District.

9 Q. Kailahun District?

10 A. Yes sir, yes, sir.

11 Q. And it is your testimony there was diamond mining in Tongo;
12 is that correct?

13 A. Yes, sir, yes, sir.

14 Q. There was other diamond mining going on in the Kailahun
15 District other than Tongo, wasn't there?

16 A. No, sir.

17 Q. I put it to you that there was diamond mining in Kailahun
18 District, other than in Tongo?

19 A. No, sir.

20 Q. The mining in Kailahun District, sir, was that done --
21 scratch that. The diamond mining in Kailahun was done by RUF and
22 SLA, wasn't it, sir?

23 A. What do you mean by Kailahun District because we have the
24 district headquarters. Tongo is Kailahun.

25 Q. I'm sorry?

26 A. It was only there that they were doing the mining, Tongo.

27 Q. I'm talking about the entire of Kailahun District, sir,
28 but?

29 A. No, sir, except Tongo.

1 Q. I put it to you that there was diamond mining in Kailahun
2 being conducted by both the RUF and the SLA. What is your
3 response?

4 MR MANLY-SPAIN: May it please Your Honour, I think the
5 witness has --

6 THE WITNESS: No, sir.

7 MR MANLY-SPAIN: Is trying to distinguish --

8 THE WITNESS: No, sir.

9 MR MANLY-SPAIN: It's only in Tongo that mining was going
10 on.

11 PRESIDING JUDGE: He's made that clear I think.

12 MR MANLY-SPAIN: Yes, but counsel is now putting it to him
13 that it was the entire Kailahun District and the witness has been
14 saying no, it's in Tongo.

15 PRESIDING JUDGE: I reminded you earlier, Mr Hardaway you
16 put to the witness there was diamond mining in Kailahun District
17 other than Tongo and he's already denied that, he said no, it's
18 only in Tongo.

19 MR HARDAWAY: I'll move on Your Honour, I'll move on.

20 Q. Mr Witness, when you -- what year were you in Kono, sir?

21 A. Kono?

22 Q. Yes, sir?

23 A. It was 2000. The year 2000.

24 Q. When were you in Kono before the year 2000, sir?

25 A. I was there. Before the year 2000. I went to Makeni 2001.
26 2000, to 2001 I was in Makeni.

27 Q. Mr Witness, were you -- you were in Kono around 1995 as
28 well, weren't you sir?

29 A. Yes, sir, yes, sir. I was there.

1 Q. And what was the name of the town that you were in in Kono
2 at around 1995?

3 A. I was in Gandorhun Gbane.

4 Q. Were you also in a village, or town, sir, by the name of
5 Ngai a, I'm not sure on the pronunciation. The spelling is
6 N-G-A-I-A. I thank my learned friends from across the aisle.
7 Were you also in Ngai a around 1995, sir, in Kono?

8 A. Yes, sir. That is where I was. I was brought from Fungai a
9 and sent to Ngai a. You know for a soldier you are not based at a
10 place, at a particular place. You would be taken from one place
11 and sent to another place.

12 Q. Thank you, Mr Witness?

13 A. From Ngai a they sent me to Gandorhun Gbane.

14 Q. Thank you, Mr Witness. Mr Witness, while in Kono, around
15 1995, did you hear of an SLA named Jackie Palo. Palo is spelt,
16 Your Honours, as P-A-L-0?

17 A. 1995, no, sir.

18 Q. Did you hear that Jackie Palo was killed during an RUF
19 attack on Ngai a?

20 A. Yes, I heard that at the headquarters, sir.

21 Q. And that was around 1995; correct?

22 A. Yes, sir. Yes, sir.

23 Q. Thank you, Mr Witness. During the time you were in Kono,
24 was there di amond mi ni ng?

25 MR MANLY-SPAIN: May it please Your Honour, which of the
26 times?

27 MR HARDAWAY: I will clari fy.

28 MR MANLY-SPAIN: He was there in 2000 and 1995.

29 MR HARDAWAY:

1 Q. During the time you were in Kono in 1995 was there diamond
2 mining going on in Kono?

3 A. Yes, sir. They were mining diamonds there, sir.

4 Q. And who was doing the diamond mining, sir, in Kono, in
5 1995?

6 A. It was the civilians; they were doing the mining. Those
7 were the people that we used to see, at that time, you know, so
8 you have to not -- we were not steady at the place. The
9 civilians would do the mining.

10 MR HARDAWAY: May I have the Court's indulgence --

11 A. They were doing the mining in Kono.

12 MR HARDAWAY: -- and again I apologise for speaking over
13 the witness. Thank you, Your Honours.

14 Q. Mr Witness, you had mentioned in your testimony the name
15 Eddie Kanneh; do you remember that, sir?

16 A. Yes, sir. I can remember that, sir.

17 Q. And please correct me if I am wrong, you mentioned Eddie
18 Kanneh in relation to Kailahun, in relation to Kailahun? I
19 rephrase that; Kenema?

20 A. Yes. It was only, yes, Kenema, but that was -- because
21 that was what I saw.

22 Q. And you referred to Eddie Kanneh as SOS; do you remember
23 that, sir?

24 A. Yes, sir.

25 Q. Do you know what SOS means?

26 A. Yes, sir.

27 Q. SOS means Secretary of State, doesn't it?

28 A. Yes, sir. Yes, sir.

29 Q. What was Eddie Kanneh doing in Kenema?

1 A. He was a soldier. He was just there with his soldiers. He
2 was doing the work of the soldier. He was a military man. SLA.
3 He went there to serve, to do his job.

4 Q. You also said solve, sir, to solve what?

5 A. To serve the Sierra Leone Army.

6 Q. You said serve, not solved. I apologise. Who did Eddie
7 Kanneh report to, sir?

8 A. Well, while we were there, he was reporting to Freetown.

9 Q. Who in Freetown was he reporting to?

10 A. He reported to Johnny Paul Koroma. He would report to him.

11 Q. Mr Witness -- no, strike that. What district is Buedu Town
12 in, sir?

13 A. Kailahun District.

14 Q. And you had testified to, and please correct me if I am
15 wrong, that SLAs had joined with the RUF at Buedu Town?

16 A. Buedu Town?

17 Q. Yes, sir.

18 A. Yes, sir.

19 Q. I now want to take you, sir, to 1999. And you said that
20 you had gone to Makeni with Mike Lamin and Issa Sesay to confront
21 Superman; is that correct?

22 A. Yes, sir.

23 Q. And there was gunfight once you got there between the group
24 you were with and Superman; correct?

25 A. Yes, sir.

26 Q. Did you see or hear of any SLAs fighting alongside Superman
27 during the attack in which you were part of?

28 A. No, sir.

29 MR HARDAWAY: May I have the Court's indulgence for one

1 moment.

2 Q. Mr Witness, part of the troops alongside Superman, in 1995,
3 were led by Tamba Bri ma, weren't they?

4 MR MANLY-SPAIN: 1995?

5 MR HARDAWAY: I apologise. 1999. I thank my learned
6 friend.

7 THE WITNESS: No.

8 MR HARDAWAY:

9 Q. I'll ask the question again, sir. I apologise. I gave you
10 the wrong year. Part of the troops that fought with Superman
11 against your group in 1999 were led by Tamba Bri ma, weren't they?

12 A. No, sir, we did not meet them. They ran away. I did not
13 see any of them. But what I heard was Superman, Superman,
14 because of his brother, Sam Bockarie. He knew about him. So he
15 was talking about him.

16 Q. I want to take you back to part of your testimony, sir, I
17 believe in Freetown in 19 -- were you in Freetown in 1995/1996?

18 A. '95/'96, I was not in Freetown. I couldn't have come here
19 at that time.

20 MR HARDAWAY: With the Court's indulgence for one more
21 moment, please. Thank you, Your Honours.

22 Q. Mr Witness, did you ever hear of a Lieutenant Faki ah?

23 A. No, sir.

24 Q. So you would not know that he had died in Freetown in the
25 years 1995 or 1996?

26 A. No, sir.

27 Q. Mr Witness, did you ever hear of Tamba Bri ma being referred
28 to as Gullit?

29 A. Yes, sir.

1 MR HARDAWAY: Mr Witness, I thank you for your time. I
2 have no further questions of you. Your Honour, this concludes my
3 cross-examination.

4 PRESIDING JUDGE: Thank you, Mr Hardaway. Does any
5 re-examination arise?

6 MR MANLY-SPAIN: No re-examination.

7 PRESIDING JUDGE: All right. Thank you, Mr Witness. We
8 would like to thank you for coming along to Court and giving
9 evidence. Your testimony is now complete. If you just sit there
10 for a few moments the Court attendant will pull the curtains
11 across and you will be able to leave the Court.

12 THE WITNESS: I'm also thanking you because I've come, I've
13 testified in this Court, and I've seen that this testimony and
14 what I've told you, you may not believe, but later you believe
15 me. The officers, there are those that I called, they will
16 really tell you. Those there that I called, those officers you
17 are talking about that I met him here, or I met them there, all
18 of them know me, yes, but I disarmed but -- because my father
19 also died. He didn't like me to do the work of a soldier. He
20 wanted me to go to school, to further my education. That was the
21 wish of my father but he is dead now. So I'm also thanking you
22 for calling me to participate in these hearings. That is all
23 that I have to tell you. Thank you very much, sir.

24 PRESIDING JUDGE: All right. Thank you, Mr Witness.

25 [The witness withdrew]

26 PRESIDING JUDGE: Can I ask the Defence what is the next
27 witness to be called?

28 MR GRAHAM: Good afternoon, Your Honours. As I did inform
29 you yesterday, there is one additional witness, DAB-018, whom we

1 were expecting this -- we were expecting him here today, Your
2 Honours. He was supposed, as I informed the Court yesterday, he
3 was supposed to have left Kono yesterday. Indeed, I investigated
4 and our team are all in Kono, as we speak. Unfortunately,
5 yesterday evening, he did inform us that because of the rains, I
6 think, his roofing collapsed so our understanding was that he
7 left early. He left Kono early this morning. I don't know
8 exactly what his situation is now that we are in Court, whether
9 he has arrived or not. But looking at the time, and the fact
10 that we are about a quarter of an hour to the break we probably
11 would do exactly what we did yesterday, to run out, talk to the
12 WVU and probably apprise the Court immediately when we come back
13 from the break, when we know for sure whether he is on his way to
14 Freetown.

15 MR AGHA: Your Honours, I just rise at this point to say
16 that even if this witness should come to give evidence the
17 Prosecution has had absolutely no notice that this witness is
18 actually coming to give evidence so it may be again his chief
19 being taken and we take it from there, Your Honour.

20 PRESIDING JUDGE: All right. Thank you, Mr Agha. We will
21 adjourn a little early for lunch and we will come back at the
22 normal time of 2.15 to check progress on whether the Defence
23 witness has arrived at Court. We will adjourn now. Thank you.

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

25 [AFRC02AUGB - MD]

26 [Upon resuming at 2.15 p.m.]

27 PRESIDING JUDGE: Well, good afternoon. I see the witness
28 box is ominously empty. What have you got to say, Mr Graham?

29 MR GRAHAM: Good afternoon, Your Honours. Your Honours,

1 before I go on, I think my lay clients, the first accused, is not
2 in Court this afternoon. And, Your Honours, I need to inform the
3 Honourable Trial Chamber that he is here -- he has decided not to
4 be here this afternoon to attend to some personal matters. He
5 has waived his rights to appear under Rule 60(B) and he has no
6 objections to counsel representing him here before the Court this
7 afternoon.

8 PRESIDING JUDGE: Thank you, Mr Graham. We will note that,
9 yes.

10 MR GRAHAM: And then again, Your Honours, with regard to
11 DAB-018, during the break we spoke to our investigators in Kono
12 and they confirm that he did leave this morning, except they did
13 also mention that the weather was very bad in the Kono District
14 this morning, and I believe probably that is what has probably
15 affected the pace at which we expected that he would be here this
16 afternoon. And, Your Honours, we know normally Wednesdays are
17 half days, and you did say that on Friday would be half a day for
18 us.

19 In the circumstances, I don't know when he will be arriving
20 today but I am certain he will be arriving today so -- which
21 means in the event he does that, he definitely will be available
22 to come to testify before the Court tomorrow.

23 The issue arising is whether we probably would pray that he
24 appear after our learned friends have done their
25 cross-examination, so that there will be no grounds whatsoever
26 for us not having him here before the Court tomorrow.

27 THE INTERPRETER: Your Honours, can learned counsel please
28 go slowly for the interpreters.

29 MR GRAHAM: Thank you. I've taken note. So, Your Honours,

1 the first one to that it's our humble prayer that if the Court
2 can adjourn until tomorrow, by which time we are sure DAB-018
3 will be in Freetown, and then he can testify soon after my good
4 friends on the other side have completed with their
5 cross-examination of, I think, DBK-023. That is our humble
6 prayer before the Court this afternoon.

7 PRESIDING JUDGE: Right. Just for the sake of correctness,
8 I think the witness is DAB-023.

9 MR GRAHAM: Sorry. Thank you for the correction. It's
10 DAB.

11 PRESIDING JUDGE: But, Mr Graham, I would imagine that even
12 if this witness 018 does appear this afternoon, by the time he
13 gets through WVS and their support procedures, and possibly the
14 Defence would need to speak with him as well, there wouldn't be
15 much point waiting around this afternoon, I would imagine.

16 MR GRAHAM: That is so, Your Honour, that is exactly the
17 case.

18 PRESIDING JUDGE: Does the Prosecution wish to say
19 anything?

20 MR AGHA: No, Your Honour.

21 PRESIDING JUDGE: Right. Thank you, Mr Agha.

22 MR AGHA: Actually, the only thing I would like to add
23 actually is just that it's confirmed it's DAB-018 who is actually
24 coming. I think that's right. And if we could have a revised
25 summary as soon as may be that would assist us in preparing for
26 him.

27 PRESIDING JUDGE: Well, what do you say to that, Mr Graham?

28 MR GRAHAM: Your Honours, that will be done accordingly
29 before 5.00 today.

1 PRESIDING JUDGE: And it is DAB-018?

2 MR GRAHAM: That is so, Your Honours.

3 PRESIDING JUDGE: All right. I believe Justice Doherty has
4 got something to ask but the only other thing I have to say is
5 that, as we all know, the cross-examination of DAB-023 was
6 postponed until tomorrow morning, so that will be the first
7 witness we hear, followed by this other witness, 018.

8 MR GRAHAM: Thank you, Your Honours, we have taken due
9 cognizance of that. We don't have any objections to that.

10 JUDGE DOHERTY: Mr Graham, I would like to seek
11 clarification of the situation regarding the witnesses who may
12 have testified before the Truth and Reconciliation Commission. I
13 note from your confidential joint Defence disclosure of 10 May
14 this year, at paragraph 8, you stated: "The Defence wishes to
15 indicate that it is as yet unclear whether they will testify
16 voluntarily" et cetera. What is the present situation relating
17 to those witnesses?

18 MR GRAHAM: Thank you, Your Honours. Your Honours, I
19 believe as of the day before yesterday, Professor Knoops did
20 confirm with the Defence team that I think he has got the consent
21 of the army chief of staff for them to testify. We are still
22 communicating with him, and I hope that we will be very definite
23 on that by -- before we close. But certainly I think the chief
24 of staff has given approval to go ahead, I think in principle, for
25 them to testify. So we are working out the logistics to ensure
26 the implementation of his concerns. That is the position with
27 regard to that.

28 And, Your Honours, also in respect of the military expert,
29 General Prince, I would also have to inform the Court that his

1 report is ready, and we are reviewing the report and we are
2 hoping that we will serve the Prosecution a copy of the report
3 before we break for this trial session so they may have adequate
4 time also over the break to also do whatever they needed to do.
5 In respect of surveyor cartographer, he is also -- his contract
6 has been completed. He is here in Freetown and, indeed, he has
7 also started working. So, in respect of our expert witnesses, it
8 means that we have three on board. I think there is only the
9 fourth one relating to forced marriages, that I think there are
10 some outstanding issues to be resolved. That is the situation in
11 regard to our expert witnesses as of this date, Your Honours.

12 JUDGE DOHERTY: Thank you, Mr Graham.

13 PRESIDING JUDGE: Thank you, Mr Graham.

14 MR AGHA: Your Honours, with regard to the experts, I am
15 very pleased that the military, I believe, expert witness will
16 soon be ready to be disclosed to the Prosecution. We were
17 wondering, would it be possible for the Court to impose a cut-off
18 date for that so that we have it in hand with sufficient time
19 because it would be a witness we would need quite some time to
20 prepare, one would suspect. So if it's possible it can be
21 provided by 4 August or some later date, whatever be indicated,
22 we would at least be able to then get ourselves in a position to
23 start looking at it in detail.

24 PRESIDING JUDGE: Under Rule 94bis the time period allowed
25 is 21 days. Do you have any argument with the Rules?

26 MR AGHA: No, no, I don't have any argument with the Rules;
27 just the sooner we get the report the better.

28 PRESIDING JUDGE: I appreciate that, Mr Agha. Well,
29 Defence, obviously the sooner the report can be served the

1 better, but even if difficulties do raise their heads, I would
2 expect 94bis to be complied with.

3 MR GRAHAM: Definitely, Your Honours. We will, as I said,
4 we will make sure regardless of the 21 days that they get their
5 copy by Friday. We just circulated it for comments. I don't
6 think that we should have any problems in doing that before we
7 leave.

8 PRESIDING JUDGE: All right. Thank you, Mr Graham. We
9 will adjourn now and reconvene at 9.15 tomorrow morning.

10 [Whereupon the hearing adjourned at 2.23 p.m.,
11 to be reconvened on Thursday, the 3rd day of
12 August 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:	
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EXAMINED BY MR MANLY-SPAIN:	2
EXAMINED BY MR DANIELS	51
EXAMINED BY MR GRAHAM	54
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