

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

TUESDAY, 20 SEPTEMBER 2005
9.22 a.m.
TRIAL

TRIAL CHAMBER II

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| Before the Judges: | Teresa Doherty, Presiding Julia Sebutinde Richard Lussick |
| For Chambers: | Mr Simon Meisenberg |
| For the Registry: | Ms Susan Gunstone |
| For the Prosecution: | Ms Lesley Taylor Ms Melissa Pack Ms Maja Dimitrova (Case Manager) |
| For the Principal Defender: | No appearances |
| For the accused Alex Tamba Brima: | Ms Glenna Thompson |
| For the accused Brima Bazy Kamara: | Mr Andrew William Kodwo Daniels Mr Mohamed Pa-Momo Fofanah |
| For the accused Santigie Borbor Kanuu: | Mr Amadu Koroma Ms Karlijn van der Voort (legal assistant) |

1 [AFRC20SEPT05A - SGH]
2 Tuesday, 20 September 2005
3 [Open Session]
4 [Accused Brima, Kamara and Kanu present]
09:20:58 5 [Upon commencing at 9.22 a.m.]
6 WITNESS: TF1-167 [Continued]
7 PRESIDING JUDGE: Good morning. Unless there are some
8 other matters to be raised I will remind the witness of his oath
9 and we will proceed with cross-examination.
09:25:52 10 Mr Witness, you recall that you took the oath and, as I
11 have done on other mornings, I will remind you again that you are
12 bound by that oath to tell the truth and you must answer
13 questions truthfully. Do you understand what I say?
14 THE WITNESS: Yes, My Lord.
09:26:11 15 PRESIDING JUDGE: Very good. Mr Fofanah, you were in the
16 midst of your cross-examination. Please proceed.
17 MR FOFANAH: Thank you very much. Good morning,
18 Your Honours.
19 PRESIDING JUDGE: Good morning.
20 MR FOFANAH: Good morning for the Prosecution, good
21 morning, Mr Witness.
22 CROSS-EXAMINED BY MR FOFANAH: [Continued]
23 Q. So, Mr Witness, yesterday we stopped at a point where we
24 were discussing your role with Mr Ibrahim Bazzy Kamara during the
09:26:39 25 AFRC period and your promotion to sergeant, if I can vividly
26 recall. If I may just take things from there. Can you kindly
27 tell the Court why Mr Ibrahim Bazzy Kamara didn't first promote
28 you to lance-corporal? You said he promoted you from private to
29 sergeant during the AFRC period?

1 A. I cannot tell why he did so.

2 Q. Can you also tell the Court why he skipped the rank of
3 corporal to sergeant?

4 A. I cannot tell you why.

09:27:31 5 Q. Now, how were promotions announced in the AFRC period?

6 A. As I told you yesterday, promotions were given individually
7 by the honourables. It was not announced.

8 Q. Did the headquarters recognise promotions given
9 individually by the honourables, the military headquarters?

09:28:00 10 A. It was not recognised because some people that were
11 promoted were not paid for their ranks.

12 Q. So will I be right if I say that when you were given the
13 rank of sergeant, according to you by Mr Ibrahim Bazzy Kamara,
14 would I be right to say that that position was not recognised by
09:28:21 15 the headquarters, the military headquarters?

16 A. Yes, because I was not paid for a sergeant. I was getting
17 a private soldier pay.

18 Q. And that continued up until the time you left Freetown; not
19 so?

09:28:41 20 A. Yes.

21 Q. Now, when you joined Mr Kamara at Hill Station, you
22 remember you said you joined him at Hill Station residence; not
23 so?

24 A. Yes.

09:29:02 25 Q. You were staying there with him?

26 A. Yes.

27 Q. Did you meet other securities with him when you joined
28 them?

29 A. Yes.

1 Q. And can you recall the names of those -- how many of them,
2 first of all, did you meet with there?
3 A. I can only recall few.
4 Q. So you don't know the exact number of securities you met?
09:29:38 5 A. I got to know the number later when I was the chief
6 security officer.
7 Q. So when you knew that number, what was the number?
8 A. The number initially was -- it was between 40 to 60
9 personnel. I cannot give a specific number.
09:29:59 10 Q. Now, was there anyone heading the securities when you went
11 to join in?
12 A. Yes, I met one sergeant-- I could not remember his name,
13 but there was one sergeant heading the security. When I went to
14 join them, then I had to be the chief security. So the sergeant
09:30:26 15 had to leave the camp.
16 Q. You as private went and became chief security immediately;
17 not so?
18 A. Yes, I was sergeant when I became chief security. That's
19 why he promoted me to sergeant, because of the appointment.
09:30:51 20 Q. So you were first promoted to sergeant before you became
21 chief security?
22 A. As I told you, because of I have been appointed as the
23 chief security, he promoted me to sergeant. So I will tell you
24 that the appointment and the rank came on the same day.
09:31:21 25 Q. And how many men were under your control on the very day
26 you took over?
27 A. That's what I have told you, I can't give a specific
28 number. But was it's between 40 to 60.
29 Q. Did you remember names like Cyborg, Maf among the group of

1 security men you met?

2 A. Yes.

3 Q. And they were all serving as soldiers?

4 A. Yes.

09:31:49 5 Q. Did you not tell this Court, when you were testifying last
6 week, that Cyborg was a civilian?

7 A. Cyborg was not a civilian. There are two Cyborgs. We have
8 Cyborg Al De Baline [phon]. That was a civilian. And you have
9 Cyborg who was an SLA soldier.

09:32:11 10 Q. What was the name of the Cyborg who was an SLA soldier?

11 A. I don't know his first name.

12 PRESIDING JUDGE: Can I just have the first Cyborg name
13 again, please, Mr Witness; I didn't hear it properly.

14 A. Al De Baline.

09:32:24 15 PRESIDING JUDGE: Thank you.

16 MR FOFANAH:

17 Q. So why didn't you tell the Court about the two Cyborgs when
18 you were testifying?

19 A. If I was asked about them I could have told them, but the
09:32:45 20 question was not asked to differentiate them.

21 Q. But the Cyborg at Hill Station, the Cyborg soldier,
22 remained with you throughout your retreat to the jungle and as
23 well as your coming back to Freetown; not so?

24 A. Yes.

09:33:06 25 Q. So when you were actually talking about Cyborg Al De
26 Baline, this other Cyborg was also with you, not so, in the
27 jungle?

28 A. Cyborg Al De Baline joined us when we are pulling out from
29 Freetown to the jungle.

1 Q. That is not the answer to my question. Okay, if I can
2 simplify it for you. Both Cyborgs, Cyborg soldier and Cyborg
3 civilian, were with you in the jungle?

4 A. Yes.

09:33:45 5 Q. So you want the Court to believe that when you were
6 referring to Cyborg in your testimony, your reference was not to
7 Cyborg the soldier?

8 A. I told you that there were two Cyborgs, and the Cyborg they
9 asked me for was what I told them about.

09:34:09 10 Q. Yes, but you never told this Court when you were testifying
11 initially that there were two Cyborgs. You made us believe that
12 there was only one Cyborg. According to you he committed a lot
13 of atrocities. That is why we are interested in knowing why you
14 are now coming to tell us that in fact there were two Cyborgs.

09:34:30 15 A. All of --

16 Q. Just one minute. All of them went to the jungle and came
17 back to Freetown. So why was -- why did you create the
18 confusion?

19 A. If you look through my transcripts you will find out there
09:34:46 20 are two Cyborgs that I spoke about through my original interview.
21 Cyborg Al De Baline is there in my transcript and there is Cyborg
22 the military personnel.

23 Q. So how do you differentiate the two Cyborgs when you are
24 talking about them? If you want to refer to them, how do you
09:35:12 25 differentiate them?

26 A. The one has an ak name and his real name is Al De Baline.
27 The other Cyborg I could not tell his actual name.

28 Q. So if you just say Cyborg without adding the word Al De
29 Baline, there will be confusion; not so?

1 A. I believe I placed Al De Baline in my transcripts.

2 Q. Yes, but on other subsequent occasions you were just saying

3 Cyborg without adding Al De Baline?

4 A. Yes, because the question he asked me, the answer to it is

09:35:57 5 Cyborg.

6 Q. Okay. Let's move forward a bit and see how we can get out

7 of that now. You recall when you were testifying on the 15th

8 this month, this month, you said that when you came to Hill

9 Station to meet Bazzey you met a few soldiers, few securities.

09:36:32 10 A. Yes, I met securities with him.

11 Q. No, you used the word "few". In fact, you used that word

12 three times; "few".

13 A. Yes, few.

14 Q. So what do you mean by few?

09:36:53 15 A. Few, I mean, like, for an example, few can be 40

16 securities, 30, 50. Those are few securities.

17 Q. Did you actually have 42 securities when you joined Bazzey

18 at Hill Station?

19 A. Pardon?

09:37:10 20 Q. Did you actually have 42 securities?

21 A. That's why I told you I met -- I cannot give you a specific

22 number now, but there were 40 to 60 soldiers there, between that

23 number.

24 Q. In any case, Mr Witness, this is what you told the Court.

09:37:34 25 You said there were exactly 42 securities when you joined him at

26 Hill Station?

27 A. Yes, if that is what is written down, then that is what I

28 have originally said.

29 Q. And out of that 42 you can only remember five. If I can

1 vividly recall, you mentioned the name of Eddie Williams, P-man,
2 Baski and Bravo, and then you have now mentioned Cyborg. Those
3 are the only five people you can recall out of 42?
4 A. They are others that I could remember, but when I was
09:38:13 5 giving my testimony I only named a few of them because I cannot
6 name all.
7 Q. So, have you remembered any other security now apart from
8 these five that you want us to know about?
9 A. Yes, I could recall Crack, who was a driver.
09:38:34 10 Q. How do you spell Crack, please?
11 A. C-R-A-C-K.
12 Q. Anyone more?
13 A. I can only remember that one.
14 Q. As well as the Sergeant whom you say you cannot recall his
09:38:59 15 name; not so?
16 A. I could not recall his name.
17 Q. Mr Witness, I am putting it to you that you were never
18 chief security to Mr Ibrahim Bazzy Kamara during the AFRC period?
19 A. I have been his chief security throughout when we went to
09:39:09 20 the jungle and back.
21 Q. Now, do you recall the name - and I will announce the name
22 and spell it - do you recall the name Kali Santos? Kali Sankoh?
23 Kali is spelt K-A-L-I. Sankoh as in Foday Sankoh, S-A-N-K-O
24 [sic]? Do you recall that name, Kali Sankoh?
25 A. Can I get the get the name correctly?
26 Q. Kali, Kali Sankoh?
27 A. No.
28 Q. What about the name Kalid, K-A-L-I-D?
29 A. Kalil?

1 Q. Kalil.
2 A. No.
3 Q. You don't recall anyone carrying the title of Lance
4 Corporal by the name of Sankoh who was security to Bazzy? He was
09:40:22 5 [overlapping speakers]
6 A. I couldn't remember.
7 Q. Okay, no problem. Okay, just before we move on to the
8 other bit, you said that Mr Ibrahim Bazzy Kamara as PL03 was in
9 control of some ministries and you named among them Customs,
09:40:54 10 Lotto and Quay; not so?
11 A. Yes.
12 Q. Was Customs a ministry at that time?
13 A. Custom was under Queen Elizabeth Quay.
14 Q. So, Customs was in fact not different from Quay; not so?
09:41:22 15 A. They are two different offices.
16 Q. Was it a ministry, Customs?
17 A. Custom was under the Quay and Custom was under the
18 supervision of Ibrahim Bazzy.
19 Q. Was it a ministry?
09:41:39 20 A. I cannot say.
21 Q. Lotto, L-O-T-T-O, was it a ministry?
22 A. I cannot tell, but it was under the supervision of Ibrahim
23 Bazzy Kamara.
24 Q. Mr Witness, I put it to you that amongst the names of the
09:42:03 25 places you mentioned, it is only Energy and Power, that is a
26 ministry, and that was a ministry.
27 A. Yes.
28 Q. So, now, let's get to the other bit on your promotion. You
29 said you were promoted from sergeant to lieutenant. Where was

1 that?

2 A. I was promoted as lieutenant at Kono.

3 Q. Now, from sergeant in the army, if you are to be promoted,
4 the immediate rank, is it not second lieutenant?

09:42:52 5 A. Well, in this case we were not running an army any more, we
6 had already pulled out and we are in the jungle. And we went to
7 the jungle without sufficient officers, so they had to look for
8 potential people to give them to work as officers. That's why I
9 was promoted.

09:43:16 10 Q. Are you actually saying that when you went into the bush
11 you did not operate as an SLA?

12 A. We are all called rebels.

13 Q. Did you operate as an SLA, Sierra Leone Army?

14 A. No, because at that time the army has been disband and we
09:43:41 15 had gone to join the RUF, and we were under the supervision of
16 the RUF. So we were not shown in an army institution.

17 Q. So, you were misleading the Court when you referred to some
18 soldiers as being SLAs; not so?

19 MS PACK: Your Honour, that is an unfair statement to make
09:43:55 20 by my learned friend for the second accused. It is quite unfair.
21 The witness has explained the language that he was using. It is
22 unfair to state that it was misleading.

23 MR FOFANAH: Your Honours, I stand guided by the records,
24 but the witness consistently referred to members of the AFRC who
09:44:23 25 withdrew with him as SLA soldiers.

26 PRESIDING JUDGE: Ms Pack is not saying that, Ms Pack is
27 saying that it is unfair for you to call -- to allege that the
28 witness is misleading the Court. What do you say to that?

29 MR FOFANAH: Your Honours, I stand guided by whatever your

1 ruling would be. In my humble opinion, if the witness says that
2 his reference to people who were soldiers is different from what
3 he told the Court and is now alleging that they were in fact
4 rebels, I think that is grave enough to draw the inference of
09:45:09 5 misconception or at least misleading the Court. That is my
6 understanding of it, I may be wrong.

7 [Trial Chamber deliberated]

8 PRESIDING JUDGE: We consider that it is unfair to allege
9 or accuse the witness of misleading the Court. Counsel should
09:47:43 10 put the proposition or question clearly to the witness and
11 challenge him on his evidence and the witness should be allowed
12 to explain and to answer, to distinguish what he means, and to
13 expand on his explanation.

14 MR FOFANAH: Thank you very much, Your Honours.

09:48:05 15 Q. So, Mr Witness, when you said that you withdrew from
16 Freetown in February 1998, firstly as an SLA and you withdrew
17 with a lot of other colleagues who were SLAs, and that you
18 continued in the jungle as SLAs, what did you mean?

19 A. You had the SLA that were in the military, the military
09:48:36 20 force. The military army and we are fighting alongside with the
21 RUF. So, on February, when we pulled out from Freetown, I
22 believed there was no army, but to identify ourselves easily we
23 have to use the word SLA and RUF. But when we are in the jungle
24 all of us to the whole world they consider us as rebels but to --
09:49:08 25 but to simplify us in the jungle between SLA and RUF, that's why
26 I used the word SLA/RUF.

27 Q. Now, let's leave the whole world aside. Let us talk about
28 you and your colleagues. Didn't you consider yourselves as SLAs
29 when you were in the jungle? It's not what the whole world

1 thought about you, I am talking about you and your colleagues.

2 A. Yes, because we were SLAs, we are SLAs and we are trained
3 soldiers despite we are in the bush.

4 Q. Now, didn't you even tell the Court that when you came back
09:49:44 5 to Freetown your main objective was to reinstate the army?

6 A. Yes.

7 Q. So, what army were you going to reinstate if there were no
8 SLAs?

9 A. Because the army was disband.

09:50:01 10 Q. How were you going to reinstate it?

11 A. That I cannot tell.

12 Q. Mr Witness, I am putting it to you that the SLA, Sierra
13 Leone Army, continued as such even after you pulled out of
14 Freetown in February 1998?

09:50:32 15 A. Yes, it continued, but the army was disband and it was made
16 worldwide that made half of the army to go to the bush.

17 Q. Okay. Since you are still using the word disband, we will
18 go into it a bit. Wasn't the chief of army staff, Colonel SO
19 Williams, with you are Masiaka?

09:50:54 20 A. Yes.

21 Q. Did he not proceed with you to Makeni?

22 A. I cannot tell, I only saw him at Masiaka.

23 Q. Did he not proceed with you to Kabala?

24 A. As I said, I only saw him at Masiaka that I could remember.

09:51:20 25 Q. Now, didn't the chief of defence staff, SFY Koroma, proceed
26 with you to Masiaka when you were pulling out?

27 A. Yes.

28 Q. Did he not proceed with you to Makeni and subsequently to
29 Kabala?

1 A. I only saw him at Masiaka.

2 Q. Didn't Brigadier Mani, then the Director of Defence,
3 proceed with you Masiaka?

4 A. Yes.

09:51:53 5 Q. Did he not proceed with you to Makeni and subsequently to
6 Kabala?

7 A. I saw him at Masiaka.

8 Q. Did you see him any time during the jungle period,
9 Brigadier Mani, apart from Masiaka?

09:52:01 10 A. No.

11 Q. Did you care about his operations as an SLA during the
12 jungle period?

13 A. I had not heard about any of his operations.

14 Q. Are you sure about that?

09:52:30 15 A. Yes. The operations that I heard about was the one at
16 Makeni by Dennis Mingo. And I also heard about SAJ Musa's
17 operations at Mongo. But I did not hear about any operation of
18 Brigadier Mani.

19 Q. Did you not tell this Court that both Brigadier Mani and
09:52:57 20 Bropleh in Liberia were involved with the SLAs when SAJ Musa
21 withdrew to Kurubonla?

22 A. Say again.

23 Q. That Brigadier Mani, and a Liberian called Bropleh, whom
24 you identified as fighting alongside the SLAs, that they withdrew
09:53:19 25 with SAJ Musa both at Mongo Bendugu, Kabala and Kurubonla?

26 A. Yes, I recall, but they were all under the supervision of
27 SAJ Musa. SAJ Musa was the commander of that force. So, that is
28 why I told you that the operation I heard about is SAJ Musa.

29 Q. Did you hear about both men, Bropleh and Brigadier Mani,

1 operating with SAJ Musa during that period?

2 A. Yes, because all of them withdraw.

3 Q. Okay, at least the question has been answered. We will

4 move forward from there. So, now who promoted you to lieutenant

09:54:07 5 in Kono?

6 A. The promotion in Kono, the commander was Superman, Denis

7 Mingo.

8 Q. Was he the one who promoted you to lieutenant?

9 A. Because in the meeting he is most senior in command so any

09:54:28 10 promotion, he has to endorse this.

11 Q. It is a very simple question.

12 A. Yes.

13 Q. Was he the one who promoted you?

14 A. Yes.

09:54:35 15 Q. I am not asking for explanations. Why did you tell this

16 Court that it was Ibrahim Bazy Kamara that promoted you?

17 A. Ibrahim Bazy Kamara recommended me to be an officer.

18 Q. I'm putting it to you that the exact words you used when

19 you were testifying last week was that Ibrahim Bazy Kamara

09:55:00 20 promoted you to lieutenant.

21 A. Ibrahim Bazy Kamara was the one who recommended me to a

22 lieutenant. So that's why I said he promoted me.

23 Q. So why didn't you tell the Court that it was Denis Mingo

24 that promoted you when you were testifying last week?

09:55:29 25 A. Denis Mingo was the overall commander. So if Ibrahim Bazy

26 recommends me and Denis Mingo endorse it, I believe that he is

27 the overall commander of the whole troops. He just have to

28 endorse the promotion.

29 Q. Those are all your words "recommend", "endorse". I am

1 basically going by the transcript that you told this Court that
2 it was Ibrahim Kamara who promoted you. You did not mention
3 throughout -- to the best of my knowledge you did not mention
4 anything about Denis Mingo promoting you to lieutenant.

09:56:02 5 PRESIDING JUDGE: Mr Fofanah, if that is statement it is a
6 statement, but if it is a question it has already been asked and
7 answered.

8 MR FOFANAH: It was statement because I was putting it to
9 him. That's what I said, Your Honour.

09:56:21 10 PRESIDING JUDGE: Put it in question form and if it has
11 already been asked I will not allow you to ask it twice.

12 MR FOFANAH: Thank you.

13 Q. Mr Witness, did you clearly and categorically tell this
14 Court that Denis Mingo endorsed your promotion to lieutenant?

09:56:58 15 A. He was the commander at Kono so he has to endorse it
16 because the whole troops were under his supervision.

17 Q. Did you tell this Court that when you were testifying last
18 week?

19 A. I couldn't remember that.

09:57:23 20 MR FOFANAH: Your Honours, just to be clear, because it
21 seems the witness does not clearly recall what he told the Court,
22 I refer Your Honours to the transcript of 15th of this month at
23 page 9. I am reading from line 18.

24 Q. Just from line 16 it says: "Were there any alterations in
09:58:17 25 your rank in 1998 that you are able to recall?" Then your answer
26 was: "Yes. In 1998, after the pulling out of the AFRC
27 government in Kono, I was a lieutenant being promoted by Ibrahim
28 Bazzi Kamara. And then we pull out from Kono to Mansofinia, I
29 was promoted as captain."

1 Now do you now recall that that is what you told the Court?

2 A. Yes.

3 MS PACK: In fairness, in addition, Your Honour, if prior
4 statements are being put to the witness, then at page 36 of the
09:58:57 5 same date of testimony there ought to be put what was said there
6 starting from line 2 until line 13. I could read that out if
7 it's easier. About the meeting at Kono about when the command
8 structure was changed and promotions were made:

9 "Q. You said at this meeting a command structure was set
09:59:21 10 up for you to defend Kono. Do you recall anything else
11 occurring at this meeting -- being said at this meeting?

12 "A. There were some promotions made.

13 "Q. Who made the promotions?

14 "A. Denis Mingo, aka Superman.

09:59:36 15 "Q. Do you know anything about command structure that was
16 set up at this meeting?

17 "A. Yes.

18 "Q. How do you know about the command structure that was
19 set up?

09:59:43 20 "A. I was there in the meeting and I was also promoted to
21 lieutenant."

22 MR FOFANAH: That is merely an inference, Your Honour.

23 PRESIDING JUDGE: What do you mean it is an inference?

24 MR FOFANAH: I mean, he did not say, "I was promoted by
09:59:59 25 Denis Mingo" unlike the previous statement where he said, "I was
26 promoted by Ibrahim Bazzy Kamara." He merely said, "I was there
27 in the meeting and I was also promoted to lieutenant".

28 JUDGE LUSSICK: Line 6 says, "Who made the promotions?"

29 The answer was, "Denis Mingo also known as Superman".

1 MR FOFANAH: As Your Honour pleases. I will move forward.

2 Q. So if I can get it correctly now, now that you have heard
3 both sides. Between Ibrahim Bazzy Kamara and Denis Mingo,
4 Superman, who actually promoted you to lieutenant?

10:00:43 5 MS PACK: Your Honour, this has been asked and answered a
6 few times now.

7 PRESIDING JUDGE: Mr Fofanah, I told you you cannot keep
8 asking the same question if you have had an answer to that
9 question and you have had an answer to that question.

10:01:03 10 MR FOFANAH: With respect, Your Honours, I only thought
11 that more confusion has now been created when that was raised.
12 But if that is the ruling --

13 JUDGE LUSSICK: I don't think the evidence is left in a
14 state of confusion, Mr Fofanah. Obviously the promotion process
10:01:13 15 involves more than one person. For instance, Denis Mingo
16 probably wouldn't have noticed the witness at all had he not been
17 recommended by Ibrahim Bazzy Kamara. The first stage in
18 promotion is a recommendation and then you need a senior officer
19 to rubber stamp it. That seems to be the state of the evidence.
10:01:42 20 I don't think it's confusing at all.

21 MR FOFANAH: I will take it as that suffice it to say that
22 that was not the process used when he was promoted to sergeant.
23 I will just proceed from there.

24 JUDGE LUSSICK: Well, that was the process. That was
10:01:52 25 precisely the evidence. He said he was recommended by Ibrahim
26 Bazzy Kamara and the recommendation was approved by Denis Mingo.

27 MR FOFANAH: I will not altercate, I will just move on. I
28 most respectfully will concede to Your Honour's ruling on that.

29 JUDGE LUSSICK: If you say the evidence says something else

1 now is your chance to tell us. That's the way I am seeing the
2 evidence. If there is some other evidence that leads to a
3 different conclusion and outcome, point it out to us.

4 JUDGE SEBUTINDE: Mr Fofanah, if it might help, this
10:02:36 5 witness has given evidence regarding different circumstances of
6 promotions and you rightly observe that when he was being
7 promoted to sergeant at the very outset there was no
8 recommendation and approval. That is what you are saying.

9 MR FOFANAH: Yes, Your Honour.

10:02:52 10 JUDGE SEBUTINDE: But that was not an officer. He was not
11 an officer at that stage. He is simply saying that later on when
12 he was being recommended or when he was being promoted to
13 lieutenant, then there was need for recommendation and promotion
14 and perhaps that's why there is the difference. But if you think
10:03:11 15 that in your mind there is confusion as to why the inconsistency
16 in the procedure, then perhaps you ought to put that to the
17 witness to clear up that confusion if it exists.

18 MR FOFANAH: The only reason why I remain a bit confused,
19 but I think that has now been cleared, was that he did not use
10:03:33 20 those words "recommended" or "endorsed" when he was first
21 testifying and that is why I was challenging him on those.

22 JUDGE SEBUTINDE: I think you're entitled to do that but he
23 also is entitled to explain and he has given his explanation and
24 we've understood that explanation as he has given it.

10:03:49 25 MR FOFANAH: Thank you very much.

26 Q. Mr Witness, you recall telling the Court too that at some
27 point you were made provost-marshal; not so?

28 A. Yes.

29 Q. In the jungle. Now how many times were you made

1 provost-marshal?

2 A. Two times.

3 Q. Where and where?

4 A. The restructuring at Mansofinia, when we pulled out from

10:04:28 5 Kono to Mansofinia and I was given a battalion at Camp Rosos.

6 And later I was given provost-marshal after I went to collect

7 O-Five when I came back to Major Eddie Town.

8 Q. So at Camp Rosos you were no longer provost-marshal?

9 A. No.

10:04:59 10 Q. Who was provost-marshal?

11 A. It was Major King.

12 Q. How do you spell King?

13 A. K-I-N-G.

14 Q. So did you continue to command the 4th Battalion up until

10:05:20 15 Major Eddie Town?

16 A. Yes.

17 Q. And were you made provost-marshal as well as 4th Battalion

18 commander at Major Eddie Town?

19 A. No. When I have -- when I got in the shoot-out with my 2IC

10:05:45 20 I was taken out from the battalion to the headquarters.

21 Q. So now that both yourself and your 2IC were no longer

22 there, was anyone appointed to the 4th Battalion?

23 A. Yes.

24 Q. Who was that?

10:06:12 25 A. Saidu Kambolia aka Baski.

26 Q. Was he also not manning a battalion at that time before he

27 was made [overlapping speakers] of the battalion?

28 A. He was at the HQ. At the headquarters.

29 Q. Was anyone supervising your battalion when you were

1 commander?

2 A. I was a battalion commander and I come to give reports to
3 the headquarters.

4 Q. Did you have a supervisor when you were battalion
10:06:58 5 commander?

6 A. No.

7 Q. Do you recall the name Bioh Sesay, spelt B-I-O-H Sesay?

8 A. Yes.

9 Q. S-E-S-A-Y. Was he not your supervisor?

10:07:16 10 A. No.

11 Q. You also told the Court that you were made task force
12 commander whilst on the move to Freetown. How many times were
13 you made task force commander?

14 A. Once.

10:07:35 15 Q. Where was that?

16 A. At the Newton area.

17 Q. And by Newton area you mean Four Mile or which one is
18 Newton area?

19 A. I mean Newton area. Newton.

10:07:57 20 Q. Who made you task force commander at Newton?

21 A. SAJ Musa.

22 Q. Do you recall telling this Court that it was at Hastings
23 that you were made task for commander by SAJ Musa?

24 A. I was task force commander at the Newton area and that is
10:08:27 25 what is in my interviews. At Hastings I was promoted to
26 lieutenant-colonel.

27 Q. So you don't recall telling the Court that you were made
28 task force commander at Hastings?

29 A. No, task force commander was made at Newton area.

1 Q. Okay. So now, was SAJ Musa with you at Hastings when you
2 arrived at Hastings?

3 A. No.

4 Q. He was not with you.

10:09:34 5 MR FOFANAH: In that case, Your Honours, I would like to
6 refer the witness to his transcript, his testimony of 15th
7 September 2005. At page 80. I am reading from line 25. The
8 question was:

9 "Q. Were there any changes to your position or
10:10:02 10 appointment after SAJ Musa arrived in Major Eddie Town.

11 "A. Yes. The changes that was made, it was at Hastings
12 when we had our last meeting when I was promoted to
13 lieutenant-colonel and been given a task as task force
14 commander."

10:10:24 15 Do you recall saying that?

16 A. It was Newton area that I said. SAJ Musa died at Benguema.
17 He was not at Hastings, then how can I get promotion from him?

18 MS PACK: In fairness in addition, Your Honour, the witness
19 ought to be also pointed to the early part of his testimony where
10:10:45 20 he dealt with the chronology of his various alterations in rank
21 and appointment. And at page 10 of the 15 September transcript
22 starting from line 17 he deals with his promotions from when SAJ
23 Musa arrived. I can read from line 17:

24 "Q. Again, still in 1998, but later on in that year, were
10:11:10 25 there any alterations in your appointment later on in the
26 year?

27 "A. Yes. When we moved from Camp Rosos to Major Eddie
28 Town, on the arrival SAJ at Newton, I was then promoted
29 to major and given an assignment as a task force commander.

1 "Q. I will just break that down. SAJ, who are you
2 talking about?
3 "A. SAJ Musa.
4 "Q. Now you said you were promoted by him to major at
10:11:31 5 Newton, and that you received an appointment to the rank
6 [sic] of task force commander. Had you any other --"
7 Well, it goes on.
8 MR FOFANAH: Yes, Your Honours. I mean, I am mindful of
9 that. I am basically just putting this to him because it came
10:11:46 10 subsequent to that piece of information. That is why I am -- I
11 was trying to put it to him as to whether he recalled making it.
12 Because he made that statement subsequent to the previous one
13 which my learned colleague has just read.
14 JUDGE LUSSICK: Yes, I think you are entitled to put that
10:12:06 15 to him, Mr Fofanah.
16 MR FOFANAH: I am most grateful, Your Honour.
17 Q. So do you recall making the statement that I just read
18 where you said that the changes were made and it was at Hastings
19 when we had our last meeting when I was promoted to
10:12:27 20 lieutenant-colonel and been given a task as task force commander.
21 Do you recall saying that?
22 A. We got our last meeting at Newton, not Hastings and that is
23 what is in my transcripts. Maybe it might be a mistake, but it
24 is Hastings -- Newton.
10:12:58 25 Q. So at Hastings you were still task force commander?
26 A. Yes.
27 Q. And under whose command was that?
28 A. Under Alex Tamba Brima.
29 Q. Now you also said that you were promoted to colonel at

1 Gberibana by Bazy?

2 A. Yes.

3 Q. Now what was your rank at the time of your promotion -- no,

4 what was your functions, your duties at the time of your

10:13:42 5 promotion to colonel by Ibrahim Bazy Kamara at Gberibana?

6 A. I was the operation commander.

7 Q. So were you made colonel before you were given the

8 appointment?

9 A. No, on the first instruction at Gberibana I had the

10:14:09 10 appointment and I went on the operation. On my arrival I was

11 promoted.

12 Q. So you were still lieutenant-colonel when you were made

13 operations commander?

14 A. Yes.

10:14:29 15 Q. Okay, now let's come to movement. You said that at Masiaka

16 the honourables promoted themselves to brigadier-general. You

17 recall you said that several times.

18 A. Yes.

19 Q. Now, was this a rumour or were you there yourself when they

10:14:50 20 made the promotions, the self promotions?

21 A. The rumours went on, then later they all called themselves

22 brigadier-generals.

23 Q. So you were not present when those self promotions were

24 made three; not so?

10:15:13 25 A. It was not done in a meeting.

26 Q. The question is were you present when --

27 A. I was present at Masiaka and I was always with Ibrahim

28 Bazy Kamara, living in the same house.

29 Q. Now did all of them promote themselves together at once at

1 Masiaka?

2 A. Even those that were not around Masiaka they all had the
3 title as brigadier-general.

4 Q. Let's leave those for one moment because they were not at
10:15:48 5 Masiaka. Let us talk about those who were at Masiaka and you
6 said were present. Were all of them promoted? Did all of them
7 promote themselves to --

8 A. All those honourables at Masiaka promoted themselves to
9 brigadier-general.

10:16:09 10 Q. In your presence?

11 PRESIDING JUDGE: What do you mean by that, Mr Fofanah? Do
12 you mean that they made a declaration in his presence that they
13 were promoting themselves? Did they publish something? I am not
14 clear what you mean by that question.

10:16:26 15 MR FOFANAH:

16 Q. How did you learn about the promotions of the honourables?

17 A. I learnt about the promotion by the rumours I heard and I
18 was with Ibrahim Bazzy Kamara and he was calling himself
19 brigadier-general.

10:16:51 20 Q. Now did he continue to call himself brigadier-general
21 throughout?

22 A. Throughout.

23 Q. Did you recognise him as such?

24 A. Yes because he was putting his pip on when they are in the
10:17:00 25 jungle.

26 Q. What were those pips?

27 A. Three button and the crown.

28 Q. What about Mr Johnny Paul Koroma, was he at Masiaka?

29 A. No, I never saw him at Masiaka on our arrival there.

1 Q. Did you see him at Magbonkineh when you went to Kabala?
2 A. When I had an accident. We went to Kabala we came back to
3 attack Kono. After Kono then we went to collect him at
4 Magbonkineh.

10:17:49 5 Q. So you saw him there; not so?
6 A. Yes, and passed with him to Kono.
7 [AFRC20SEP05B - AD]
8 Q. What rank was he?
9 A. At that time I knew him as a major, because he was not
10:18:19 10 putting on uniform again.
11 Q. So was he an honourable member of the AFRC?
12 A. He was the president of the AFRC.
13 Q. But he did not promote himself to brigadier-general; not
14 so?

10:18:40 15 A. No, he was not called brigadier-general. He was the
16 president. He was not called by his rank any more.
17 Q. He did not promote himself to brigadier-general?
18 A. No.
19 Q. What about Colonel SO Williams, who was in fact the chief
10:19:00 20 of army staff, did he promote himself at that time although he
21 was not an honourable?
22 A. No.
23 Q. Colonel SFY Koroma, who was also chief of defence staff,
24 did he promote himself?

10:19:20 25 A. No.
26 Q. Brigadier Mani, did he promote himself?
27 A. No, he was still a brigadier.
28 Q. Okay. Now, is it usual and possible in the army for people
29 to actually promote themselves?

1 A. In this case -- in this case, in the jungle, people promote
2 themselves once -- especially the 16 members that made the coup.
3 They supersede all else. They can promote themselves.

4 Q. Now, were these people that I have mentioned - Brigadier
10:20:13 5 Mani, Colonel Williams and Colonel SFY Koroma - were they all
6 present at Masiaka when these self promotions were made?

7 A. No, they had already gone.

8 Q. You have already said that when you were pulling out few
9 SLAs had military fatigue and they were most of them in civil
10:20:55 10 attire; not so?

11 A. Yes.

12 Q. Did you go to Lunsar after Masiaka?

13 A. I passed through Lunsar.

14 Q. Did you go to the hospital, Mabasene hospital? Is it
10:21:18 15 Mabasene? There was a hospital that you mentioned at Lunsar, the
16 eye clinic?

17 A. I couldn't remember I went to the hospital.

18 Q. You don't remember going to that hospital to take things
19 from the hospital?

10:21:33 20 A. No.

21 Q. You said you went first to Port Loko with Bazzy and his
22 wife, not so, on your retreat?

23 A. Yes, to take his wife to Port Loko.

24 Q. Did you come back to Makeni the same day?

10:21:59 25 A. We had an accident, they brought me to Masiaka, and from
26 Masiaka to Makeni and I went to Kabala.

27 Q. So, from Port Loko to Makeni and from Port Loko to Masiaka,
28 which one is shorter?

29 A. Masiaka.

1 Q. A name was put to you yesterday in closed session. You can
2 recall that name by my learned colleague Ms Thompson; not so? I
3 don't want you to name the person. Just want you to remember --

4 A. There were several names that were called. I don't know
10:22:54 5 the specific one.

6 MR FOFANAH: Your Honours, may I respectfully write it down
7 on a piece of paper?

8 PRESIDING JUDGE: I think that would be the most practical
9 thing, Mr Fofanah. Please do that.

10:22:59 10 MR FOFANAH: Thank you very much.

11 MS PACK: And if the witness could be cautioned not to read
12 out the name when it is delivered in front of him.

13 PRESIDING JUDGE: Thank you, Ms Pack, for that reminder.
14 Mr Witness, counsel is going to write a name for you. When you
10:23:16 15 see it, read it but please do not say it out loud, either then or
16 in any other answer. Do you understand that?

17 THE WITNESS: Yes, My Lord.

18 PRESIDING JUDGE: Mr Fofanah, if you could assist us and
19 counsel for the Prosecution also by making duplicate copies for
10:23:51 20 the Bench and counsel for the Prosecution.

21 MR FOFANAH: Your Honours, I don't know if I can pass it
22 around first before I give it to the witness.

23 PRESIDING JUDGE: Yes, please do that.

24 MR FOFANAH: Can you kindly help?

10:25:31 25 Q. Please don't call out that name. I just wanted you to
26 remember that name. So you now remember the name; not so?

27 A. Yes.

28 Q. Was that person with you on your retreat from Masiaka to
29 Makeni?

1 A. I couldn't remember.

2 Q. Now, did you use a vehicle from Masiaka to Makeni?

3 A. Yes.

4 Q. You don't remember seeing him in that vehicle?

10:26:12 5 A. I couldn't remember because at that time I was in pain.

6 Q. Where was the accident?

7 A. Between Port Loko to -- between Port Loko to the main

8 highway going to Makeni.

9 Q. Before you arrived at Port Loko from Masiaka, do you recall

10:26:38 10 seeing him in the vehicle, this person, before the accident?

11 A. I couldn't remember.

12 Q. Okay. Now, from Makeni you said you went to Kabala; not

13 so?

14 A. Yes.

10:27:09 15 Q. Now, was it not the case that when you left Kabala, after

16 the meeting, to go to Kono, was it not the case that you in fact

17 travelled with Johnny Paul Koroma to Kono?

18 A. Initially we left Kabala, we went to capture Kono and 18

19 came back to collect Johnny Paul Koroma to go to Kono.

10:27:41 20 Q. So, my understanding is that Johnny Paul Koroma was never

21 with you on the initial attack on Kono, not so, after the pull

22 out?

23 A. No.

24 Q. So, how many times did Johnny Paul Koroma go to Kono after

10:28:05 25 the pull out?

26 A. He went there once and he passed to Kailahun and never came

27 back.

28 Q. So when you came to receive him for the second time from

29 Kono, was he still the overall commander of the army?

1 MS PACK: Your Honour, I don't understand the time frame
2 that my learned friend is talking about just from the witness's
3 answer. The question was when you went to receive him for the
4 second time in Kono and the preceding answer had been that he had
10:28:36 5 only come once to Kono. So, I am not sure what time frame was
6 being pointed to in the question. Perhaps that could be
7 clarified.

8 MR FOFANAH: Thank you, I will rephrase the question.

9 Q. When you came to receive Mr Johnny Paul Koroma from
10:28:51 10 Magbonkineh to take him to Kono, was he the overall commander of
11 the troops at that time?

12 A. Yes, at that time he was respected by everyone.

13 Q. So, he was the overall commander?

14 A. Yes.

10:29:06 15 Q. When he went to Kono he still continued to serve as that
16 during that brief period that he was with you?

17 A. Yes.

18 Q. Was Issa Sesay with you on the journey to Kono when you
19 came to receive Johnny Paul Koroma?

10:29:30 20 A. No.

21 Q. Was Denis Mingo with you?

22 A. Yes.

23 Q. So, would I be correct in saying that he was second in
24 command of the troops?

10:29:50 25 A. Denis Mingo was the commander for the mission to Kono.
26 After the operation at Kono, when Johnny Paul Koroma came to Kono
27 and left us there, Denis Mingo was the highest in command.

28 Q. Since Johnny Paul Koroma was overall commander when you
29 were travelling to Kono, who was second in command?

1 A. At this time they had not yet made any command structure,
2 but he was respected as the overall commander.

3 Q. Now, in Kono, you were always with Ibrahim Bazzy Kamara;
4 not so?

10:30:33 5 A. Yes.

6 Q. Wherever he went you were with him; not so?

7 A. Not everywhere, sometimes I used to leave him and go on
8 operation, he stays alone. But mostly I am with him.

9 Q. To the best of your knowledge did he ever leave Kono during
10:30:55 10 that period?

11 A. Yes.

12 Q. I mean, to help you, the period that I am referring to is
13 the period when you took -- when you in fact went first to Kono.
14 Was he there, the first time, when you went without Johnny Paul

10:31:17 15 Koroma, was Bazzy with you?

16 A. Yes, he was with the fighting force to Kono.

17 Q. Did he come with you to receive Johnny Paul Koroma at
18 Magbonkineh?

19 A. I couldn't remember.

10:31:32 20 Q. So, when you went for the second -- when you went for the
21 second time, back in Kono, was he there?

22 A. Yes, Bazzy was in Kono.

23 Q. Bazzy was in Kono. So, to the best of your knowledge, did
24 he ever leave Kono during that period of your capture when you
10:31:58 25 were based at Kono?

26 MS PACK: It is not that clear what period exactly is being
27 referred to. The witness has answered a question about a period,
28 but it's not clear whether it's the first few days, the weeks,
29 the months. If my learned friend could clarify that.

1 MR FOFANAH:

2 Q. Okay. Now, we are talking about the second time when you
3 brought Johnny Paul Koroma to Kono. Did Ibrahim Bazzy Kamara
4 stay at Kono?

10:32:27 5 A. Yes.

6 Q. For how long?

7 A. He was in Kono throughout the period we were there.

8 Q. To the best of your knowledge did he leave throughout that
9 period that you are referring to? Did he leave Kono?

10:32:47 10 A. He was in Kono throughout the period.

11 Q. And throughout that period you were always his CSO; not so?

12 A. Yes.

13 Q. I am putting it to you that at some point Mr Ibrahim Bazzy
14 Kamara had to pull back to Makeni from Kono --

10:33:19 15 A. I disagree --

16 Q. -- during that period?

17 A. -- because the ECOMOG troops had already taken Makeni
18 whilst we were in Kono. So, he cannot come to Makeni at that
19 time.

10:33:32 20 Q. So, where was Issa Sesay at that time?

21 A. I cannot tell his specific point that he was, but he was
22 not in Kono with us at that moment.

23 Q. To the best of your knowledge he was also not at Makeni at
24 that time?

10:33:55 25 A. As I said, Makeni had been captured by the ECOMOGs whilst
26 we were in Kono, so nobody would come to Makeni.

27 Q. Mr Witness, I am putting it to you that when you first went
28 to Kono and, for a reasonable period of time, it was Hassan Papa
29 Bangura who was heading the SLAs there.

1 A. I disagree.

2 Q. I am putting it to you that for some reasonable period of
3 time during that period, Mr Ibrahim Bazzy Kamara was not at Kono.

4 A. He was in Kono and I was with him staying at the same
10:34:43 5 house. And if he was not there, anywhere he goes I will know.

6 MS PACK: Your Honour, perhaps if my learned friend could
7 clarify what he means by a reasonable period of time. It is
8 difficult to know what period of time is being put to the
9 witness.

10:34:55 10 MR FOFANAH: I am satisfied with the answer. I will move
11 to the next question. Thank you.

12 Q. Now, you have told the Court that Denis Mingo, alias
13 Superman, was in total control of Kono?

14 A. Yes.

10:35:11 15 Q. Was it not the case that he was in absolute control of
16 arms, ammunition and personnel in Kono?

17 A. Yes, but he had his 2IC, Ibrahim Bazzy Kamara, who used to
18 also keep some arms and ammunition.

19 Q. Now, in your presence didn't members of the RUF raid and
10:35:37 20 ransack SLAs, including Mr Ibrahim Bazzy Kamara, on several
21 occasions at Kono?

22 A. I couldn't remember.

23 Q. Were you personally raided by the RUF at Kono?

24 A. We had some -- I had some fracas with few RUF members.

10:36:04 25 Q. Do you recall the name Morris Kallon as an RUF member?

26 A. Yes.

27 Q. Did he at any -- during this period that we are referring
28 to, after you pulled back with Johnny Paul Koroma and you said he
29 subsequently left for Kailahun and Bazzy and Denis Mingo stayed,

1 was Morris Kallon in Kono at that time?

2 A. Morris Kallon was at Connaught Hill. Johnny Paul Koroma
3 was taken to Kailahun.

4 Q. Do you recall Morris Kallon shooting an SLA for failing to
10:36:48 5 parade for him?

6 A. I couldn't remember.

7 Q. Now, were SLAs, including Bazzy, not disarmed by both
8 Morris Kallon and Superman in Kono during 1998?

9 A. I couldn't remember.

10:37:09 10 Q. Was it not the case that Superman, Denis Mingo, alias
11 Superman, was the only one who had communication equipment at
12 Kono at that time? And by communication equipment I mean radio,
13 radio sets to communicate with other commanders out of Kono?

14 A. Yes, the radio set was stationed at his house because he
10:37:40 15 was the highest in command.

16 Q. Was it not the case that SLAs were stopped from
17 communicating with other commanders who were outside of Kono?

18 A. SLA commanders were not stopped because when you want to go
19 and make a communication to other commanders outside, you go to
10:38:05 20 the communication set. There is a signaller there, an operator,
21 that will convey the message for you. So SLAs were not banned on
22 the radio set.

23 Q. So, at Kono, did you carry any nickname in 1998?

24 A. No.

10:38:27 25 Q. You were simply called what? What were you called at Kono?

26 A. Junior.

27 Q. Okay. Now, you recall -- you mentioned the word G4 as a
28 unit that kept arms and weapons?

29 A. Yes.

1 Q. Ammunition, sorry. I am putting it to you that that unit
2 never existed at Kono.
3 A. I disagreed.
4 Q. I am also putting it to you that it never existed until SAJ
10:39:11 5 Musa came to Colonel Eddie Town in 1998.
6 A. I disagree.
7 Q. And I am putting it to you that it was SAJ Musa who created
8 the G4 and made one Foday Bah Marah head of that unit.
9 A. I disagree.
10:39:34 10 Q. Sorry. So, do you agree with me if I say that as overall
11 commander of both the SLAs and the RUFs at Kono, Superman was
12 answerable only to Mosquito? Sam Bockarie, alias Mosquito.
13 A. Yes, at that period he was reporting and answerable to Sam
14 Bockarie.
10:40:17 15 Q. Did Issa Sesay at any point in time come to Kono during
16 that period?
17 A. He never came to Kono during that period.
18 Q. So, between Morris Kallon and Superman, who was senior?
19 A. Superman was the most senior.
10:40:41 20 Q. Now, from the period you left Kono, and I can recall, did
21 you say it was in May 1998 that you left Kono?
22 A. It was around that month we left Kono to Mansofinia.
23 Q. Was it not the case that it was SAJ Musa who was in overall
24 command from that point in time when all of you, when the troops,
10:41:10 25 the SLAs, left Kono?
26 A. When we left Kono and went to Mansofinia, SAJ Musa was at
27 Kurubonla. We never reached there with the troops. Alex Tamba
28 Brima and others went to Kurubonla and told him about the
29 pull-out of the SLAs from Kono. And the person that was heading

1 us was Alex Tamba Brima.

2 Q. Yes, but he was answerable to SAJ Musa; not so?

3 A. Yes, at that point when we came to Mansofinia he was
4 answerable to SAJ Musa, but in Kono, he was not answerable to SAJ
10:42:00 5 Musa; Superman was the highest in command.

6 Q. I am putting it to you that you have told Trial Chamber I
7 before that when you left in May 1998, when you left Kono in 1998
8 in May and heading towards Mansofinia, SAJ was your overall
9 commander?

10:42:27 10 A. That is what I have just said. When we left Kono we came
11 to Mansofinia, SAJ was at Kurubonla. The troop that moved was
12 headed by Alex Tamba Brima. So when we joined SAJ, SAJ was
13 already overall commander because he was the most senior.

14 Q. It is that already that I am trying to harp on. I am
10:43:02 15 saying that even before these commanders you have mentioned went
16 to see SAJ Musa at Kurubonla, all of you conceded him the overall
17 commander of the SLAs from the time you left Kono and that is
18 what you told Trial Chamber I.

19 A. We left Kono, just a few days' walk to Mansofinia. On our
10:43:25 20 arrival at Mansofinia, SAJ was recognised at highest in command
21 of all SLAs, so he was the commander.

22 Q. Did you still consider Johnny Paul Koroma at this time in
23 principle to be your overall commander, in principle?

24 A. At this time we had no communication with Johnny Paul
10:43:51 25 Koroma. So, SAJ Musa was our overall commander at this time.

26 Q. And were the SLAs operating independently at this time, of
27 the RUF?

28 A. There had been a split between the SLA and the RUF when we
29 drove from Kono, that is why we don't join them to Kailahun. So

1 we came to SAJ Musa and the majority was SLA.

2 Q. You said you were made provost-marshal at Mansofinia and
3 you remained such until you came to Camp Rosos and you passed
4 through Karina, not so?

10:44:40 5 A. Yes.

6 Q. Now, when you saw this man Williams wrapping people in the
7 carpet at Karina and then setting the house on fire, did you do
8 anything as provost-marshal in charge of discipline?

9 A. I could not do anything because it is an order that has
10:45:10 10 been passed from the high command that there should be a lot of
11 killing and burning at Karina. So, I couldn't do anything about
12 that.

13 Q. So you were functionally not working because of the orders,
14 you were not in charge of any form of discipline because of the
10:45:34 15 orders?

16 A. Yes, for that operation I cannot do anything because if I
17 try to stop it I will be killed because the highest in command
18 has already given his orders, I am nobody to stop them.

19 Q. Okay, when you finally arrived at Camp Rosos, how long did
10:45:56 20 you take, you say, at Camp Rosos?

21 A. I couldn't remember rightly.

22 Q. You spent some time there; not so? How long did you spend
23 at Camp Rosos?

24 A. I said I could not remember the right period of time we
10:46:14 25 were there.

26 Q. You also said some people were trained. How many people
27 were trained at Camp Rosos?

28 A. 525.

29 Q. 525, okay. You said you even had a nominal roll to that

1 affect; not so?

2 PRESIDING JUDGE: To which effect? The last answer was a
3 number: 525.

4 MR FOFANAH:

10:46:44 5 Q. Did you have the nominal roll? I recall you told the Court
6 you knew that number because you kept a nominal roll?

7 A. Because I know about the training and I was there and when
8 the training was going on I had that nominal roll.

9 Q. And the nominal roll was very precise about the number.
10:47:07 10 Trainees, not so, as 525?

11 A. Yes.

12 Q. Let's see if that is what you told us when you are
13 testifying on the 15th.

14 MR FOFANAH: Your Honours, I am referring to the transcript
10:47:22 15 of the 15th, page 66.

16 Q. Reading from line four to nine. The question was put to
17 you:

18 "Q. Are you able to estimate how many people were trained
19 at Rosos?"

10:47:35 20 And your answer was:

21 "A. It was 520.

22 "Q. How are you able to say that?

23 "A. Because I was there and I had a comprehensive nominal
24 roll, the figure."

10:48:05 25 A. Yes.

26 Q. The yes is that it was not 525, it was 520?

27 A. It was 520.

28 Q. Now let's come to Colonel Eddie Town and talk a bit about
29 this arrest of the senior officers. You said --

1 PRESIDING JUDGE: Could you just pause, Mr Fofanah. It
2 appears that you are moving into a new aspect your questioning;
3 is that correct?

4 MR FOFANAH: Yes, Your Honour.

10:48:38 5 PRESIDING JUDGE: I just note it's the time we normally
6 have a break. Perhaps this is an appropriate time to have a
7 brief adjournment.

8 MR FOFANAH: Thank you, Your Honour.

9 PRESIDING JUDGE: Madam Court Attendant, please adjourn
10:48:45 10 court for 15 minutes.

11 [Break taken at 10.45 a.m.]

12 [Upon resuming at 11.05 a.m.]

13 PRESIDING JUDGE: Mr Fofana, please proceed with your
14 questions.

11:12:15 15 MR FOFANAH: Thank you very much, Your Honour.

16 Q. Mr Witness, I was going to ask you questions on the arrest
17 of the commanders at Colonel Eddie Town before the arrival of SAJ
18 Musa. Before that time, can I just ask you, did you keep with
19 you this comprehensive nominal record of the trainees at Camp
11:12:43 20 Rosos?

21 A. I knew about them because I was there.

22 Q. You did not keep it yourself?

23 A. No, because we had an admin officer.

24 Q. About the arrest of the officers. You have told the Court
11:13:08 25 that it was O-Five who conspired with the commanders of the
26 various battalions to plan what we would consider a coup. Am I
27 right?

28 A. It was not a coup.

29 Q. Okay, was it O-Five and the battalion commanders that

1 planned to arrest the honourables that you mentioned?

2 A. Yes.

3 Q. How long did you plan this arrest?

4 A. It was very brief, just a day.

11:13:51 5 Q. Within a day. And you said they were arrested. For how
6 long did you keep them under arrest when -- under detention,
7 sorry, after their arrest?

8 A. They were under detention for a few days, a few days, and
9 they were on open arrest throughout we reached Newton.

11:14:18 10 Q. Was it up to a week, their detention?

11 A. I cannot tell a specific date or specific time they were
12 under arrest, but it was for a few days.

13 Q. But they remained in detention before SAJ Musa arrived, not
14 so, up to the time he arrived?

11:14:44 15 A. Yes.

16 Q. Did anyone ever attempt to punish you for arresting these
17 officers, those of you who planned the arrest; did anyone ever
18 attempt to punish you?

19 A. No.

11:14:59 20 Q. In fact, I mean, after the arrest you were even
21 subsequently given promotions, not so, when SAJ came?

22 A. On the arrival of SAJ, there was no promotion made.

23 Q. Okay. Now, I am putting it to you, Mr Witness, that you
24 and your colleagues who did this arrest were all a law unto
11:15:35 25 yourselves, you were not obeying commands or orders from any of
26 the honourables that you have mentioned?

27 A. I disagree.

28 Q. I am also putting it to you that when you attempted at
29 arresting these officers they never put up any fight.

1 A. No, they did not.

2 Q. Did you consider that insubordination when you attempted at
3 arresting them?

4 A. No.

11:16:28 5 Q. Was it normal in the jungle for junior officers to arrest,
6 especially overall commanders?

7 A. Yes, if things are not going on properly the way it should
8 go.

9 Q. Do you have any other instance, apart from this arrest,
11:16:52 10 where the higher ranking officer in the form of an overall
11 commander was arrested by junior officers?

12 A. No.

13 Q. Were there not laws at Colonel Eddie Town -- in fact, from
14 Mansofinia right down to Colonel Eddie Town, were there not laws
11:17:26 15 about the way officers were to behave, in fact, soldiers
16 including officers, about the way they were to behave in the
17 jungle?

18 A. There were laws.

19 Q. Especially as provost-marshal in charge of discipline, was
11:17:45 20 it not part of the laws of the jungle that you should respect
21 authority?

22 A. I was no longer a provost-marshal at that time.

23 Q. I am not saying that. I know that you have told the Court
24 that you changed positions as you were going. But at least you
11:18:12 25 were provost-marshal before at some point.

26 A. Yes.

27 Q. You were once provost-marshal and you know what it means to
28 discipline soldiers; not so?

29 A. Yes.

1 Q. And you also know what it means when a soldier becomes
2 unruly, when he does not obey command; not so?
3 A. Yes.
4 Q. And according to you that was even why you shot Kodale --
11:18:35 5 your 2IC, your second in command?
6 A. Yes, because of the laws that were made.
7 Q. And because of insubordination to you, not so, as battalion
8 commander?
9 A. He was my subordinate as battalion commander.
11:18:52 10 Q. And he did not obey your orders so you shot him; not so?
11 A. Not my orders; he went beyond the laws that were placed.
12 Q. Was it not -- before you arrested these officers, didn't
13 you try to disarm them, take their arms away from them?
14 A. Their boys were disarmed, their security boys were
11:19:25 15 disarmed.
16 Q. As part of the laws, was it not illegal to seize government
17 property, including weapons?
18 A. No, because at this stage it was not seizing of government
19 property.
11:19:42 20 Q. But there was a law to that effect, that if you seize
21 government property, including weapons, you would be punished;
22 not so?
23 A. The laws that was effective was that if you steal
24 government property.
11:19:59 25 Q. Including weapons?
26 A. Government properties are weapon, medicines. In this case
27 we did not steal weapons.
28 Q. But you took them away from securities of higher officers?
29 A. Yes.

1 Q. And these higher officers made those laws; not so?

2 A. Yes.

3 Q. Are you saying that the honourables who were arrested, none
4 of them were armed?

11:20:37 5 A. They had their personal pistols.

6 Q. Did you disarm them; did you disarm Bazzy, in particular?
7 You said you went to arrest him. Did you disarm Bazzy?

8 A. His personal pistol was not with him, it was with Edward
9 Williams, and he was disarmed by Baski.

11:20:56 10 Q. So throughout these few days that you said the honourables
11 were with you, they did not put up my resistance; not so?

12 A. No.

13 Q. They were with you calmly until SAJ Musa came?

14 A. Yes.

11:21:17 15 Q. Once again, I am putting it to you, Mr Witness, that you,
16 in particular, and together with your colleagues who planned this
17 coup, were never under the control or command of any of the
18 honourables, including Bazzy, that you have mentioned.

19 A. I disagree.

11:21:44 20 Q. Do you know the month that SAJ arrived at Eddie Town?

21 A. SAJ Musa arrived at about September, during the rainy
22 season.

23 Q. So who was the immediate overall commander before he came?
24 Who was the overall commander just before he came?

11:22:13 25 A. Before he came, we had already arrested all honourables.
26 The commander at that present time whilst honourables were under
27 arrest was O-Five.

28 Q. Who was O-Five's deputy?

29 A. O-Five's deputy was Junior Marvin.

1 Q. So these two commanders handed over authority of the
2 headquarters at Colonel Eddie Town to SAJ Musa; not so?
3 A. We had authorities at the headquarters and all the
4 battalions.

11:22:50 5 Q. And they handed over that when SAJ Musa came; not so?
6 A. Yes.
7 Q. Was it not the case that the main reason why you planned
8 this arrest and effected it against the commanders that you have
9 mentioned, the honourables, was that these honourables refused to
11:23:13 10 allow you to go on operations on a frolic of your own,
11 willy-nilly?
12 A. No.
13 Q. What was the main reason that you -- why did you plan this
14 arrest; why did you do it?

11:23:29 15 A. Because the highest in command always sends troops on
16 food-finding operation and we are getting short of arms and
17 ammunition. So we wanted to get arms and ammunition, so I
18 believe they should be sending operations on military targets.
19 Q. And he was not doing that?

11:23:55 20 A. No.
21 Q. So you were angry and therefore you planned this coup; not
22 so?
23 A. It was not a coup.
24 Q. At least you planned the arrest as a result of that; not
11:24:08 25 so?
26 A. Yes.
27 Q. And you arrested them subsequently?
28 A. Yes.
29 Q. Let us come to Kukuna attack. When was this attack; can

1 you vividly recall?

2 A. I could not remember the right month.

3 Q. But it was in 1998; not so?

4 A. Yes.

11:24:41 5 Q. Where were the orders given for this attack?

6 A. From the headquarter.

7 Q. What town? Was it Colonel Eddie Town?

8 A. Colonel Eddie Town.

9 Q. Who gave the orders for the attack on Kukuna?

11:25:00 10 A. It was SAJ Musa, for us to get arms and ammunition.

11 Q. Did you not tell this Court that it was Gullit who gave

12 those orders?

13 A. I couldn't remember that, saying the Court.

14 Q. Okay. I am putting it to you that the first time you told

11:25:32 15 this Court about Kukuna -- that was the first time, you mentioned

16 Kukuna on other occasions, but the first time you told the Court

17 you said that it was Gullit who gave you the orders.

18 A. No, I could not remember saying that.

19 MR FOFANAH: Let's look at page 72, Your Honours, the

11:25:57 20 transcript of 15th September 2005, respectfully. Your Honours, I

21 am referring to page 72, from line six downwards. May I read?

22 Q. It says:

23 "Q. Who did you receive your instructions from?

24 "A. I get it from Alex Tamba Brima?

11:26:30 25 "Q. Did you ever go on any operations with your battalion?

26 "A. Yes. I have gone on operations to Kukuna but I don't

27 move with the whole battalion, I just pick few fighters.

28 "Q. Who would you report to on operations?

29 "A. On operations, I report to the operation commander

1 who was in the absence of O-Five, was Hassan Papa Bangura,
2 and when O-Five came, I report to O-Five and he reported to
3 Alex Tamba Brima.?"

4 There was a name -- okay, you were trying to spell Kukuna.

11:27:04 5 Do you recall saying that?

6 A. Yes. When O-Five earlier came, he came and Alex Tamba
7 Brima was the overall commander. So operations report to him.
8 On the arrival of SAJ Musa, when he came, all operations were
9 reported to SAJ Musa.

11:27:29 10 Q. So, you reported the Kukuna operation to Papa, who then
11 reported to Gullit; not so?

12 A. No. O-Five went on the operation and O-Five was the
13 overall commander of the operation. When he came he reported to
14 Hassan -- SAJ Musa.

11:27:51 15 Q. Was O-Five the overall commander of that operations?

16 A. He went on the operation.

17 Q. Didn't you tell the Court that you were the one who was
18 commanding that operations?

19 A. Yes, I went on the operation, O-Five went on the operation.

11:28:13 20 He was the operations commander whilst I was appointed to go on
21 the operation.

22 Q. So, when was it that you reported to Hassan Papa Bangura?

23 A. When O-Five had not yet come to join us Hassan Papa Bangura
24 was the operation commander. So on all operation any commander
11:28:53 25 goes he report to him .

26 Q. Mr Witness, I am putting it to you that you are not being
27 truthful. You told this Court that you reported this incident
28 when Gullit was overall commander.

29 MS PACK: In fairness, if that is going to be put; if what

1 is being to be put is something about the operation on Kukuna
2 then the witness should also be referred to a later bit of the
3 transcript, at page 81, where he also talks specifically about
4 the operation at Kukuna as opposed to who he got his instructions
11:29:41 5 from when he battalion commander for the 4th Battalion. At line
6 24, it says:

7 "Q. Before you left Major Eddie Town, did anything else
8 happen.

9 "A. No.

11:29:51 10 "Q. You have talked earlier about an operation on Kukuna.

11 "A. Yes.

12 "Q. When did that take place.

13 "A. It took place after SAJ Musa had come.

14 "Q. Who went on that operation.

11:29:57 15 "A. O-Five, I went, Saidu Kambulai and Alhaji Kamanda."
16 That is pages 81 to 82.

17 MR FOFANAH: Yes, again, that is why when I was asking him
18 questions, I basically said when he first mentioned Kukuna. I
19 indicated that he mentioned Kukuna on other occasions. But the
11:30:26 20 first time he mentioned Kukuna he told the Court that it was
21 under Gullit. That is what I was trying to put to him. In any
22 case, I will move --

23 PRESIDING JUDGE: Mr Fofana.

24 MR FOFANAH: Yes.

11:30:34 25 PRESIDING JUDGE: I read the matters you are putting and
26 the questions are: "I report to Alex Tamba Brima...where did you
27 receive your instructions from? I get them from Alex Tamba
28 Brima." Then there is another line; it says: "Did you ever go
29 on any operations with your battalion?" That is when Kukuna

1 comes up. The way you are phrasing that, you are linking those
2 two together. I do not consider in that line of questioning that
3 they automatically follow. Are you saying that they do
4 automatically follow that Brima gave the instructions for Kukuna?

11:31:11 5 MR FOFANAH: Your Honours, he has given his own version of
6 the story and I will take it at that. That is how I understood
7 it, that he was indicating, especially at line 14 to 15, that I
8 report to O-Five and he reports to Alex Tamba Brima. If he is
9 saying it was after SAJ Musa, I will leave it at that and move to
11:31:32 10 another line.

11 PRESIDING JUDGE: Thank you, Mr Fofanah.

12 MR FOFANAH: Thank you.

13 Q. Let us come to Gberibana. You reported that at Gberibana
14 there were Malians and Guineans who were held as prisoners of
11:31:57 15 war; not so?

16 A. No, the Malians were held as prisoner of war at Gberibana,
17 the West Side jungle, and the Nigerians was captured at Mange.

18 Q. I have not talked about Nigerians; I said "Guineans".

19 A. The Guineans was captured at Kukuna, not Gberibana. Only
11:32:23 20 the Malians that were captured at Port Loko at that time were
21 based at Gberibana.

22 Q. I have not talked about captured, either. I was saying
23 that you kept them as prisoners off war at Gberibana.

24 A. Yes.

11:32:40 25 Q. Just listen to my question.

26 A. Yes.

27 Q. Were these prisoners of war well taken care of?

28 A. Yes, we took care of them.

29 Q. And then you subsequently handed them over; not so?

1 A. Yes.

2 Q. To the government when it was reinstated?

3 A. Yes.

4 Q. Mr Witness, you said that whilst at Gberibana, which you
11:33:15 5 named West Side, you had a communication set with you; not so?

6 A. I had --

7 Q. A communication --

8 A. -- a radio walkie-talkie.

9 Q. Yes, it is a communication set.

11:33:25 10 A. Yes.

11 Q. A radio set. You had that with you.

12 JUDGE SEBUTINDE: Could we request, Mr Witness, that you
13 don't speak over counsel and vice versa for the sake of the
14 record, that each of you speak one at a time? So please wait for
11:33:38 15 the question before you respond.

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

17 Q. So you had a radio set on you whilst at Gberibana?

18 A. Yes.

19 Q. And you were using this radio set to communicate to the
11:34:00 20 outside world -- to people outside of Gberibana; not so?

21 A. I started using it to communicate at Four Mile. When we
22 were at Gberibana we were using the VHS set that was with Ibrahim
23 Bazzy Kamara.

24 [AFRC20SEP05C - CR]

11:34:23 25 Q. Now, did you not use this set to communicate with General
26 Khobe, who was then the chief of army staff for the Sierra Leone
27 government at that time?

28 A. Yes. It was not Gberibana, it was at Four Mile.

29 Q. Did you also use this set to communicate with Mr Kande

1 Bangura at Gberibana?

2 A. Not Gberibana, but Four Mile.

3 Q. And Gberibana is also called West Side, not so?

4 A. Yes.

11:35:11 5 Q. Did you use that set to communicate with Abdulai Mustapha,
6 who was then one of the securities to the president, President
7 Kabbah?

8 A. Yes, but it was at Four Mile.

9 Q. Did you also use this set to communicate with Colonel Apata
11:35:35 10 of ECOMOG?

11 A. Yes, at Four Mile.

12 Q. Mr Witness, this radio set was in your absolute and sole
13 control; not so? It was yours and you didn't share it with
14 anyone?

11:36:02 15 A. Yes.

16 Q. Was this also the set that you used to communicate with
17 Corporal Foday Sankoh, when you said you were responsible for
18 peace, for his release?

19 A. Yes.

11:36:17 20 Q. I put it to you because of these singular actions of yours,
21 you were acting on your own as overall commander at that time?

22 A. No.

23 Q. You've denied that not all of these communications were not
24 made at West Side. So let me put what you said to you on 6 May
11:36:42 25 2003.

26 MR FOFANAH: Your Honours, I'm referring to the statement
27 made on 6 May 2003 at page 46, starting from line 35.

28 MS PACK: For the record, that's page 10458, Your Honour.

29 MR FOFANAH: Line 35, Your Honours. May I go on?

1 PRESIDING JUDGE: Yes, we have that before us.

2 MR FOFANAH: Thank you.

3 Q. Just before I read, I am again putting it to you,
4 Mr Witness, that all that you did, using this set, and as well as
11:37:58 5 going on operations as well, you did purely on your own. You did
6 not do it under the command or control of Mr Ibrahim Bazy
7 Kamara.

8 MS PACK: Your Honour, if my learned friend could specify
9 where, what location, what time frame he's talking about. At
11:38:15 10 this point, this broad matter is being put that the witness was
11 in overall command. It might be easier to answer the question if
12 it is clear when and where he's talking about.

13 MR FOFANAH: I'm talking about Gberibana, which you called
14 West Side and that was after your pull-out from Freetown after
11:38:39 15 the January 6th invasion. So I'm saying that -- I'm putting it
16 to you that --

17 PRESIDING JUDGE: Just a minute, Mr Fofanah. Are you also
18 putting a time frame on this question?

19 MR FOFANAH: Yes, Your Honour, after their withdrawal from
11:38:54 20 Freetown in January 1999.

21 PRESIDING JUDGE: Until --

22 MR FOFANAH: They went to several places and then finally
23 came to Gberibana.

24 PRESIDING JUDGE: So from the period from the withdrawal of
11:39:06 25 Freetown to Gberibana, is that the period?

26 MR FOFANAH: I will confine it to Gberibana. Because the
27 witness said he cannot recall when they actually went to
28 Gberibana.

29 Q. Do you remember when you went to Gberibana?

1 A. No.

2 Q. The question is about Gberibana in particular which you
3 otherwise called West Side. I'm putting it to you - I think I
4 have to rephrase it. You actually said you did these
11:39:32 5 communications at Newton.

6 MS PACK: Four Mile.

7 MR FOFANAH: At Four Mile.

8 THE WITNESS: Yes.

9 MR FOFANAH:

11:39:42 10 Q. Now, these communications you were referring to, because I
11 think I should clarify that, was it after your pull-out from
12 Freetown in January 1999?

13 A. Yes, when we pull out, we were at around Four Mile. There
14 I started communicating with those individuals that you asked me
11:39:59 15 about. On arrival at Gberibana, all communication that were made
16 was made through the signal set at the house of Ibrahim Bazzy
17 Kamara.

18 Q. And he was in control of that; not so?

19 A. Yes.

11:40:22 20 Q. How long did it take you from Newton to Gberibana, can you
21 recall?

22 A. I cannot recall number of days.

23 Q. Was it up to a week?

24 A. I cannot give a specific time.

11:40:33 25 Q. Okay. So now I'm putting it to you that from Four Mile on
26 to Gberibana, all that you did throughout the period that you
27 spent at Four Mile and -- I meant, throughout the period you
28 spent at Gberibana, all that you did in terms of communications,
29 in terms of operations that you said you went on, you did purely

1 on your own. You did not do what you said you did under the
2 command and control of Mr Ibrahim Bassy Kamara?
3 A. No.
4 Q. Can you elaborate what is the no?
11:41:18 5 A. I did not do it on my own, because at that time I was under
6 the command of Ibrahim Bassy Kamara, so anything I do, he knows.
7 Q. Okay. Your Honours, I'm reading from line 35 now. I'm
8 putting it to you -- you've told the Court earlier that you
9 recall making a statement on 6 May 2003. Portions of that
11:41:42 10 statement have already been put to you by my other colleagues.
11 Do you recall making that statement again, 6 May 2003?
12 A. Which statement? Read it to me.
13 Q. Okay, I'll read what you said. From line 34, sorry, there
14 was a question:
11:42:02 15 "Q. What was and what was going to be your military and
16 political objective?"
17 In fact, sorry, Your Honours, let me start from line 32,
18 because that's where the sentence actually starts.
19 "Q. Was that the first time that you started using the
11:42:23 20 name West Side Boys?"
21 Your answer:
22 "A. Yes, yes, when we opened West Side.
23 "Q. What was and what was going to be your military and
24 political objective?
11:42:36 25 "A. And when we were there at West Side, we held a
26 meeting that, I mean, this -- we have come to Freetown, we
27 have lost and we are SLAs. Now, Johnny Paul has been held
28 by the RUF, so and some of SLA -- some of our commanders
29 have gone with RUF to Makeni. So, we were at West Side, so

1 I had a radio set I got from Freetown that I went with to
2 West Side. So one day I had to charge it with a solar
3 plate, so I placed it on, started monitoring. It was the
4 channel of the president, General Khobe. The IG at that
11:43:21 5 time it was Mr Kande Bangura. So, I had to intercept that
6 it's an SLA talking to you from the bush. Now we are in
7 the bush, but now we have come to Freetown we want us to
8 resolve this issue, you understand? So I started talking
9 with Abdoulaye Mustapha directly. So we made that link.
11:43:48 10 Then they had -- that time the United Nations commander
11 was, I think, Jetley or Vijay. So we had to invite him to
12 us at Waterloo that -- for confidence building. That time,
13 they did not sign any ceasefire. So, they had to go with
14 CCSL, churches of council. So when they went, we had to
11:44:16 15 tell them that we are SLAs and we are from Freetown now we
16 are here, but we don't believe in staying in the bush too
17 much. We want let them talk to the government so they can
18 enlist us back into the army, let's resolve everything and
19 if RUF still want to fight, we can fight against them. You
11:44:35 20 see? So that bridge was between us. They asked us what we
21 need. We said we need food and medicine, so they were
22 sending it for us till they called."

23 Mr Witness, do you remember making that statement to the
24 statement-taker of the Special Court?

11:44:57 25 A. Yes, I recall.

26 Q. So you now agree you did all of these communications from
27 the West Side, not so?

28 A. The communication started from Four Mile. When we went to
29 West Side, the communication was still going, but it started

1 earlier on at Four Mile.

2 Q. When you made this communication, you were using your radio
3 set; not so?

4 A. At West Side, we are doing all talkings through the
11:45:30 5 communications, through the VHS set and this Motorola set was
6 with me from Freetown until I went to West Side.

7 Q. So, I'm talking about this particular communication, this
8 one in particular --

9 A. That particular communication at West Side was done on
11:45:53 10 behalf of Ibrahim Bazzy Kamara, because the radio set was with
11 him at his house.

12 Q. Why did you not say that you were doing this on behalf of
13 Ibrahim Bazzy Kamara when you were making the statement?

14 A. In my transcript you can see that Ibrahim Bazzy Kamara was
11:46:12 15 the most senior in command. I don't need to tell the Court about
16 that, because it is already there that he was the head of the
17 West Side jungle.

18 Q. So it is your statement that the entire thing about
19 bringing peace and the like was from Ibrahim Bazzy Kamara?

11:46:39 20 A. He was the commander at that time, so he was ahead of us.
21 And that group brought about peace, so he was the head of it.

22 Q. I put it to you when you talked to these persons, in fact,
23 before that, Abdulai Mustapha, was he not the security to the
24 president at that time, President Kabbah?

11:47:17 25 A. I don't know his direct appointment but he was with the
26 president, very close.

27 Q. Now did you, at that time, consider the Government of
28 Sierra Leone to be on the other side?

29 A. I don't understand your question.

1 Q. Were they in opposition?

2 A. We were fighting against them, but it was necessary at that
3 time for us to get peace in the country. That's why we decided
4 to talk over with them.

11:47:52 5 Q. But when you at least communicated with Foday Sankoh, you
6 did that on your own volition, on your own. You did not receive
7 any orders for that, when he made you Junior Lion?

8 A. No.

9 Q. Mr Witness, I put it to you that at Gberibana you were a
11:48:20 10 law unto yourself and you were not subject to anybody's command
11 or control.

12 A. If I was by myself I should not have -- they should not
13 have appointed me as provost-marshal -- sorry, as operation
14 commander. And I was working directly under Ibrahim Bazy Kamara
11:48:37 15 at Gberibana.

16 Q. These are all your words. I mean, you are the only one
17 saying it. In fact, whom did you directly report to as
18 operations commander?

19 A. Ibrahim Bazy Kamara was the overall commander. I was
11:48:56 20 reporting to him.

21 Q. Did you report to him directly?

22 A. Some operations I report to him directly and some other
23 operation, I report to Hassan Papa Bangura who was the operation
24 director.

11:49:09 25 Q. Whom did you take direct command from, direct command when
26 you were going on operations?

27 A. Hassan Papa Bangura.

28 Q. So as a matter of fact it was Hassan Papa Bangura who was
29 giving you command at Gberibana to go on operations; not so?

1 A. Commands were coming from the above to Hassan Papa Bangura
2 then came to me. Because on all operations we will have a
3 meeting of all commanders and the senior commander, so I know
4 exactly what is going on.

11:49:44 5 Q. So if this thing was really resolved in a meeting, was it
6 necessary for Papa to give you another command again directly if
7 it was in a meeting?

8 A. Say again?

9 Q. You said it was done in a meeting and if it was in a
11:50:04 10 meeting, because you are saying that you took command from
11 Papa -- if it was in a meeting in which all of you sat and
12 deliberated, was it necessary for him to give you another command
13 outside of that meeting?

14 A. I'm talking of when we are going on operations, then we
11:50:22 15 call a meeting. The high commander is there, all senior
16 commanders are there and we discuss on the operation.

17 Q. So Papa, as your operations commander or operations
18 director, was the one you were answerable to; not so?

19 A. On operations I'm answerable to him.

11:50:58 20 Q. Now, Mr Witness, you talked about an amputation when you
21 were coming from Port Loko after the attack.

22 A. When we were going to Port Loko.

23 Q. Okay, thank you. On your way to Port Loko there was this
24 young lady who was amputated and then you hung a letter on her
11:51:18 25 neck - do you remember that - to be taken to the Malians?

26 A. I remember IO writing the letter, placed it on the girl's
27 neck to take to the Malians.

28 Q. And that was done in your presence, not so?

29 A. Yes, writing the letter was done in my presence.

1 Q. Now were you not the one who amputated the limbs of that
2 lady?
3 A. I disagree.
4 Q. Were you not the one who gave instructions for the letter
11:52:00 5 to be placed on the neck of the lady?
6 A. Yes.
7 Q. Why did you give that instruction?
8 A. Because I wanted the young lady to get to Port Loko because
9 all the others that were amputated with her had already died.
11:52:15 10 Q. Was it necessary to give her a letter if you just wanted
11 her to get to Port Loko?
12 A. Yes. It was necessary at that point in time.
13 Q. Was the letter not a message to the Malians at Port Loko
14 that you were coming?
11:52:35 15 A. Yes.
16 Q. Witness, was it not the case -- in the meetings which you
17 allege that you held at Gberibana, was it not the case that your
18 single and only objective at Gberibana was to defend yourselves
19 against ECOMOG when you went to Gberibana? That was the only
11:53:08 20 reason why you went and made it to base; not so?
21 A. I disagree.
22 Q. What was the reason? Why did you go --
23 A. West Side -- on our first meeting, we had to go on the
24 operation at Port Loko merely to get arms and ammunition to
11:53:27 25 fortify the camp.
26 Q. Against whom?
27 A. Against the ECOMOG fighters.
28 Q. So the idea of West Side was to protect yourself against
29 ECOMOG; not so?

1 A. Yes.

2 Q. So in fact, when you had this meeting to go and attack Port
3 Loko the instruction given to you was to go and get arms and
4 ammunition only; not so?

11:53:59 5 A. It was a military objective.

6 Q. Yes, but that was the instruction -- listen to the
7 question.

8 A. Yes.

9 Q. The instruction given to you was to go and get arms and
11:54:13 10 ammunition only?

11 A. Yes.

12 Q. And you got that instruction from Hassan Papa Bangura; not
13 so?

14 A. Yes.

11:54:21 15 Q. So why did you oversee the amputation of people on your way
16 to Port Loko?

17 A. On my way to Port Loko, before -- in the time when these
18 people were amputated, I was not present at that time. I only
19 went there after, and I found out about this amputation, and I
11:54:54 20 got the report -- when I returned I reported the matter to
21 Ibrahim Bazy Kamara, but nothing was taken.

22 Q. But this particular girl who had the letter on her neck,
23 you were there when she was amputated; not so?

24 A. I met, she has already been amputated.

11:55:20 25 Q. Did you do anything to the officers -- I mean, to the
26 soldiers who undertook these amputations?

27 A. No, because I had not yet reached my objective.

28 Q. Was it part of your laws at Gberibana that you should
29 amputate people?

1 A. On arrival at Gberibana there were no laws that were
2 placed.
3 Q. For amputation?
4 A. No laws were given by the senior commander.
11:56:06 5 Q. So in fact, whatever you did, you did without laws; not so?
6 A. There were no laws that were given to fighters at Gberibana
7 like us, Mansofinia to Camp Rosos.
8 Q. Do you remember any Lieutenant Kalley at Gberibana?
9 Kalley?
11:56:35 10 A. Lieutenant Kalley?
11 Q. Do you remember the name Kalley, spelt K-A-L-L-E-Y?
12 A. Yes.
13 Q. Now was Kalley not flogged once -- Kalley was an SLA; not
14 so?
11:56:53 15 A. Yes.
16 Q. Was he not flogged at one time for looting properties of
17 civilians? Was he not flogged at Gberibana for looting property
18 of civilians?
19 A. He was not flogged for looting. He was flogged because he
11:57:10 20 was given an operation to attack Gberi Junction. He went and he
21 never carried out the operation, he came back. So he was
22 punished for that.
23 Q. So he did not loot?
24 A. No, he never accomplished his operation.
11:57:33 25 Q. Mr Witness, you have said that there were no laws and that
26 continued to be the case until you communicated with Foday
27 Sankoh; not so?
28 A. Yes.
29 Q. There were still no laws?

1 A. Yes.

2 Q. And as Junior Lion, you thought yourself a commander -- you
3 thought you were a commander in charge of your own terrain; not
4 so?

11:58:03 5 A. I was under my senior commander. I was not on my own.

6 Q. So did anything happen to you for carrying this personal
7 radio set of yours at West Side when you've told us that there
8 was -- I mean, a VHS set that all of you used and it was at
9 Ibrahim Bazzy's place?

11:58:28 10 A. No, nothing happened to me.

11 Q. And you were the only one who had this radio set with you;
12 not so? No other officer had a radio set?

13 A. There were other radio sets, the same like mine in model,
14 but they were not the same channels.

11:58:51 15 Q. But at least you used yours to make communications to Foday
16 Sankoh --

17 A. Yes.

18 Q. -- Kande Bangura and the others that I have named; not so?

19 A. Yes.

11:59:18 20 Q. Now at this time when you went to Gberibana was ECOMOG
21 following you -- was ECOMOG chasing you when you left from Four
22 Mile to Gberibana? Was ECOMOG chasing you?

23 A. ECOMOG was chasing us from we pulled out from Freetown
24 until we went to open our camp at West Side, and [overlapping
11:59:45 25 speakers]

26 Q. Sorry. So they chased you right into West Side; not so?

27 A. No.

28 Q. Where did they chase you to?

29 A. They were advancing on us until we reached Laia Junction

1 and we diverted into the jungle and opened the West Side camp and
2 they continued by the main highway to Masiaka.
3 Q. Now Laia Junction, is it not close to this place you call
4 Gberibana? It's very close; not so?
12:00:20 5 A. Laia Junction is Four Mile and you cross over a river, you
6 get to Gberibana.
7 Q. So ECOMOG chased you as far as Laia Junction; not so?
8 A. Yes.
9 Q. And can you describe that chase as hot pursuit? Were they,
12:00:40 10 like, running after you to ensure that they grabbed you?
11 A. No.
12 Q. How was it done?
13 A. After they advanced on us at Four Mile we went to Mamamah
14 and we spent there some days before they started advancing on us
12:01:00 15 again. They were advancing on us in bits, not a rush.
16 Q. Were you attacked by jets? Did the Alpha Jet attack you?
17 A. At all times ECOMOG personnel advance on us you see the
18 Alpha Jets up.
19 Q. So they were raiding you from the air - not so - on your
12:01:26 20 way from Gberibana?
21 A. Yes.
22 Q. And that was done consistently; not so?
23 A. No.
24 Q. How was it done?
12:01:33 25 A. If I could remember, the jets only came -- I saw the jets
26 twice. Four Mile -- we drive from Four Mile up to the West Side
27 jungle.
28 Q. Okay. So, we're going to round up now with just some
29 general questions.

1 MR FOFANAH: Sorry, Your Honours.

2 Q. So just a few general questions and then -- Mr Witness --

3 A. Yes.

4 Q. -- do you recall anyone by the name of Zito, Z-I-T-O?

12:02:38 5 A. No.

6 Q. Whilst at Kono in 1995 or 6, did you come by anyone by that

7 name, Zito, Z-I-T-O?

8 A. Zito, no.

9 Q. What about Sito, S-I-T-O?

12:03:08 10 A. I heard about that name, but I've never come across him.

11 Q. Now, when you went to Kono on AWOL -- you said you went to

12 Kono on AWOL whilst you were serving Tom Nyuma. You remember

13 saying that; not so? You went to Med Stallone.

14 A. Yes.

12:03:28 15 Q. Now, were you under the employment of Tom Nyuma at that

16 time?

17 A. In Kono, no.

18 Q. Now, did you attack or did you go on a raid with your

19 colleagues to somebody called Bunduka, B-U-N-D-U-K-A?

12:03:57 20 A. No.

21 Q. This was in Kono, I mean. Did you go on that raid?

22 A. No.

23 Q. Mr Witness, I'm putting it to you that you went on a raid

24 and then you ransacked Mr Bunduka's shop, took money from him,

12:04:20 25 killed him, that is why you were brought to Pademba Road.

26 A. No, Mr Bunduka is still a living man now.

27 Q. So you know him?

28 A. I heard about him. I know him, his name.

29 Q. Who was he or who is he?

1 A. He was close to the mining site where Med Stallone was
2 deployed.

3 Q. Was he also a miner? Was he mining diamonds?

4 A. I cannot tell whether he was a miner or another -- a
12:04:56 5 businessman.

6 Q. You said you were brought to Freetown because you failed to
7 give diamonds to your operations commander. Do you recall that?
8 Do you recall that you were brought to Freetown because you
9 failed to give diamonds to Tom Nyuma?

12:05:31 10 A. Yes.

11 Q. What was the weight of these diamonds?

12 A. I couldn't remember.

13 Q. I put it to you that that diamond which you said you got
14 was in fact got from Mr Bunduka?

12:05:53 15 A. I disagree.

16 Q. Now, Mr Witness, you have also been cross-examined by
17 Ms Thompson. You said you gave information to the police but you
18 were not paid for it. Do you recall that?

19 A. I've not been an informant for the police so they don't
12:06:33 20 have to give me any money for that.

21 Q. In that case, let us see what you said on 6th May 2003.

22 MR FOFANAH: Your Honours, I have referred to this
23 statement before. I'm looking at page 54 to 55.

24 MS PACK: Your Honour, that's pages 10466 and 10467.

12:07:01 25 Before my learned friend asks the question, the passage from line
26 3 to line 14 on page 10467 has already been read out by my
27 learned friend for the first accused. So I would suggest in
28 anticipation of any questions dealing with that passage will be
29 duplicative.

1 MR FOFANAH: That's not where I'm reading from.

2 PRESIDING JUDGE: We'll wait and see what Mr Fofanah asks.

3 MR FOFANAH: I'm reading from line 34 to the other page.

4 Q. The question was: "Who was shot by ECOMOG?" Answer:

12:07:44 5 "Yes, by ECOMOG." "You were shot by ECOMOG", sorry?

6 "A. Yes, by ECOMOG.

7 "Q. Right, yes.

8 "A. So I was at the hospital. After that, I just decide

9 to take my hands off everything. I worked wholly and

12:07:54 10 solely with the police. So that time of the police, when I

11 give them information, they will give me money to take care

12 of myself, my wife and my son up till now."

13 Do you recall making that statement?

14 A. Yes.

12:08:16 15 Q. So is that true? Is the statement true?

16 A. The police were giving me little tokens because I was not

17 working and I explained myself to them that I was not safe from

18 my other colleagues, so I was with them.

19 Q. Do you also recall the year 2000? Did you make any attempt

12:08:57 20 to steal furniture from the house of Mr Ibrahim Bazzy Kamara at

21 Woodland Estate - Wood, W-O-O-D, as in wood - Woodland Estate in

22 Freetown?

23 A. No.

24 Q. Were you not caught on the height of stealing furniture

12:09:16 25 from Mr Bazzy Kamara's place and beaten up?

26 A. No.

27 Q. Did you, during that period, ride in a Mercedes Benz that

28 belonged to Mr Ibrahim Bazzy Kamara in the year 2000?

29 A. No, no.

1 Q. Did you not try to sell that Mercedes Benz to someone at
2 Frederick Street in Freetown?
3 A. No.
4 Q. Were you not arrested for that incident?
12:10:02 5 A. No.
6 Q. Mr Witness, I'm putting it to you that all what you've said
7 to the Court is not the truth.
8 A. I disagree. I'm speaking the truth and I will always say
9 the truth in this Court.
12:10:31 10 Q. I'm putting it to you that you were not a soldier and,
11 since you were not a soldier, you did not serve in the army, nor
12 did you go with these men to the jungle and back.
13 A. I disagree.
14 MR FOFANAH: Thank you very much. That is all for him,
12:10:55 15 Your Honours.
16 PRESIDING JUDGE: Thank you, Mr Fofanah. Mr Koroma, have
17 you any questions of the witness?
18 MR KOROMA: Yes, Your Honour.
19 CROSS-EXAMINED BY MR KOROMA:
12:11:10 20 Q. Now, Mr Witness, I will start with some general questions.
21 I will try as best as possible not to repeat those questions that
22 my learned friends have already asked. Now let me start with
23 your name. When you were in school, you were also called Junior
24 Bolo; am I correct?
12:12:10 25 A. No.
26 PRESIDING JUDGE: Mr Koroma, could we get a spelling of
27 Bolo, please?
28 MR KOROMA: As Your Honour pleases. Your Honour, the
29 spelling for Bolo is B-O-L-O.

1 PRESIDING JUDGE: Thank you.

2 MR KOROMA:

3 Q. When you were in school, you told this Honourable Court you
4 were running a karate school; not so?

12:12:40 5 A. After I left school, soon before I joined the army.

6 Q. It was after you left school that you were running this
7 karate school, mm?

8 A. Yes.

9 Q. You will agree with me that you are a well-trained karate
12:12:57 10 expert; not so?

11 A. I'm not expert, but I can try.

12 Q. You can try?

13 A. Yeah.

14 Q. You will agree with me that you are so versed in karate
12:13:15 15 training that you can kill with your bare hands?

16 A. I'm not an expert, as I said.

17 Q. I'm not saying you are an expert now, you have denied that.
18 My question to you is that you are so versed in this training,
19 this profession, this karate profession that you can kill a human
12:13:34 20 being with your bare hands.

21 A. Well, if it comes to the case, when I'm training self, I'm
22 training karate to protect myself in self-defence. So if I'm
23 attacked I will try to defend.

24 Q. You're capable of killing with your bare hands; not so?

12:13:53 25 A. I am capable to defend.

26 Q. Not defend, killing; that's the word.

27 A. I can defend myself.

28 Q. Yes, I know. You can also kill --

29 PRESIDING JUDGE: Mr Witness, answer the question.

1 Mr Witness, did you hear the question? If so, answer it.
2 THE WITNESS: Yes.
3 MR KOROMA:
4 Q. Yes, you can kill a human being with your bare hands.
12:14:20 5 Mr Witness, you will also agree with me that when you were
6 serving in the army as a volunteer, you also got the name Junior
7 Butcher? Junior Butcher, yes.
8 A. No, I got the name Junior Bolo when I was serving in the
9 military when I went to Kono.
12:14:49 10 Q. A few minutes ago you denied that you were never Junior
11 Bolo.
12 PRESIDING JUDGE: That's not fair, Mr Koroma. He said he
13 wasn't Junior Bolo at school.
14 MR KOROMA: As Your Honour pleases.
12:15:01 15 Q. So when did you get this Junior Bolo?
16 A. At Kono, when I have already be a volunteer soldier.
17 Q. When you were a volunteer soldier, that is when you got
18 Junior Bolo; right?
19 A. Yes. I was Junior Bolo when I become a volunteer soldier.
12:15:18 20 That was my nickname, but not in school.
21 Q. Not in school.
22 A. Yeah.
23 Q. Later on, Foday Sankoh christened you Junior Lion?
24 A. Yes.
12:15:36 25 Q. Foday Saybana Sankoh?
26 A. Yes.
27 Q. Where was Foday Sankoh when he gave this name to you?
28 A. He was in custody under the SLPP Government.
29 Q. Here in Freetown?

1 A. Yes, because I spoke to him through the radio set.
2 Q. Here in Freetown?
3 A. Yes.
4 Q. Right, where?
12:16:01 5 A. I don't know where he was detained in Freetown.
6 Q. You don't know where he was detained. But what you know
7 was that he was detained in Freetown at the material time?
8 A. Yes.
9 Q. You said you contacted him?
12:16:14 10 A. I contacted first --
11 Q. You said you contacted him?
12 A. I spoke with him.
13 Q. Right. When he was in custody?
14 A. Yes.
12:16:28 15 Q. Even though you did not know where he was in custody?
16 A. Yes.
17 Q. You want this Court to believe you?
18 A. Yes.
19 Q. Witness, I put it to you that you are the blue-eyed boy of
12:16:42 20 Foday Sankoh.
21 A. I've never worked with Foday Sankoh, so I disagree.
22 Q. So you disagree. Right. Now, let us just go over what you
23 said a few minutes ago. Here is a man you have never met before;
24 not so? Before he named you Junior Lion, you never met with him?
12:17:06 25 A. I never met with him before.
26 Q. He was in custody somewhere in Freetown?
27 A. Yes.
28 Q. How did he get to know you were out there, somebody you
29 have never met before? How did he get to know that you were out

1 there?

2 A. Because of the radio communication I made with the SLPP
3 government to open the doors for peace, and they, too, wanted
4 peace, so they had to encourage me to talk to him because I asked
12:17:31 5 that I wanted to talk to him.

6 Q. I see. So the SLPP government told you to talk to Foday
7 Sankoh?

8 A. Yes.

9 Q. When was that?

12:17:49 10 A. At that time when we were at Four Mile, we have pulled out
11 from Freetown on January 6.

12 Q. You were then the overall commander?

13 A. No.

14 Q. No? Why was it important to the SLPP government that it
12:18:08 15 was you, you, who was not the commander, that you talk to Foday
16 Sankoh?

17 A. Because I asked to talk to them for us to get peace in this
18 country.

19 Q. That's not the question, Mr Witness. I'm just curious.

12:18:23 20 You are the person in command?

21 A. Yes.

22 Q. But then the government thought it fit that it was you who
23 should talk to Foday Sankoh. That's what I want to get clear.
24 Why was it so?

12:18:35 25 A. Well, I had the radio set and I had to use my initiative to
26 contact them.

27 Q. Even though you are not the commander?

28 A. Yes.

29 Q. So you were operating the radio set?

1 A. It's a small radio set.

2 Q. You are operating the radio set?

3 A. Yes, I am the commander and I should know how to talk on

4 the radio set.

12:18:59 5 Q. So when this message came in that it was Junior Lion that

6 should talk to Sankoh, did you talk to anybody else?

7 A. Yes, I spoke to different people.

8 Q. Now, what did you say to Foday Sankoh in your discussion?

9 A. I told him that we were members of the SLA, we are in the

12:19:28 10 bush, and we would like to embrace the peace, and -- we would

11 like to embrace the peace, that is why we have contacted the

12 government so that we can talk to him, so that we can get peace.

13 Q. So this afternoon you are now saying that in the bush you

14 are SLA. That was SLA; not so?

12:19:50 15 A. Yes.

16 Q. This morning you said, no, in the bush, you are not SLA,

17 you are rebels.

18 A. To specify --

19 Q. This morning, you said you were rebels, not SLA.

12:20:02 20 PRESIDING JUDGE: Mr Koroma, let the witness answer the

21 question.

22 MR KOROMA: As Your Honour pleases.

23 Q. This morning you persistently and tenaciously held to the

24 view that in the bush there were no SLAs, you were rebels. But

12:20:17 25 this afternoon you have just said when you are talking to Foday

26 Sankoh, as a commander, that you were members of the SLA; not so?

27 MS PACK: Your Honour, that's not a correct representation

28 of what the witness said and he explained earlier on this morning

29 in his testimony about his use of the language "SLA" and "rebels"

1 and what that differentiation in language meant and when there
2 was a differentiation made.

3 JUDGE LUSSICK: Yes, I thought he had explained that this
4 morning, Mr Koroma, the difference in terminology between SLA and
12:20:52 5 rebels in the bush.

6 MR KOROMA: Your Honour, I may have missed what the witness
7 said this morning, but I heard him say, with respect, that in the
8 bush there were no SLAs, they were called rebels.

9 PRESIDING JUDGE: I have, "I believe there was no army, but
12:21:24 10 to distinguish we used SLA in the jungle. We were considered by
11 the whole world as rebels." That is not what -- as my learned
12 brother says, he has explained it.

13 MR KOROMA: As Your Honour pleases. Then I will move
14 forward.

12:21:40 15 Q. Now, do you recall an incident at Makali?

16 A. No.

17 JUDGE SEBUTINDE: Sorry, an incident where?

18 MR KOROMA: Makali, M-A-K-A-L-I, Your Honour.

19 MS PACK: Your Honour, perhaps there might be a time put on
12:22:17 20 this?

21 MR KOROMA: Yes, I will come to that.

22 Q. This was in 1998, Mr Witness.

23 A. I couldn't remember any incident at Makali.

24 Q. Mr Witness, I'm putting it to you that at Makali you
12:22:36 25 personally executed 26 people.

26 A. I disagree.

27 Q. You disagree. Look at me, please.

28 A. I disagree.

29 Q. Now, you said you became a commander in the army; not so?

1 A. Say again.

2 Q. You told this Honourable Court that you became a commander.

3 MS PACK: When?

4 MR KOROMA:

12:23:17 5 Q. When you were coming down to Freetown, you were a
6 commander.

7 A. I was a task force commander.

8 Q. Yes, a commander.

9 A. Yes.

12:23:27 10 Q. Whatever force it was. But the point is, you were a
11 commander; not so?

12 A. Yes.

13 Q. Mr Witness, let me ask you this question: With all the
14 atrocities that you are explaining in which you said you were a
12:24:03 15 part and parcel of, don't you think you are equally culpable for
16 the crimes against humanity that were committed in this country?

17 MS PACK: Your Honours, equally to whom? Perhaps my
18 learned friend can make that clear.

19 MR KOROMA:

12:24:26 20 Q. The question to the witness is that you took part in
21 committing so many atrocities; not so?

22 A. No.

23 Q. You did not?

24 A. No.

12:24:40 25 Q. As a commander?

26 A. Yes, I did not.

27 Q. You ordered other people to commit crimes?

28 A. No, because I was not giving orders to anyone.

29 Q. As a commander, did you order your men to go into any

1 operations?

2 A. All operation orders were given from the high command.

3 Q. Answer the question, Mr Witness.

4 A. Not from me.

12:25:03 5 PRESIDING JUDGE: Mr Koroma, let him finish his answer and
6 don't talk over him.

7 MR KOROMA: As Your Honour pleases.

8 PRESIDING JUDGE: Please give us your answer again,
9 Mr Witness.

12:25:16 10 THE WITNESS: Say the question again.

11 JUDGE LUSSICK: What was the question? Was it: "Did you
12 order your men to commit atrocities," or, "Did you order your men
13 to go into operations?" I'm quite sure what question he has to
14 answer.

12:25:28 15 MR KOROMA: As Your Honour pleases.

16 Q. I will ask you the question about going into operations
17 first. Did you order your men to go into any operations?

18 A. I never give operational orders; all orders were coming
19 from the highest in command.

12:25:45 20 Q. I will come to that later, Mr Witness. Let deal a little
21 with your early life. You said you were born at Kabala.

22 A. Yes.

23 Q. Now, were you brought up by a single parent?

24 A. Yes.

12:26:35 25 Q. Who was that?

26 A. My father, Mr GS Johnson.

27 Q. That was at Kabala?

28 A. Kabala, and I was throughout with him till I went to the
29 army.

1 Q. At Kabala?

2 A. I was with him at Kabala, and from Kabala --

3 Q. The army?

4 A. -- to Kenema.

12:27:03 5 Q. So, throughout your childhood days, your mother was not

6 with you up to the time you went to the army?

7 A. Until not -- my mother and my father was divorced. I was

8 at the age of eight months.

9 Q. At the age of eight months.

12:27:26 10 A. Yes.

11 Q. Your father was working?

12 MS PACK: Your Honour, what is the relevance --

13 THE WITNESS: Yes.

14 MS PACK: -- of this line of questioning on the questioning

12:27:34 15 of the early life of this witness? In my submission, there is

16 absolutely no relevance to this line of questioning.

17 MR KOROMA: Your Honour, if my learned friend will bear

18 with me --

19 PRESIDING JUDGE: There is an objection on the grounds of

12:27:48 20 relevance.

21 MR KOROMA: Yes.

22 PRESIDING JUDGE: Please answer the objection.

23 MR KOROMA: As Your Honours pleases. Your Honour, the

24 relevance of the questions I am posing to the witness is that the

12:27:55 25 early history of this witness had a tremendous impact on his

26 psychological development. That is where I'm going, Your Honour.

27 MS PACK: Your Honour, by way of reply, we're not in a

28 psychology lecture here. It is a courtroom where this witness is

29 giving evidence. There are specific facts. The relevance of his

1 early psychological history, or whatever, is of absolutely no
2 relevance whatsoever, no consequence.

3 [Trial Chamber conferred]

4 JUDGE LUSSICK: Mr Koroma, at the moment we have to agree
12:29:00 5 with what Ms Pack says. Perhaps you can explain a little bit
6 further on what you meant by the "psychological" aspect. I would
7 presume that you are not go going to ask the Court to come to any
8 conclusions that involve an assessment of psychological profiles.

9 MR KOROMA: As Your Honour pleases. Your Honour, for the
12:29:24 10 past two days, this witness has been testifying. We see a
11 history of violence coming out clearly from the witness, a
12 consistent pattern of violence. That is what we are exploring.

13 JUDGE LUSSICK: Do I take it that you are attempting to
14 establish that this proclivity for violence emanated from his
12:29:58 15 childhood?

16 MR KOROMA: It has to do with his childhood.

17 JUDGE LUSSICK: Isn't that a matter of special knowledge
18 that perhaps we would not be able to conclude upon, unless you
19 have some specific facts from the childhood that might link it up
12:30:16 20 with these later actions?

21 MR KOROMA: Your Honour, if that is the ruling of the
22 Court, I will see what I can do as I progress with the
23 cross-examination.

24 JUDGE SEBUTINDE: Mr Koroma, also, I am of the view that
12:30:42 25 the witness is not on trial here, whatever your theory about his
26 being violent may be. Perhaps you can assist the court, if we
27 can come to a midway ground where you can proceed with your
28 cross-examination in a manner that quickly brings it in line with
29 relevance.

1 MR KOROMA: As Your Honour pleases. I'm grateful.

2 Q. Mr Witness, I put it to you that for most of the time --

3 A. Say again.

4 Q. I put it to you that in your early days, for most of the
12:31:20 5 time there was no parental control over you?

6 A. I have always been with my father and I am always at the
7 house until I sneaked from him to go to the army.

8 Q. You sneaked from him?

9 A. Yes, because I was convinced by friends when I had finished
12:31:43 10 school to join the army, but I was with him throughout.

11 Q. Mr Witness, I put it to you that, in fact, you were
12 expelled from school.

13 A. I disagree.

14 Q. I will further put it to you that you were expelled from
12:32:04 15 school because, one, for drugs and for beating up the teacher?

16 A. When I was going to school, I never knew about drug, until
17 I started fighting war when I was given drug by Ibrahim Bazzy
18 Kamara.

19 Q. Now, you started fighting as a vigilante in Kenema; is that
12:32:49 20 right?

21 A. Yes.

22 Q. That is when you started taking drugs?

23 A. No.

24 Q. You were not taking drugs?

12:32:58 25 A. Not at all.

26 Q. As a vigilante fighter, did you go on operations?

27 A. Always I go on operation when Tom Nyuma goes on operation.

28 Q. And you recall some of those operations?

29 A. I went to Pujehun as a vigilante. That I could remember.

1 Q. What was that operation?

2 A. The operation was to capture Pujehun town from the RUF.

3 Q. What other kind of operation do you recall as a vigilante?

4 A. That I could remember.

12:33:42 5 Q. Is that the only operation?

6 A. I went on other operations, but I could only remember that
7 operation now, because it has taken a long time since the past
8 ten, 15 years.

9 Q. I will put to you certain questions, Mr Witness. The first
12:34:25 10 question I want to ask you, Mr Witness is this: do you remember
11 when you were first contacted by the OTP? Let me put it this
12 way: can you recall the first date you were contacted by
13 investigators?

14 A. I could not remember the date.

12:34:54 15 Q. What about the year? Can you?

16 A. It was in 2003.

17 Q. It was in 2003. How was this contact established?

18 A. I went to the Paddy's Nightclub one night and there I met a
19 friend by the name of Graham and he introduced me to
12:35:27 20 Wayne Bastin, who is working at the Special Court. So he had to
21 tell me to meet them at the OTP. That is where OTP was at Spur
22 Road.

23 Q. This friend of yours, this Graham, what is he doing?

24 A. He was in charge of Mobitel, but I can't tell what he is
12:35:57 25 doing now.

26 Q. So he told you that somebody working at the Special Court
27 would like to meet with you?

28 A. No. He introduced me to Wayne Bastin that this is my
29 friend and he is Junior Lion. That was all.

1 Q. Mr Witness, is it correct that you were granted domestic
2 criminal immunity in exchange for your testimony in this Court?
3 A. No.
4 Q. Do you understand the question, Mr Witness?
12:36:42 5 A. I understood it.
6 Q. Now, Mr Witness, did anyone from the Special Court ever
7 inform you that you may have committed crimes which fall within
8 the jurisdiction of the Special Court?
9 A. Nobody ever told me that.
12:37:22 10 Q. Nobody ever told you that?
11 A. No.
12 Q. You said you went on the operation to Port Loko.
13 A. Yes.
14 Q. To attack UNAMSIL?
12:37:45 15 A. To attack the Malians.
16 Q. Who are the Malians?
17 A. The Malians are fighters from Mali who came to the
18 Sierra Leone government to help fight against us.
19 Q. Well, it is safe to say that they were part of the ECOMOG
12:38:05 20 team?
21 A. I believe so.
22 Q. Mr Witness, do you realise that your testimony contains
23 evidence of possible criminal behaviour on your side? The
24 evidence you have given in this Court?
12:38:37 25 A. No.
26 MS THOMPSON: Your Honour, before my learned friend goes on
27 to his next question, one of the defendants would like to use the
28 convenience, if that's possible?
29 PRESIDING JUDGE: Yes, very well, Ms Thompson, but he

1 should be escorted out. Continue, Mr Koroma.

2 MR KOROMA:

3 Q. Mr Witness, were you told by the OTP that you will not be
4 prosecuted for these crimes or your involvement in the conflict
12:39:26 5 in Sierra Leone? Were you told that, that you will not be
6 prosecuted at all?

7 A. I was not told anything about that.

8 Q. Mr Witness, did the Prosecution or anyone from the Special
9 Court ever make to you any promises either financial or
12:39:59 10 otherwise?

11 A. No.

12 Q. Mr Witness, were you not promised that after the trial you
13 will be taken to a place that is safe outside this country?

14 PRESIDING JUDGE: Haven't we been down this line of
12:40:23 15 questioning before? Let me just look at my records.

16 MR KOROMA: As Your Honour pleases.

17 PRESIDING JUDGE: Mr Koroma, Mr Thompson asked a series of
18 questions in relation to immunity.

19 MR KOROMA: As Your Honour pleases.

12:40:58 20 Q. Mr Witness, let me ask you this: Did you obtain your
21 written statements from the OTP, or from the local government or
22 from any other institution or organisation that you will not be
23 prosecuted for your alleged participation for crimes committed
24 during the war?

12:41:18 25 A. No.

26 Q. Mr Witness, did the Prosecutor, or the Office of the
27 Prosecutor promise you anything else in exchange for your
28 testimony, for instance, relocation that I was talking about to
29 another country, or medical care, extra money, et cetera?

1 MS PACK: The witness has already answered this question
2 and said that he has been provided with medical assistance, as
3 far as I recall. This was in questioning by my learned friend
4 Ms Thompson.

12:42:16 5 PRESIDING JUDGE: That is correct, Mr Koroma, and
6 Ms Thompson went into considerable detail.

7 MR KOROMA: As Your Honour pleases.

8 Q. What about the location?

9 MS PACK: He has already answered that question as well.

12:42:32 10 MR KOROMA:

11 Q. Mr Witness, how many meetings did you have with the
12 Prosecution before you made your first statement?

13 A. Just firstly when I went to meet with them and they told me
14 that they wanted me to give a testimony and I accepted. That was
12:42:53 15 the only meeting, and I started giving my testimony willingly
16 without -- nothing was promised to me.

17 Q. Nothing promised.

18 Mr Witness, you made at least four statements on different
19 occasions. In fact, more than four statements; not so?

12:43:40 20 A. Yes.

21 Q. So you must have had so many meetings with the Prosecution;
22 not so?

23 A. I only had one meeting, as I said. All the other time I
24 was going there, I was giving my testimony, no other meetings.

12:44:00 25 Q. When I say "meetings", not meetings the sense -- meeting
26 with the people from the Office of the Prosecution, whether you
27 are giving a statement or otherwise. So you met with them
28 several times; not so?

29 A. Yes, because I have made many, many statements with them

1 and it was not just today.

2 Q. Mr Witness, were you shown any other statement by the
3 Prosecution from other individuals before you gave your first
4 statement?

12:44:36 5 A. No.

6 Q. Are you sure about that?

7 A. I was not shown any other statements made by any other
8 person.

9 Q. Now, the statements you were giving to the Prosecution were
12:44:57 10 in the form of a question and answer; not so, so it's an
11 interview?

12 A. It was -- some were interviews, some I explained.

13 Q. Yes, you explained when questions were put to you?

14 A. Yes.

12:45:15 15 Q. So they were interviews, asked you the question; you
16 answered the question?

17 A. I was explaining to them exactly what I know about the war.

18 Q. I know. But, after the question has been put to you, that
19 is when you explained?

12:45:35 20 A. I was explaining to them what I know. They don't know
21 anything about the war, so they do have to ask me questions.

22 Q. Mr Witness, the first statement you made to the Prosecution
23 was on 6 May; am I right?

24 A. I couldn't remember the date.

12:45:50 25 Q. You don't remember the date?

26 A. No.

27 Q. Well, you recall making a statement in May to the
28 Prosecution, to investigators?

29 A. Yes, I did.

1 Q. And that statement was in the form of question and answer,
2 that first statement?

3 A. I couldn't remember.

4 Q. You cannot?

12:46:14 5 PRESIDING JUDGE: Mr Koroma, you have asked that question
6 already. What is the point of asking it again?

7 MR KOROMA: I'm terribly sorry, Your Honour.

8 Q. Now, in fact, in almost all the statements that you made,
9 there were people who were asking you questions; not so?

12:46:49 10 Questions were being put to you?

11 A. I could not remember, unless you check the transcripts --

12 Q. Right. Then I will refer to your first statement which you
13 made on the 6th.

14 MR KOROMA: Your Honour, that statement has already been
12:47:18 15 referred to.

16 Q. I will just read: "Interviewers: Corinne Dufka, Thomas
17 Lahun. Interviewee: George Johnson. Date: 6 May 2003. Time:
18 1047H". The person asking the questions was Ms Dufka. "We are
19 starting an interview with George Johnson. It is now 10:47 on
12:48:11 20 the 6th of May. Present are investigator Corinne Dufka,

21 investigator Thomas Lahun and, Gifty, who is working as a
22 transcriber (sic)." Then the question follows: "Okay, George,
23 what we would first like to get from you is your own involvement
24 in first the SLA, the AFRC," then it goes on and on like that.

12:48:29 25 Do you recall that, Mr Johnson?

26 A. These are not questions posed to me.

27 Q. Well, let me move a bit further if you say still it is not
28 a question posed to you.

29 PRESIDING JUDGE: Are you putting questions to him? Are

1 you putting part of this record of interview to him?

2 MR KOROMA: Your Honour, what I'm doing is to read out to
3 the witness the interview conducted on 6 May, in which he was
4 being interviewed. Because he says he cannot -- I am merely
12:49:04 5 trying to jog his memory.

6 PRESIDING JUDGE: What is the relevance of that line of
7 questioning?

8 MR KOROMA: Your Honour, the witness has said categorically
9 it was not question and answer, he was just explaining what he
12:49:16 10 knew about the war. I dispute that, Your Honour, because I know
11 it was in the form of an interview, questions put to him and
12 certain names put to him and then he just goes to town.

13 PRESIDING JUDGE: I am asking you what is the relevance of
14 this line of questioning?

12:49:31 15 MR KOROMA: The relevance, Your Honour, is that the answers
16 the witness was giving in this interview were particularly
17 targeted at certain people, they were targets.

18 PRESIDING JUDGE: Well, if you are challenging him on those
19 answers, then put those particular answers. This is a
12:49:57 20 generalised line of questioning and you have not convinced me
21 that it is relevant.

22 MR KOROMA: As Your Honour pleases.

23 Q. Now, in this interview, for instance, they would ask you
24 about a particular name, "Do you know Mr X"; not so? That was
12:50:17 25 how it went.

26 PRESIDING JUDGE: Mr Koroma, what did I say? Put the
27 issue. If there is something in this record that you wish to put
28 to him, put it. You are back to asking general questions again.

29 MR KOROMA: Your Honour, the point I want to make here is

1 that he was being led during the interview, deliberately led --

2 PRESIDING JUDGE: What do you mean by "being led"?

3 MR KOROMA: The Prosecution, with respect, already had a
4 story. That was the story that they wanted him to confirm.

12:50:51 5 PRESIDING JUDGE: Then put that issue.

6 MR KOROMA:

7 Q. Now, you will agree with me, Mr Witness, that in this
8 interview, you were asked, for instance, "Do you know Five-Five?"
9 Not so?

12:51:14 10 A. Yes.

11 PRESIDING JUDGE: Since you are now coming into a more
12 specific area of your cross-examination, Mr Koroma, as I note it
13 is our usual lunch break, this might be a convenient time to
14 adjourn for the luncheon adjournment.

12:52:17 15 [Luncheon recess taken at 12.47 p.m.]

16 [Upon resuming at 2.20 p.m.]

17 PRESIDING JUDGE: Yes, counsel, please proceed with your
18 cross-examination.

19 MR KOROMA:

14:24:27 20 Q. Good afternoon, Mr Witness.

21 A. Good afternoon.

22 Q. Mr Witness, let me take you back to the days of the AFRC.
23 You said you were in central prison when 16 men carried out a
24 coup against the government; not so?

14:24:48 25 A. Yes.

26 Q. Mr Witness, you will not be in a position to know the
27 people who carried out the coup because you were in prison at the
28 material time?

29 A. I could not because I was released from the prison and I

1 was working with them. And I was with them, so I got to know the
2 16 men.

3 Q. Mr Witness, before you were released from prison, the coup
4 was already successful.

14:25:28 5 A. Well, I cannot tell because when I was released from prison
6 then I knew about it.

7 Q. The names of the people you have said carried out the coup
8 was not published in any document.

9 JUDGE SEBUTINDE: Is that a statement or a question?

14:25:55 10 THE WITNESS: I could not understand your question.

11 MR KOROMA:

12 Q. You will agree with me that the names of the people you
13 said committed the -- that carried out the coup was not published
14 in any document.

14:26:08 15 A. I said I got to know about this when I was removed from the
16 Pademba Road prison and I was with Ibrahim Bazy, so I had to
17 know all the 16 people.

18 Q. Mr Witness, my question to you is specific. You will agree
19 with me -- you either agree or you disagree with me that the
14:26:28 20 names of the people you said carried out the coup was not
21 published in any document; is that true or false?

22 A. I did not see any paper where their name was.

23 Q. Right. Now, you heard about the people who carried out the
24 coup from rumours. You must have heard certain people told you
14:27:00 25 that these are the people who carried out the coup.

26 A. Yes. I heard it through rumours.

27 Q. Yes, through rumours. Now, in your evidence-in-chief you
28 mentioned that you got to know that the people who carried out
29 the coup formed the cabinet; is that what you told the Court?

1 A. The people that made the coup were included in the cabinet.
2 Q. All of them, do you know?
3 A. All the 16 men were in the cabinet.
4 Q. All the 16 men were in the cabinet. So, those people --
14:28:03 5 will you agree with me that if any person who was involved in the
6 coup who was not in the cabinet -- or let me put it this way, if
7 anybody who was in the cabinet was a member who carried out the
8 coup, was one of those people who carried out the coup?
9 A. Not -- not everybody in the cabinet are those that made the
14:28:30 10 coup all. I said the 16 people were included in the cabinet.
11 Q. Yes, you have just told the Court that all of them were
12 included in the cabinet; not so? A few seconds ago you said all
13 of them were included in the cabinet.
14 A. Sixteen people were included in the cabinet.
14:28:56 15 JUDGE LUSSICK: I think we are arguing at a contradiction
16 in logic here. He said all 16 were in the cabinet. He did not
17 say all the cabinet members were in the coup.
18 MR KOROMA: As Your Honour pleases.
19 Q. Mr Witness, you will agree with me that Santigie Kanu was
14:29:34 20 not in the AFRC cabinet.
21 A. He was one of them. He was in the cabinet.
22 Q. Right. If you say he was in the cabinet, what was his
23 position?
24 A. I know that he was an honourable.
14:30:02 25 Q. That is not my question, Mr Witness. You are so positive
26 and you are so certain with your answers that you know he was in
27 the cabinet. So my question to you is, if you know you are
28 certain that he was in the cabinet, what was his position there
29 in the cabinet?

1 A. I cannot tell.

2 Q. You cannot tell. The reason, Mr Witness, why you cannot
3 tell is because you know that is not correct.

4 PRESIDING JUDGE: No, not correct, Mr Koroma.

14:30:42 5 MR KOROMA: As Your Honour pleases.

6 PRESIDING JUDGE: What are you saying is not correct?

7 MR KOROMA: That Santigie Kanu was in the cabinet.

8 THE WITNESS: He was in the cabinet because he is one of
9 the 16 men, but I don't know his actual position he had in the
14:30:59 10 cabinet.

11 MR KOROMA:

12 Q. Mr Witness, if I shall take you back, you are certain you
13 said he was one of those people who was in the cabinet and that
14 all the coup-ists were members of the cabinet. And I said to you
14:31:18 15 if you say Santigie Kanu was a member of the cabinet he must have
16 held a position; not so?

17 A. Yes.

18 Q. What was that position?

19 A. I couldn't remember the position he had, but he was in the
14:31:34 20 cabinet and he is one of the 16 men that carried out the coup.

21 Q. Right. You have that as a rumour; not so? That was a
22 rumour, wasn't it?

23 A. No, I know later from Pademba Road prison I was seeing him.

24 Q. I see. Later from central prison you are seeing him?

14:31:56 25 A. When I came from Pademba Road prison, I was seeing Santigie
26 Kanu as an honourable and he was one of the 16 men that carried
27 out the coup.

28 Q. All right. If you say he was an honourable, what ministry
29 was he controlling?

1 PRESIDING JUDGE: You have asked the question, Mr Koroma.
2 He said he does not know. You cannot keep asking him the same
3 question.

4 MR KOROMA: Your Honour, with respect, I was asking the
14:32:19 5 witness what was his position in the cabinet, if there was any
6 positions in the cabinet. But this one is slightly different.

7 PRESIDING JUDGE: Very well.

8 MR KOROMA: He is saying he is an honourable. So if he is
9 saying he is an honourable, what was his ministry?

14:32:33 10 PRESIDING JUDGE: Very well, I will withdraw that.

11 MR KOROMA: As Your Honour pleases.

12 Q. You can't remember that as well?

13 A. Say again the question.

14 Q. If you say Santigie Kanu was an honourable, what ministry
14:32:46 15 was he controlling?

16 PRESIDING JUDGE: Although I would add -- just a minute, Mr
17 Witness. Being a member of a cabinet does not necessarily mean
18 having a ministry.

19 MR KOROMA: Yes.

14:32:56 20 PRESIDING JUDGE: So, you are presenting him with a fact.

21 MR KOROMA: Yes.

22 PRESIDING JUDGE: So, you should ask him. No. You are
23 presenting him with a fact.

24 MR KOROMA:

14:33:07 25 Q. Having said he was an honourable; not so? The honourables
26 were in charge of ministries; not so?

27 A. Yes.

28 Q. Yes. So, if Santigie Kanu was an honourable, what was the
29 ministry he was controlling?

1 A. I have told you that I cannot remember the ministry. So,
2 you cannot force me to say what I don't know.
3 Q. With respect I am not forcing you at all. I just want to
4 test your credibility, that is all. Now, before the coup you
14:33:35 5 have met Santigie Kanu before. Was it on the day you were
6 released from prison?
7 A. I know him before in the NPRC government when I have seen
8 him, but I have never met with him.
9 Q. In the NPRC government do you know what his rank was?
14:34:21 10 A. He was a corporal.
11 Q. A corporal. In the NPRC government he was not holding any
12 position?
13 A. No, he was just an ordinary soldier.
14 Q. Just an ordinary soldier. Do you know whether he was
14:34:48 15 serving in the Sierra Leone contingent in Liberia, ECOMOG?
16 A. I cannot tell.
17 Q. Are you sure you know him very well?
18 A. I said I have been seeing him. I have never met with him
19 before. I have never spoke with him before, but I was seeing
14:35:08 20 him.
21 Q. In the days of the NPRC, you say?
22 A. In the days of the NPRC.
23 Q. Mr Witness, let me ask you this: For the time you said you
24 were in the Sierra Leone Army, do you know of any other person in
14:35:33 25 the army called Five-Five?
26 A. Yes, I knew another soldier by the name of Five-Five who
27 was with Karifa Kargbo as his security.
28 MR KOROMA: Your Honours, the name Karifa Kargbo has been
29 spelt before.

1 Q. Karifa Kargbo was a minister in the NPRC government, right?

2 A. Yes.

3 Q. That Five-Five you said you know in the days of the NPRC,
4 you saw that Five-Five in the days of the AFRC as well?

14:36:36 5 A. Say again.

6 Q. Mr Witness, you said you used to know a soldier in the
7 army, Sierra Leone Army, who was called Five-Five, who was
8 security to Karifa Kargbo in the days of the NPRC. My question
9 to you is that that Five-Five who you said you know you also came
14:36:57 10 across him in the days of the AFRC.

11 A. No, at the end of the NPRC he went to the United States of
12 America and he is living there up to now. He was not present
13 during the AFRC government.

14 Q. Mr Witness, by the time the NPRC government expired you
14:37:37 15 were already in prison. That was your testimony. You said
16 [indiscernible] don't you, at the central prison.

17 A. Yes, I was at Pademba Road prisons.

18 Q. So you could not have known about the expiration of the
19 NPRC regime?

14:37:50 20 A. I was in Pademba Road prison and I knew that they have hand
21 over to the SLPP government. I was in prison and I heard that
22 through radio news.

23 Q. Because you were in prison when the NPRC government handed
24 over to the SLPP government, you should not be in a position to
14:38:10 25 know that this Five-Five had left the country. The Five-Five
26 that was with Karifa Kargbo had left the country. You were not
27 in a position to know that.

28 A. I was in a position to know because after my release I knew
29 that he had gone. He is not around in the country, that

1 particular period of time.

2 Q. Because you were not seeing him you came to the conclusion
3 that he had gone out of the country in the days of the AFRC; not
4 so?

14:38:45 5 A. He was out of the country during the AFRC term. He had
6 already left the country.

7 Q. My question to you, Mr Witness, is this: You were in
8 prison. If you had left you would not be in a position to know.
9 You said you came out; not so? You were not seeing him around.

14:39:02 10 When you came out you were not seeing this Five-Five around?

11 A. I was not seeing him because he had left and when I was in
12 Pademba Road prison there are soldiers that they take in there
13 which -- who tells us about what is going on outside. So I
14 already known even before the coup.

14:39:30 15 Q. So, Mr Witness, again you are basing your facts on rumours,
16 what people told you.

17 A. It is not -- it is not a rumour. It was a rumour, and then
18 later after I came from prison I got to know the truth that he
19 had left the country.

14:39:42 20 Q. Do you know where he was staying?

21 A. He went to the United States of America.

22 Q. Do you know where he was staying when you came out of
23 prison, Five-Five?

24 A. No.

14:40:11 25 Q. Did you go to his house, did you go to check on him?

26 A. No.

27 Q. So how did you come to the conclusion that he had left the
28 country?

29 A. I did not see him and his workmates - they were all working

1 to Karifa - confirmed it that he had left this country.

2 Q. Mr Witness, you will agree with me is that there is a
3 striking resemblance between the Five-Five that you say you know
4 that was working with Karifa Kargbo and Santigie Kanu. A

14:41:00 5 striking resemblance; not so?

6 A. No.

7 Q. Of the two let me ask you this: Who is the senior in rank,
8 do you know?

9 A. No.

14:41:23 10 Q. You do not. Now I want to ask you this, Mr Witness,
11 when -- after the coup you said you were released, not so, From
12 prison and then you came to know that people who carried out the
13 coup. Now my question to you is this: At that material time
14 there was -- the army was still intact. The Sierra Leone Army.

14:42:32 15 A. At that particular time the army was not intact.

16 JUDGE LUSSICK: Witness, witness, you ought to wait until
17 you are asked a question before you start answering anything.
18 You have not been asked a questions as yet.

19 THE WITNESS: Yes, My Lord.

14:42:46 20 JUDGE LUSSICK: The last thing counsel said was the Sierra
21 Leone Army was still intact; he hasn't asked you anything.

22 MR KOROMA: My question, Mr Witness, is that the Sierra
23 Leone Army on the day of the coup was intact in the sense that
24 there was still a command structure.

14:43:09 25 MS PACK: Can I just raise an objection to suggest to my
26 learned friend that he makes clear if it is indeed a question as
27 opposed to a statement that is being made.

28 MR KOROMA: As Your Honour pleases. I will rephrase.

29 Q. Now Mr Witness you have said you have been in the army; not

1 so?

2 A. I was in Pademba Road prison at the time of the coup.

3 Q. Yes, when you came out you said the cabinet was formed; not

4 so?

14:43:43 5 A. Yes.

6 Q. Now you will agree with me there was a difference between

7 the cabinet and the army, the command structure in the army?

8 A. Yes.

9 Q. Yes. The army was in charge of all operations.

14:44:16 10 PRESIDING JUDGE: How do you mean all operations?

11 MR KOROMA: On the day of military operations.

12 PRESIDING JUDGE: Military operations.

13 MR KOROMA: Yes, I am sorry.

14 Q. The army was in charge of all military operations in the

14:44:31 15 days of the AFRC?

16 PRESIDING JUDGE: Are you asking him or telling him?

17 MR KOROMA: I am putting a question to him, Your Honour, is

18 that not so.

19 JUDGE LUSSICK: If you are going to put a question why not

14:44:46 20 say, "Was the army."

21 MR KOROMA: Yes, as Your Honour pleases. Let me be more

22 direct.

23 Q. Mr Witness, you will agree with me that in the days of the

24 AFRC, the army was in charge of all military operations?

14:44:54 25 A. Yes.

26 Q. Yes. And still, Mr Witness, you will agree with me that in

27 the days of the AFRC there was an established command structure?

28 A. Yes the army was going on.

29 Q. Mr Witness, there was an army chief of staff?

1 A. Yes.

2 Q. Do you know Immediately after the army chief of staff who
3 was next?

4 A. No.

14:45:57 5 Q. Coming down you had battalions; not so?

6 A. Yes there were battalions all over the country.

7 Q. They were being commanded by very senior military officers
8 in the army or headed by senior military officers?

9 A. Yes.

14:46:22 10 Q. Do you know some of them?

11 A. I cannot recall.

12 Q. You cannot recall. I will suggest certain names to you,
13 maybe that will help to jog your memory, Mr Witness.

14 Mr Witness, do you know Colonel Kis Kamara?

14:46:46 15 PRESIDING JUDGE: Could you please spell the first name,
16 Mr Koroma.

17 MR KOROMA: I am sorry, Your Honour. The first name is
18 K-I-S, K-A-M-A-R-A. Kis Kamara.

19 Q. So do you know him?

14:47:04 20 A. Yes.

21 Q. Do you know what his rank was?

22 A. At that time, no.

23 Q. If I suggest to you, Mr Witness, that he was a colonel,
24 will you agree with me?

14:47:26 25 A. At that time I don't know his rank so I cannot accept.

26 Q. Mr Witness, do you also know one AB Mansaray?

27 A. Say the name again.

28 Q. AB Mansaray, AB Mansaray.

29 A. I could not remember him.

1 Q. Again if I suggest to you he was a colonel will you agree
2 with me? Colonel AB Mansaray?
3 A. I cannot remember him so I cannot agree about his rank.
4 Q. But Mr Witness, you know one Colonel SO Williams?
14:48:08 5 A. Yes.
6 Q. What was his position, do you know?
7 A. He was the army chief of staff.
8 Q. What about Colonel Kary Kargbo?
9 MR KOROMA: Your Honour. K-A-R-Y for Kary.
14:48:20 10 Q. Colonel Kary Kargbo, do you know him?
11 A. I could not remember him.
12 Q. You have already told the Court that you know Brigadier
13 Mani; not so?
14 A. Yes.
14:48:53 15 Q. Do you know Colonel Keoh?
16 A. I could not remember.
17 Q. You cannot remember.
18 MS PACK: Can we have a spelling for that, Your Honour.
19 MR KOROMA: Keoh. K-E-O-H, Your Honours. K-E-O-H.
14:49:18 20 Q. Mr Witness, you will agree with me that in the days of the
21 AFRC all strategic or important positions in the army you were
22 being manned by very senior military officers?
23 A. Yes.
24 Q. Mr Witness, you said that Santigie Kanu was a corporal, you
14:49:55 25 said, in the days of the AFRC. Did you say he was a corporal?
26 A. He was a corporal during the NPRC time I knew him.
27 Q. Now you can --
28 A. During the AFRC time I did not know his rank.
29 Q. Oh. You said you saw him around when you came out of

1 prison?

2 A. Yes, but he was not with his rank so I did know his rank.

3 I knew him as a corporal during the NPRC time.

4 Q. But yet you said he was still in the cabinet. Yes, that is
14:50:31 5 what you said.

6 A. Yes. Yes. It is not the rank of Santigie Kanu that
7 matters because he was an honourable and he was in the cabinet.
8 They carried out the coup.

9 Q. My question to -- you are rambling. My question to you is
14:50:45 10 specific: If you said you know so much about this man how come
11 is it that in the days of the AFRC you did not know his rank?
12 That is what I want from you.

13 A. I told you that I got to know Santigie Kanu during the NPRC
14 regime and during the AFRC regime I got to meet with him and he
14:51:13 15 was not with his rank on the day of the overthrow. I knew him as
16 a corporal.

17 Q. Right. Let us say on the day of the overthrow you did not
18 know his rank, so sequentially when the AFRC was now in power,
19 when it is now in government, did you get to know his rank?

14:51:24 20 A. No.

21 Q. No. But definitely, Mr Witness, you will agree with me, he
22 was not one of the those senior military officers that were
23 manning the headquarters during the days of the AFRC; he was not.

24 A. I don't understand your question.

14:51:54 25 Q. You have given names, you have agreed with me that in the
26 days of the AFRC, very senior officers were in control of
27 military operations, were in control of all the strategic
28 military positions. Important positions in the army. They were
29 being manned by very senior officers; not so? That is what you

1 said a few moments ago?

2 A. Yes.

3 Q. Right. Let us say, for example, the least battalion cannot
4 be manned by a captain.

14:52:21 5 A. No.

6 Q. Yes, it has to be like a colonel; not so?

7 A. Yes.

8 Q. You said you knew Santigie Kanu in the days of the NPRC
9 which ended in 1996. You said he was a corporal; not so?

14:52:46 10 A. Yes.

11 Q. In 1997, that was the day of the -- that was the year of
12 the coup, the AFRC coup; not so? Up to 1996 he was a corporal.

13 A. At the time I knew him during the NPRC regime, he was a
14 corporal and I went to the Pademba Road prisons. After that I

14:53:15 15 don't know whether I had a promotion or not, but when I saw him,
16 I did not see him with any other rank.

17 Q. Up to the time you went to prison he was a corporal?

18 A. Yes.

19 Q. When were you taken to prison?

14:53:32 20 A. I was taken to prison the year 1995.

21 Q. 1995. Up to that time he was a corporal; not so?

22 A. Yes.

23 Q. And when you came out in 1997, two years later or a year
24 later, you said you did not know his rank.

14:53:49 25 A. No.

26 Q. Mr Witness, I put it to you that in fact you do not know
27 Santigie Kanu. You do not know him at all.

28 A. I disagree.

29 Q. Do you know one SFY?

1 A. SFY, is it an abbreviation or a name?

2 Q. Yes, that is the initials of the name SFY Koroma. Let me
3 put it this way.

4 A. Yes.

14:54:40 5 Q. Do you know what -- who was it in the first place?

6 A. He was the chief of defence staff.

7 Q. And do you know his rank?

8 A. At that time, no, I cannot tell.

9 Q. In the days of the AFRC, all military operations, you will
14:55:13 10 agree with me, were planned at military headquarters.

11 A. I cannot tell whether all were planned at the military
12 headquarters because I was not -- I was not capable to go to all
13 those meetings because I was just the chief security officer.

14 Q. Let me put it this way, Mr Witness, that all orders,
14:55:45 15 military orders, emanated from military headquarters.

16 A. That is what I am saying, I cannot tell because I was not
17 in any of their meetings inside to know that a specific order is
18 given and it came from the military headquarter.

19 Q. But, Mr Witness, you said that you are a soldier.

14:56:04 20 A. Yes.

21 Q. As a soldier, in times of war, orders come from the high
22 command you said. Is that not what you have been saying all
23 along; orders were coming from the high command?

24 A. Yes.

14:56:21 25 Q. So, in the days of the AFRC, was it different?

26 A. What I said, I cannot tell. I was a soldier and during the
27 meetings you had specific people that goes inside the meetings,
28 so I cannot come and say what I don't know. That's why I said I
29 cannot tell.

1 Q. Right. But you will agree with me, Mr Witness, that in the
2 days of the AFRC, certain military operations were ordered; not
3 so?

4 A. Say again.

14:56:55 5 Q. In the days of the AFRC, certain military operations were
6 ordered.

7 MS PACK: Perhaps if my learned friend could be specific
8 what, then it might be easier for there to be a more specific
9 answer about what particular military operations are being
14:57:10 10 referred to.

11 PRESIDING JUDGE: It is very wide, Mr Koroma.

12 MR KOROMA: As Your Honour pleases.

13 Q. Let me try to limit it, Mr Witness. Is it true that in the
14 days of the AFRC you said you were out, you were performing the
14:57:22 15 functions of a soldier. You said -- were there any military
16 operations?

17 MS PACK: Your Honour, that is not the witness's evidence.
18 The witness's evidence has been in that period that he was a CSO.
19 He has identified a limited number of operations that he was
14:57:39 20 involved in, military operations, but he has specifically stated
21 that his function was as a CSO in that period.

22 MR KOROMA: That is so, Your Honour. But again the witness
23 in his testimony said that he was occasionally going to on
24 operations. He was actively involved in certain operations even
14:57:55 25 though he was CSO.

26 PRESIDING JUDGE: I understood your line of questioning,
27 Mr Koroma, to deal with military -- theoretical military
28 questions about who was in command and what the command and
29 control was. Are you now coming into and asking him was he

1 involved in military operations? I understood you to be asking
2 him where the orders were coming from. If it is to do with
3 operations you are going to have to be more specific and ask him
4 specifically.

14:58:30 5 MR KOROMA: Yes, Your Honour. Very good.

6 Q. Now, Mr Witness, the point I want to drive in is this, in
7 your testimony in your evidence-in-chief you told this Honourable
8 Court that there were certain military operations in the days of
9 the AFRC. Is that right?

14:58:49 10 A. Yes.

11 Q. That was right. My question to you then is, who was giving
12 those -- or where were the orders coming from to carry out those
13 military operations?

14 MS PACK: Your Honour --

14:59:13 15 PRESIDING JUDGE: I am sorry, Ms Pack.

16 MS PACK: I apologise to Your Honour for interrupting.

17 PRESIDING JUDGE: Again, Mr Koroma, we have heard of many
18 operations in the course of evidence.

19 MR KOROMA: As Your Honour pleases.

14:59:25 20 PRESIDING JUDGE: And it is clear that different people
21 were involved in different things. I think that question is much
22 too wide as to time, area and the type of operation you are
23 talking about. You cannot expect a general question like that to
24 give a specific answer.

14:59:43 25 MR KOROMA: As Your Honour pleases. I shall limit myself.
26 I am very grateful.

27 Q. Now, let us take, for example, the operation at Mammy Yoko.
28 The operation at Mammy Yoko. It was coming from the high
29 command; not so? Or it came from the high command.

1 A. The operation at Mammy Yoko, I got to know about it when
2 Ibrahim Bazzy told me about the operation to Mammy Yoko and I
3 went on that operation. I don't know who gave commands to go and
4 attack the Mammy Yoko. I cannot give any specific name.

15:00:26 5 Q. But you told the Court that Johnny Paul Koroma was the head
6 of the AFRC; not so?

7 A. Yes, he was the head, he was the president of the AFRC.

8 Q. You said in fact you were with him for two weeks at
9 Cockerill?

15:00:40 10 A. Yes.

11 Q. When he was at Cockerill, was he alone?

12 A. No.

13 Q. No, in fact when Johnny Paul was at Cockerill you saw
14 people like SFY Koroma, not so, at that military headquarters?

15:01:06 15 A. During that two weeks I did not see him.

16 Q. What about Colonel SO Williams?

17 A. I did not see him during that two weeks.

18 Q. What about Brigadier Mani?

19 A. No.

15:01:25 20 Q. Right. Now the operation at Hastings or Jui?

21 MS PACK: When, Your Honour? If my learned friend could
22 identify when that particular operation took place. There has
23 not been evidence about that occurring during the AFRC period.

24 MR KOROMA: Your Honour, with respect the witness said that
15:01:44 25 there was an operation, they attacked the Nigerians at Jui. He
26 said that in his chief. I cannot just pinpoint the page in the
27 transcript.

28 Q. Did you tell the Court that, Mr Witness?

29 A. Yes.

1 PRESIDING JUDGE: Are you saying that is part of this AFRC
2 period that you are asking questions about?

3 MR KOROMA: Yes, Your Honour.

4 MS PACK: At page 22 of 15 September transcript, there are
15:02:17 5 two operations referred to: One at Mammy Yoko, which the witness
6 said he went on; and one at Kossoh Town, which he said he didn't
7 go on, for my learned friend's information.

8 MR KOROMA: As Your Honour pleases.

9 Q. Mr Witness, in the days of the AFRC, are you aware that
15:02:39 10 there was an operation against the Nigerian soldiers who were
11 based at Lungi? Are you aware of that?

12 A. No.

13 Q. There was no fighting between the AFRC and the Nigerians at
14 Lungi for the airport?

15:03:01 15 A. I did not know about that operation.

16 Q. All right. You have said that in the early days of the
17 AFRC at the Cockerill, you said you did not see all those
18 military officers that you have named; not so? But later on, did
19 you see them at Cockerill?

15:03:29 20 A. Yes, later I saw them as time goes on.

21 Q. At Cockerill; not so?

22 A. Yes.

23 Q. For example, you saw Avivavo.

24 MR KOROMA: It is a nickname, Your Honour.

15:03:40 25 THE WITNESS: Avivavo, I saw him at the defence office, not
26 at Cockerill.

27 MR KOROMA: I think that name has been spelt before.

28 Q. Who was Avivavo, do you know?

29 A. He was the under-secretary of state, defence.

1 Q. You said you saw him at the defence office?

2 A. Yes.

3 Q. So, later on, you saw all these senior military officers;
4 not so?

15:04:25 5 A. I saw most of them, not all.

6 Q. You saw most of them. Now, these senior military officers
7 were in control of all military operations until the day when
8 they were pulling out of Freetown; not so?

9 A. I cannot tell where the orders were coming from because I
15:04:50 10 was not in the meetings.

11 Q. Mr Witness, that was not my question. I did not ask you
12 whether they were giving orders. You said you saw them in
13 control, that they were in control. My question to you is: Up
14 to the day, the last day they were being removed from power when

15:05:16 15 ECOMOG was advancing on them, they were still in control?

16 A. Yes.

17 Q. Mr Witness, let me just take you back. I am sorry. The
18 operation at Mammy Yoko took place on 2nd June?

19 A. Yes.

15:05:57 20 Q. Almost a month after the coup; not so?

21 A. Yes.

22 Q. You said you took part in that operation.

23 A. Yes.

24 Q. You said you arrested -- well, when I say you, I mean the
15:06:27 25 troops that went, you were part of the troops that went. You
26 said you arrested a number of Nigerians that you took to
27 Johnny Paul Koroma; not so?

28 A. The troops that went to fight at Mammy Yoko, we overpowered
29 the Nigerians and took -- I can't give the specific number now.

1 Some Nigerians were arrested and taken to the army headquarter.
2 Q. At Cockerill?
3 A. Yes.
4 Q. Did you go with them?
15:07:07 5 A. I went on the operation, but I did not go immediately when
6 they were conveying them to the army headquarters. I went later
7 on to the army headquarters after they had already reached there.
8 Q. When you went to the army headquarters, you saw all those
9 senior military officers?
15:07:33 10 A. On that day, no.
11 Q. So, the only person you met was Johnny Paul?
12 A. No.
13 Q. You did not meet him?
14 A. There were other military officers, but not all.
15:07:46 15 Q. Can you tell this Honourable Court some of those military
16 officers you met?
17 A. Colonel SO Williams was there. Johnny Paul Koroma was
18 there. Emile Dumbuya was there.
19 Q. Emile Dumbuya. Can you spell Emile Dumbuya, please for the
15:08:08 20 Court.
21 A. No.?
22 Q. If I suggest to you it is E-M-I-L-E, am I correct? Is that
23 the correct spelling?
24 A. Say again.
15:08:33 25 Q. E-M-I-L-E, Emile. Dumbuya, D-U-M-B-U-Y-A?
26 A. Yes. Yes.
27 Q. That is correct?
28 A. Yes.
29 Q. What is his rank?

1 A. Say again.

2 Q. What was the rank of Emile Dumbuya?

3 A. He was a captain at that time.

4 Q. What other officers were there?

15:08:58 5 A. Those I could remember.

6 Q. You said you were present when an order was given for them

7 to be released?

8 A. Yes, I was there when Johnny Paul Koroma called for three

9 buses to convey them to their headquarters at Jui.

15:09:21 10 Q. Were they conveyed?

11 A. Yes.

12 Q. Mr Witness, if I suggest to you that in the days of the

13 AFRC all orders were coming from Johnny Paul Koroma, would I be

14 correct?

15:09:48 15 A. I cannot tell.

16 Q. Who was the most senior officer in the days of the AFRC

17 that you know?

18 A. It was the president, Major Johnny Paul Koroma.

19 Q. Why did you he was the most senior, because he was the

15:10:11 20 president?

21 A. Because he was the head of the government and he was the

22 chief of all the armed forces in the country. So, he was the

23 most senior.

24 Q. Do you know how orders were given in the days of the AFRC?

15:10:36 25 A. No.

26 Q. When the AFRC was removed from power, you will agree with

27 me, all the senior officers went to the jungle?

28 A. Not all went to the bush, some stayed.

29 Q. All right.

1 A. Some went out of the country and some went to the bush.
2 Q. Most of them went to the bush; not so?
3 A. Very few went because if most of them had gone to the bush
4 I shall have seen them.
15:11:26 5 Q. Colonel SO Williams went to the bush.
6 A. No, he pulled out and made his way out.
7 Q. Colonel Mani went to the bush?
8 A. Yes.
9 Q. In the days of the AFRC, do you know what was the position
15:12:01 10 of SAJ Musa?
11 A. I cannot tell. Let me please use the guest room.
12 PRESIDING JUDGE: Madam Court Attendant, please assist or
13 is there a witness officer. No, Madam Court Attendant, please
14 assist the witness to leave the Court temporarily. Mr Koroma, if
15:12:27 15 you wish to have a seat.
16 MR KOROMA: Your Honours, may I make a similar application
17 on behalf of the -- I am sorry. Your Honours, may I make a
18 similar application on behalf of the accused persons?
19 PRESIDING JUDGE: Yes, but they must be escorted out.
15:13:03 20 MR KOROMA: As Your Honour pleases.
21 PRESIDING JUDGE: One at a time. Yes, please proceed,
22 counsel. I do not have a record to the last question, which was
23 "In the days of the AFRC, do you know what the position was of
24 SAJ Musa?"
15:14:22 25 THE WITNESS: I couldn't remember.
26 MR KOROMA:
27 Q. Mr Witness, if I suggest to you that he was second to
28 Johnny Paul Koroma, would that be correct?
29 A. I disagree, because Johnny Paul Koroma is the president and

1 over the radio we heard him saying Corporal Foday Saybana Sankoh
2 was the vice. When in his absence, when he did not come, there
3 was nobody in that position.

4 Q. Do you know what was the rank of SAJ Musa in the days of
15:15:15 5 the AFRC?

6 A. No.

7 Q. He went to the bush, to the jungle; is that so?

8 A. Yes.

9 PRESIDING JUDGE: Mr Witness, would you turn and face the
15:15:43 10 Court, please. You have been moving further and further round in
11 the course of the day. Counsel, please proceed.

12 MR KOROMA:

13 Q. Mr Witness, a few minutes ago you said SO Williams, Colonel
14 SO Williams, did not go to the jungle. Is that what you said?
15:16:08 15 Is that what you said?

16 A. He pulled out from Freetown and made his way out of the
17 country. He did not go to the jungle.

18 Q. How did you know that he went out of the country?

19 A. I got to know because I was not seeing him.

15:16:25 20 Q. Because you were not seeing him you came to the conclusion
21 that he was out of the country?

22 A. Yes, I was not seeing him in the jungle.

23 Q. Just like in the case of Five-Five who was working with
24 Karifa Kargbo. Because you did not see him you came to the
15:16:38 25 conclusion that he was out of the country?

26 A. Yes.

27 Q. Yes.

28 A. And that I believed that he went out of the country.

29 Q. You said you know Colonel Kis Kamara; not so?

1 A. Yes, I know him.

2 Q. He too pulled out of Freetown when ECOMOG advanced on the

3 AFRC?

4 A. He pulled out. I cannot tell.

15:17:02 5 Q. You cannot tell.

6 [AFRC20SEP05Ead 3.15 p.m. - AD]

7 Q. Mr Witness, let me ask you this: Is it correct that prior

8 to your statement to the OTP in this case you took note of the

9 articles in the Gazette; for instance, that of the 4th of

15:18:21 10 September 1997, in which article the composition of the Supreme

11 Council is reflected; not so?

12 A. Yes.

13 Q. Mr Witness, did you read any other publication on the AFRC

14 or the Supreme Council prior to your witness statement to the

15:18:52 15 OTP?

16 A. Say again.

17 Q. Did you read any other publications on the AFRC or the

18 Supreme Council prior to your witness statement to the OTP?

19 A. I couldn't remember reading any other paper.

15:19:11 20 Q. Mr Witness, would I be correct if I say to you that you did

21 not have any insight in the functioning of the AFRC Supreme

22 Council; would I be correct?

23 A. I disagree.

24 Q. You disagree?

15:19:52 25 A. Yes.

26 Q. Were you attending the AFRC Supreme Council meetings?

27 A. No.

28 Q. So, tell me, how were you able to know the functioning of

29 the Supreme Council?

1 MS PACK: Your Honours, this witness hasn't been asked at
2 any time about the functioning of the Supreme Council in
3 evidence.

4 PRESIDING JUDGE: No, he has not.

15:20:28 5 MR KOROMA: Your Honour, a few minutes ago I asked the
6 witness whether he would agree with me that he had an insight
7 into the functioning of the Supreme Council and he said yes.

8 PRESIDING JUDGE: No, he said, "I disagree."

9 MR KOROMA:

15:20:39 10 Q. When you say you disagree, what do you mean? When I asked
11 you the question whether you know, you have a knowledge about how
12 the Supreme Council --

13 A. I said I disagree; I don't know.

14 Q. You don't know. Mr Witness, again, if I suggest to you
15:21:12 15 that in fact in your statement of the 6th --

16 MS PACK: Of the month?

17 PRESIDING JUDGE: Sixth of what?

18 MR KOROMA: Sixth of May 2003. I am sorry, Your Honour,
19 6th of May 2003.

15:21:53 20 PRESIDING JUDGE: Are you putting something to the witness,
21 Mr Koroma?

22 MR KOROMA: Yes, Your Honour.

23 PRESIDING JUDGE: Well, put it please.

24 MR KOROMA:

15:22:19 25 Q. Now, in that statement you said --

26 PRESIDING JUDGE: Page number, please.

27 MR KOROMA: In page four of that statement --

28 MS PACK: For the record, that is 10416 of the Registry.

29 PRESIDING JUDGE: Thank you, Ms Pack. Yes, we have that

1 before us, Mr Koroma.

2 MR KOROMA:

3 Q. Let me just read to you portions of that statement. This
4 was at Masiaka.

15:23:12 5 PRESIDING JUDGE: Line number.

6 MR KOROMA: Line 1, at the top of page four, coming down.
7 Your Honour, specifically to line 10.

8 Q. In answer to a question:

9 "Q. SAJ Musa; that is SAJ Musa?

15:23:42 10 "A. SAJ Musa. We had Johnny Paul Koroma; we had Issa
11 Sesay; we had Morris Kallon; we had Rambo, Superman; we had
12 SFY Koroma; we had Colonel Mansaray -- we had Colonel
13 Mansaray and some other, Foday Kallay, Papa, those were the
14 commanders that we had at the meetings?

15:24:01 15 "Q. You mentioned SO Williams?

16 "A. Yes. SO Williams was chief of staff at the time of
17 the AFRC. So he was there."

18 A. Yes.

19 Q. These are all very senior military officers: SAJ Musa,
15:24:16 20 SO Williams, SFY, Colonel Mansaray; not so?

21 A. Yes.

22 Q. They pulled out to the jungle; not so?

23 A. We all pulled out from Freetown, but not all of them went
24 to the jungle.

15:24:33 25 Q. When you say "the jungle", let's be specific here. When
26 you say "the jungle", you will agree with me it does not
27 necessarily mean in the bush; it could be in any of the major
28 towns, like Kabala for instance?

29 A. Yes.

1 Q. Yes. And Makeni?

2 A. Yes.

3 Q. And Masiaka?

4 A. Yes, there the jungle started.

15:25:13 5 Q. These senior officers were with you; not so?

6 A. I saw most of them at Masiaka. After Masiaka, I only saw a
7 few, like Brigadier Mani, SAJ Musa. Those I could remember.

8 Q. Now, you will agree with me, Mr Witness, when the AFRC
9 pulled out to places like Masiaka, where you said the jungle

15:25:53 10 started --

11 PRESIDING JUDGE: Can we get that mobile phone off, please?
12 Please start your question again, counsel.

13 MR KOROMA:

14 Q. You have just told this Court that the jungle started at
15:26:12 15 Masiaka. You said you saw most of these senior military
16 officers; not so?

17 A. Yes.

18 Q. You will agree with me, when the AFRC moved out of
19 Freetown, it moved as an established army.

15:26:31 20 A. I couldn't understand your question.

21 Q. In other words, what I am trying to put to you is that the
22 army was still operating as an established institution, as a
23 unit.

24 A. When we pulled out, it was not established as an
15:26:57 25 institution, because they were chasing us out from Freetown. So,
26 there was no military orders going on, or no military operations,
27 until we reach Masiaka, we reach Kabala. There we started --

28 Q. Let us start with Masiaka. You said there was a meeting in
29 which Colonel Mansaray, Colonel SFY Koroma were there. Eh?

1 A. No.

2 Q. Johnny Paul Koroma?

3 A. No, No. At Masiaka, Johnny Paul -- I never met Johnny Paul

4 at Masiaka, and he was not in any meeting at Masiaka.

15:27:49 5 Q. Alright. Then I will jog your memory to the first question

6 asked of you in your statement of 6th May 2003. The first

7 question was: "Bo to Makeni" -- I am still on page four, lines

8 one of page four:

9 "Q. Oh, to Makeni. How long did you spend at Masiaka?

15:28:18 10 "A. Just two days, and then the jets came around so

11 everyone was fighting so we moved to Makeni. So when we

12 moved to Makeni, we had to get a meeting, the RUF and the

13 SLA. At that time they were trying to discuss who will be

14 leader in the jungle so that he could give orders.

15:28:38 15 "Q. And who was present at that meeting? Were you

16 present at that meeting?

17 "A. I was present because of Ibrahim Bazzi was there and

18 I was the chief security. I was present. So at that

19 meeting we had SAJ Musa --

15:28:50 20 "Q. SAJ Musa?

21 "A. Yes.

22 "Q. That is SAJ Musa.

23 "A. SAJ Musa. We had Johnny Paul Koroma, we had Issa

24 Sesay, Morris Kallon; we had Rambo, Superman..."

15:28:57 25 So that was in Makeni?

26 A. That was not in Masiaka. You asked me about Masiaka.

27 Q. Alright. So that was in Makeni?

28 A. Yes.

29 Q. You saw Johnny Paul in Makeni?

1 A. On my arrival at Makeni, Johnny Paul had already gone to
2 Magbonkineh.

3 Q. But, Mr Witness, you have just said in this statement that
4 Johnny Paul was present at the meeting in Makeni.

15:29:29 5 A. The meeting at Makeni was very brief and Johnny Paul --
6 Johnny Paul had been at Magbonkineh. He was not based at Makeni.

7 Q. Mr Witness, I have read to you what you said in your
8 statement. In this statement you said Johnny Paul was present at
9 the meeting. Mr Witness, you will agree with me that when you
15:29:56 10 made the statement the facts of what you narrated were very fresh
11 in your mind; not so?

12 A. Yes.

13 Q. According to this statement, you said:

14 "A. SAJ Musa, we had Johnny Paul, we had Issa Sesay, we
15:30:18 15 had Morris Kallon, we had Rambo, Superman; we had SFY
16 Koroma, we had Colonel Mansaray -- we had Colonel Mansaray
17 and some other, Foday Kallay, Papa. Those were the
18 commanders that we had at the meeting?

19 "Q. You mentioned SO Williams?

15:30:35 20 "A. Yes, SO Williams was the chief of staff at the time
21 of AFRC. So he was there?"

22 That is what you gave to the people --

23 PRESIDING JUDGE: You have already put that. Are you
24 putting a different question arising from that? Because you have
15:30:50 25 already put that particular piece to him.

26 MR KOROMA: As Your Honour pleases.

27 Q. In that statement, you said Johnny Paul was present at the
28 meeting.

29 A. Yes.

1 Q. So, you will agree with me that even up to Makeni from
2 Masiaka, up to Makeni when they were having these meetings, these
3 senior officers were still in control?

4 A. There were no military operations that were going on, but
15:31:28 5 there was no --

6 Q. Mr Witness, please, I did not ask you about military
7 operations. I said to you that these senior military officers
8 who were in government, AFRC government, went to the jungle, in
9 fact, up to Makeni. Makeni, according to you, was part of the
15:31:48 10 jungle. My question was that they were still in control up to
11 Makeni.

12 A. Yes, they were there.

13 Q. Yes. I want to draw your attention to -- in your
14 evidence-in-chief you told this honourable Court that it was
15:32:37 15 Santigie Kanu who gave instructions at Kissy Mental Home. You
16 told this honourable Court that it was Santigie Kanu who gave
17 instructions at the Kissy Mental Home --

18 A. Yes, instructions.

19 Q. -- for the boys to at least amputate between 200 arms, at
15:33:14 20 least 200 arms; not so? You said when you were pulling out you
21 went to Kissy Mental Home and Santigie Kanu gave those
22 instructions.

23 A. Yes.

24 Q. But yet, Mr Witness, in your statement, your first
15:33:39 25 statement which you made on the 6th of May 2003, that was not
26 what you told the investigators. You told them something quite
27 different. Do you want me to jog your memory?

28 A. Yes.

29 MR KOROMA: Your Honour, I will refer you to page 38 of the

1 statement of the witness. The 6th of May 2003, Your Honour.

2 MS PACK: That is 10450, Your Honour.

3 PRESIDING JUDGE: Thank you, Ms Pack. Yes, Mr Koroma, we
4 have that before us. Please put your point.

15:34:42 5 MR KOROMA: Now, Your Honour, I will read to you from line
6 15.

7 Q. "At that point, at that point the orders we get here from
8 Gullit and Five-Five, because both of them are best of friends
9 from even when they were in the military. So we get orders from
15:35:12 10 both of them, more Five-Five gives us the orders because I
11 believe Gullit tells him what to tell us. They had the mike and
12 he tells that now it's Operation No Living Thing. We are going
13 back, our operation is spoilt so anything someone wants to do,
14 let him do it, let's burn of whole Freetown and we get back.

15:35:42 15 Then this guy, Papa, he gave the instruction that we should make
16 the thing fearful, we should get even 100 or 500 people, cut
17 their hands and give them letters to take to ECOMOG and tell them
18 in once we go back we must come."

19 A. The orders --

15:36:01 20 Q. Just a minute; just a minute! In your evidence-in-chief
21 you are so positive. You said at the mental home it was Santigie
22 Kanu who gave that order.

23 A. Yes.

24 Q. Just a minute. In fact, to be precise, this was on page 56
15:36:24 25 of your -- I believe, of your testimony, page 56. Yes.

26 Your Honour, with respect, I will refer to the statement:

27 "On arrival at Kissy Mental Home, there was" -- that is the 15th
28 of September 2005. I will read from line seven downwards: "On
29 arrival at Kissy Mental Home, there was an order given. Because

1 of our pull-out, the order was given by Santigie Kanu for
2 soldiers to go down to town, the eastern part of Freetown, to
3 amputate up to 200 civilians and send them to Ferry Junction."

4 A. Yes.

15:37:25 5 Q. That was what you said on the 15th.

6 A. Yes.

7 Q. Now, this statement of yours, which you made on the 6th of
8 May 2003 --

9 A. Yes.

15:37:36 10 Q. You have just told the Court a few minutes ago that when
11 you were making this statement on the 6th of May the facts were
12 so fresh in your mind; not so?

13 A. Yes.

14 Q. 2003. And this is 2005. What you said in 2003 is
15:37:58 15 different from what you have said on the 15th of May 2005.

16 MS PACK: In fairness to the witness, Your Honour, my
17 learned friend ought to read the -- going down the page to locate
18 where this particular instruction was given on the 6th of
19 May 2003 transcript at 10450.

15:38:18 20 Line 25, "And did you hear him give that instruction?"

21 Answer, 26: "Yes, it was open with mic. Not me alone,
22 everyone got the instruction."

23 27, question: "Was it the same meeting in this very time
24 at Ferry Junction?"

15:38:31 25 Answer: "The same time, the same time." If my learned
26 friend could also put that to the witness.

27 MR KOROMA: Your Honour, I don't know if that is an
28 objection that I should reply to.

29 JUDGE LUSSICK: I understand Ms Pack to be saying that you

1 should be fair enough to put those circumstances to the witness,
2 because we could be talking about two different instances here.
3 One is orders given at the Kissy Mental Home, and the other is
4 orders given at Ferry Junction. So if you are going to put one
15:39:07 5 to the witness you ought to put them both.

6 MR KOROMA: As Your Honour pleases. Your Honour, let me
7 just read the whole bit, with respect:

8 "Then this guy, Papa, he gave the instruction that we
9 should make the thing fearful. We should get even 100 or 500
15:39:44 10 people, cut their hands and give them letters to take to ECOMOG
11 and tell them that once we go back we must come."

12 Then he went further to say:

13 "Q. So Papa gave that instruction?

14 "A. Yes.

15:40:01 15 "Q. And did you hear him give that instruction.

16 "A. Yes. It was open with mic. Not me alone, everybody
17 got the instruction.

18 "Q. Was it the same meeting -- this very time at Ferry
19 Junction?

15:40:21 20 "A. The same time; the same time.

21 "Q. And was that towards the end of January or was that
22 shortly after you have been kicked out the central part of
23 Freetown?

24 "A. Yes, that was shortly after we kicked out at -- out
15:40:41 25 of the end of Freetown that they started that operation."

26 So my question to you, Mr Witness, is that you told this
27 honourable Court that it was Santigie Kanu who gave that
28 instruction at the mental home; not so?

29 A. Yes, the instructions of amputating 200 arms was given by

1 Santigie Kanu at the mental home. What you were reading there
2 was the instructions at Ferry Junction.
3 Q. Mr Witness, let me put this to you: Why is it that when
4 you were testifying to this honourable Court on 15th of this
15:41:35 5 month you did not tell the Court that that same order was given
6 at Ferry Junction?
7 A. I was not asked about that. I should have told the Court
8 if they asked me about it.
9 Q. I see.
15:41:56 10 PRESIDING JUDGE: Continue, Mr Koroma.
11 MR KOROMA:
12 Q. Now, Mr Witness, didn't you tell this honourable Court that
13 in fact at Rosos Santigie Kanu was in charge of training? Is
14 that not what you told this Court?
15:42:16 15 A. He was overseeing the training.
16 Q. And you said you, too, were part of that exercise?
17 A. Yes, I was there.
18 Q. What was your role in the training?
19 A. I was assisting the training, the training instructor by
15:42:34 20 the name Fasuluku on tactics.
21 MR KOROMA: Fasuluku, I believe is F-A-S-U-L-U-K-U.
22 Q. Mr Witness, do you recall making a statement on the 9th of
23 May 2003?
24 A. Yes.
15:43:03 25 MR KOROMA: Your Honour I will refer, with respect and with
26 your leave, to page 42 of that statement.
27 MS PACK: Again, that is for the record 10576.
28 PRESIDING JUDGE: Yes, we have that before us, Mr Koroma.
29 Please proceed.

1 MR KOROMA: As Your Honour pleases. I am sorry, Your
2 Honour, I refer to the -- yes, yes. I refer the witness by
3 reading lines 27 going to page 43. In response to a question on
4 line 36:

15:44:43 5 "Q. Who was in charge of the training at Rosos?

6 "A. The training, Fasuluku assisted on the training and
7 this guy -- I called just now -- was it Michael?

8 "Q. Michael, the old soldier?

9 "A. Yes, Michael.

15:45:11 10 "Q. So they trained your abductees.

11 "A. Yes.

12 "Q. How many were the total number of people you trained?

13 "A. There were 520."

14 You see, Mr Witness, when you made that statement on the
15:45:31 15 9th, again you will agree with me the facts were fresh in your
16 mind as they were on the 15th of September; not so?

17 A. On the time I made my first statement it was in 2003. I
18 was interviewed several times and there are some times when I
19 remember things that I had to add to my statement.

15:46:00 20 Q. Mr Witness, my question to you is --

21 PRESIDING JUDGE: Let the witness finish, Mr Koroma.

22 MR KOROMA: As Your Honour pleases.

23 THE WITNESS: I am finished.

24 MR KOROMA:

15:46:10 25 Q. Mr Witness, you have to agree or disagree with me. At the
26 time you were making your statement on the 9th of May 2003 the
27 facts were fresh in your mind as they were now on the 15th of
28 September.

29 A. At that time, that is what I am saying. I made my

1 statement and I continued getting interviews, and anything that I
2 believe I forgot I put it in my interviews.
3 Q. I see. So on your statement on the 9th you positively told
4 the person who interviewed you that it was Michael that was in
15:46:47 5 charge of training; not so?
6 A. It was Fasuluku.
7 Q. And Michael?
8 A. Yes.
9 Q. Yes. You did not mention Santigie Kanu at all.
15:47:03 10 A. Because --
11 Q. Nowhere.
12 A. Because, as I said, as time goes on I am getting more
13 interviews, they trigger my mind, my brain and whatever I forgot
14 I insert it in.
15:47:14 15 Q. I see, I see. At the time you were making your statement
16 Santigie Kanu was already in custody; not so?
17 A. Yes.
18 Q. Right.
19 A. Yes, he was in custody.
15:47:28 20 Q. Did they ask you about Santigie Kanu?
21 A. Nobody asked me about him.
22 Q. Why is it that on the 9th when you were making your
23 statement you did not tell to the interviewer that it was
24 Santigie Kanu who was conducting the training at Rosos?
15:47:44 25 PRESIDING JUDGE: I have on record he was overseeing --
26 THE WITNESS: He oversees the training.
27 MR KOROMA: Oversees.
28 Q. Yes as the person overseeing?
29 A. Yes.

1 Q. On the 9th you said:
2 F"Q. Who was in charge of the training at Rosos?
3 "A. The training, Fasuluku assisted on the training and
4 this guy -- I called just now -- was it Michael?
15:48:08 5 "Q. The old soldier?
6 "A. Yes, Michael.
7 "Q. So they trained your abductees?
8 "A. Yes."
9 So Fasuluku to one Michael; not so?
15:48:17 10 A. Yes, they were the training instructors.
11 Q. Yes. You never mentioned Santigie Kanu?
12 A. Yes, at that time because I did the remember about him.
13 But as times goes on, when my brain is triggered, I had to
14 include him.
15:48:30 15 Q. Yes, when it was suggested to you that Santigie Kanu was in
16 charge of the training?
17 A. Nobody suggested to me.
18 MS PACK: If my learned friend could point to such a
19 suggestion, I would be grateful for that, rather than making what
15:48:48 20 amounts to allegations without any basis for them.
21 PRESIDING JUDGE: If you have a fact, put it to the
22 witness, Mr Koroma.
23 MR KOROMA: As Your Honour pleases.
24 Q. Again, Mr Witness, in this statement of yours which you
15:49:02 25 made on the 6th of May, you told the person who interviewed you
26 that the person in charge of G5 was one Pikin, spelt. Pikin is
27 spelt P-I-K-I-N. Again?
28 MS PACK: Could we have a page number for that, please?
29 MR KOROMA: I am terribly sorry. Your Honour, I -- page

1 19, 20, 21 and 22.

2 MS PACK: 19, that would be 10553 following the Registry.

3 PRESIDING JUDGE: Thank you.

4 MS PACK: That is the 9th of May. If my learned friend is

15:50:22 5 referring to the 6th of May --

6 MR KOROMA: Yes, it is page 22, the 6th of May 2003.

7 MS PACK: My apologies, 6th of May then, page 22 is 10490.

8 MR KOROMA: Page 22, Your Honour.

9 MS PACK: 10434.

15:50:49 10 MR KOROMA: I will start by reading lines 19 coming

11 downwards.

12 JUDGE SEBUTINDE: Counsel, what page did you refer to? Did

13 you refer to page 19?

14 MR KOROMA: I referred to page 19, but actually it should

15:51:17 15 be page 22. I am terribly sorry. It should be page 22 of the

16 6th of May 2003.

17 Q. Line 19, starting from line 19:

18 "A. Then we had the G4 commander --

19 "Q. G4?

15:51:51 20 "A. To take care of arms and ammunition. Sidiki, ZM is

21 his name. They call him Terminator.

22 "Q. Sidiki.

23 "A. Sidiki ZM.

24 "Q. Is he still alive?

15:52:01 25 "A. Yes, he is at Pademba Road Prison.

26 "Q. Oh, he was one of the ones who were with Kallay,

27 yeah, one of the ones who were captured.

28 "A. From West Side?

29 "Q. From West Side.

1 "A. So he was the G4 commander.
2 "Q. Uh-um. And then who else?
3 "A. So we started our operation.
4 "Q. Did you have G5?
15:52:31 5 "A. G5, yes. We had to take care -- he had to take care
6 of the families, responsibilities, civilian families, those
7 who are going to carry load and everything. Yes, we had a
8 G5.
9 "Q. Who was he?
15:52:51 10 "A. It was this guy -- I don't know his real name. I
11 don't know his real name, but they call him Pikin, Pikin,
12 and his deputy was a guy called Six Fingers. He had six
13 fingers. He is at Pademba Road."
14 A. I want to know the particular period of time?
15:53:08 15 Q. This was on the 6th of May 2003.
16 A. No, the time in the jungle.
17 MS PACK: Your Honour, this looks like on preceding pages
18 that it is not the Bombali District time period, which I assume
19 my learned friend is seeking to ask the witness about. That was
15:53:27 20 the period in which there was the training camp at Rosos. If my
21 learned friend could put anything that the witness has said in
22 relation to the Bombali time frame then that would be clearly
23 fairer as opposed to this time frame, which is not that at all.
24 PRESIDING JUDGE: Before I deal with that, in fact, we are
15:53:43 25 obliged to adjourn a few minutes early this afternoon because our
26 Trial Chamber has to go and get its security cards. So this may
27 be a convenient time to adjourn, Mr Koroma, because you are now
28 about to check up on another matter raised by Ms Pack. In the
29 circumstances, I think we will adjourn now until 9.15 tomorrow.

1 MR KOROMA: As Your Honour pleases.

2 PRESIDING JUDGE: I will just remind the witness of his
3 oath. Mr Witness, you will recall that, as I have told you on
4 other days, you have taken the oath to tell the truth. Now and
15:54:19 5 until all your evidence in this Court is finished you are not to
6 discuss your evidence with any other person. You understand?

7 THE WITNESS: Yes, My Lord.

8 PRESIDING JUDGE: Very well. Madam Court Attendant, please
9 adjourn Court.

10 [Whereupon the hearing adjourned at 3.48 p.m.,
11 to be reconvened on Wednesday, the 21st day of
12 September 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

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