

For the Principal Defender: Mr Ibrahim Foday Mansaray

For the accused Alex Tamba Ms Glenna Thompson
Brima:

For the accused Brima Bazy Mr Andrew William Kodwo Daniels
Kamara: Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor Mr Amadu Koroma
Kanu: Ms Karlijn van der Voort (legal
assistant)

1 [AFRC21SEPT05A-SGH]

2 Wednesday, 21 September 2005

3 [Open session]

4 [Accused Kamara and Kanu present]

09:14:46 5 [Accused Brima not present]

6 [The witness entered court]

7 [Upon commencing at 9.22 a.m.]

8 WITNESS: TF1-167 [Continued]

9 PRESIDING JUDGE: Good morning. I note there is one

09:25:35 10 accused not present. Mr Brima is not present.

11 MS THOMPSON: Yes, Your Honour. May I just apologise for

12 Mr Brima to the Court. No disrespect is meant. I had a meeting

13 with him yesterday, during which he explained to me that he has a

14 family problem concerning one of his children which needs to be

09:25:51 15 sorted out and he will not be able to attend court this morning.

16 PRESIDING JUDGE: Very well, Ms Thompson, we will note that

17 and we will note that he is voluntarily absent under Rule 60(B),

18 I think it is.

19 MS THOMPSON: Much obliged, Your Honour.

09:26:08 20 PRESIDING JUDGE: If there are no other matters I will

21 remind the witness of his oath. No. Mr Witness, do you recall

22 you promised on oath to tell the truth? As before, I again

23 remind you of that promise and the obligation to answer all the

24 questions truthfully. Do you understand?

09:26:19 25 THE WITNESS: Yes, My Lord.

26 PRESIDING JUDGE: Very good. Mr Kamara, you were in the

27 midst of your cross-examination. Please proceed.

28 MR KOROMA: As Your Honour pleases. Good morning, Your

29 Honours.

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1 CROSS-EXAMINED BY MR KOROMA: [Continued]

2 Q. Good morning, Mr Witness.

3 A. Good morning.

4 Q. Mr Witness, you will recall yesterday I think we left off

09:26:57 5 the point where I put to you the questions that in your

6 evidence-in-chief you told this Honourable Court that in fact it

7 was one Papa who gave instructions to the troops to cut the hands

8 of at least 100 to 500 people while they were at the Kissy Mental

9 Home. This was contained in your statement which you made to the

09:27:42 10 investigators on the -- sorry. That was the statement you made

11 to this Honourable Court on 15 September.

12 MS PACK: No, that is not correct.

13 PRESIDING JUDGE: You are quoting from the transcript of

14 the record of interview, Mr Kamara. The evidence is quite

09:27:58 15 different.

16 MR KOROMA: I'm terribly sorry.

17 PRESIDING JUDGE: Excuse me. I reword that: It was

18 different.

19 MR KOROMA: As Your Honour pleases.

09:28:09 20 Q. Now you told this Honourable Court in your

21 evidence-in-chief that it was Santigie Kanu who gave that

22 instruction. This was the statement which you made to this

23 Honourable Court on the 15th of September; is that not so -- is

24 that not what you said to this Court?

09:28:28 25 A. Yes the instructions Santigie Kanu gave was at the Kissy

26 Mental Home.

27 Q. Yes, that was the instructions he gave at Kissy Mental

28 Home; not so?

29 A. Yes.

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1 Q. But again that same instruction you said it was one Papa
2 who gave that instruction at Ferry Junction. That was on the
3 statement which you made on 6 May.

4 A. Yes.

09:29:04 5 Q. And in that statement of 6 May, you did not tell the
6 investigators that Santigie Kanu gave that instruction to the
7 troops at the Kissy mental hospital. You did not tell the
8 investigators that?

9 A. I did so.

09:29:21 10 Q. You did so?

11 A. At the Kissy Mental Home Santigie Kanu gave instructions.

12 Q. Mr Witness, my question to you is that in your statement of
13 6 May you did not tell the investigators that Santigie Kanu gave
14 that instructions to cut off the hands of people at Kissy mental

09:29:46 15 hospital. You didn't tell the investigators that in your
16 statement of 6 May.

17 A. I believe I was not asked for that.

18 Q. So because you were not asked for that that is why you

19 didn't tell the investigators?

09:30:07 20 A. Yes. Because when I am asked a question I have to answer

21 exactly what I am asked.

22 Q. Yes but you told them even though you were not asked you

23 told them that it was Papa who gave that instruction at Ferry

24 Junction on 6 May?

09:30:23 25 A. The instructions are two and two different occasion. One

26 at Ferry Junction, one at the Kissy Mental Home.

27 Q. My question to you then is that why is it that on 6 May you

28 didn't tell the investigators that it was Santigie Kanu who gave

29 that instruction; why?

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1 A. I told you that I was not asked. If I should have been
2 asked I should have answered who gave the instruction on the two
3 different places.

4 Q. You were there. The investigators were not there. Was it
09:30:55 5 not you who told the investigators that on 6 May -- sorry, yes in
6 your statement of 6 May that was it Papa who gave the
7 instructions; was it not you?

8 A. I could not remember. Unless you remind me to this
9 transcript that I made.

09:31:20 10 MR KOROMA: Your Honour with your leave I will refer
11 witness to statement he made on the 6th at -- statement of 6 May
12 at page 38. Yes, lines 19 coming downwards. "This guy, Papa, he
13 gave the instruction that we should make the thing fearful, we
14 should get even 100 or 500 people, cut their hands and give them
09:32:07 15 letters to take to ECOMOG and tell them that once we go back we
16 must come." That was the statement you made; not so?

17 A. Yes.

18 Q. You freely gave that information to the investigators; not

19 so?

09:32:22 20 A. Yes.

21 Q. Even though they did not ask for it?

22 A. It was given by me.

23 Q. Yes?

24 A. That instruction was at Ferry Junction. What I am arguing.

09:32:32 25 What I was asked for who gave the instructions at the Kissy

26 Mental Home it was Five-Five. That's what I said.

27 Q. In your statement of the 6th were you asked who gave the

28 instructions to cut hands? In your statement of the 6th?

29 A. I explained what I know exactly.

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1 Q. Please please please.

2 PRESIDING JUDGE: Counsel, allow the witness to finish his
3 answer before you start another question.

4 MR KOROMA: As Your Honour pleases.

09:33:02 5 Q. My question to you is that in your statement of the 6th
6 were you asked who gave instructions when you were pulling out at
7 Kissy, when you were pulling out of Freetown, were you asked who
8 gave instructions to cut off the hands of people? Were you
9 asked?

09:33:17 10 A. I explained exactly what I know and what I saw.

11 Q. Mr Witness, you are evading the question, with respect. My
12 question to you is that: Were you asked when you were making
13 that statement to investigators on 6th May?

14 A. I was not asked questions.

09:33:33 15 Q. You were not asked questions. Were you not?

16 A. No.

17 Q. So was it you who freely gave that information to the
18 investigators?

19 A. Yes.

09:33:47 20 MS PACK: Just for the record can I put the page number,

21 the registry page number, which is 10540, Your Honour.

22 PRESIDING JUDGE: Thank you, Ms Pack.

23 MR KOROMA: Now again, Mr Witness, you will recall that you

24 gave information to this Honourable Court when you were at

09:34:11 25 Mansofinia; not so.

26 A. Yes.

27 Q. At Mansofinia you told this Honourable Court that the G5

28 commander was Santigie Kanu. That was your evidence-in-chief to

29 this Court.

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1 A. Yes.

2 Q. Mr Witness, do you recall giving statements to the
3 investigators on 6th May?

4 JUDGE LUSSICK: It's already on the record that he gave a
09:34:54 5 statement on 6th May. If you wish to put a specific part of that
6 statement to him then do so.

7 MR KOROMA: As Your Honour pleases.

8 Q. Now you made a statement on 6 May 2003 to investigators;
9 not so?

09:35:04 10 A. Yes.

11 Q. I put to it you that in fact on 6 May 2003 - that was two
12 years ago - you told the investigators that in fact at Mansofinia
13 the G5 commander was Pikin and not Santigie Kanu. Was one Pikin.

14 A. No.

09:35:27 15 Q. That was what you told them.

16 MR KOROMA: Your Honour, with your leave I will refer the
17 witness to statement made to investigators. On 6 May 2003 at
18 page 23, page 22 and 23.

19 MS PACK: That is 10434, Your Honour.

09:35:33 20 MR KOROMA: Very grateful.

21 PRESIDING JUDGE: Thank you.

22 MR KOROMA: Your Honour, I will start to read from lines 32

23 page 22 on the said statement.

24 Q.

09:36:16 25 "Q. Did you have a G5?

26 "A. G5? Yes, he had to take care of the families,

27 responsibilities, civilian families, those who are going to

28 carry loads and everything. Yes, we had a G5.

29 "Q. Who was he?

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1 "A. It was this guy -- I don't know his real name. I
2 don't know his real name but they call him Pikin. Pikin.
3 And his deputy was a guy they called Six Fingers. He had
4 six fingers. He is at Pademba Road. He was his deputy."

09:37:08 5 Is that not what you told the investigators in that
6 statement?

7 A. I said so in one of my statements, but they were on two
8 different places. I guess where you are reading from, if you
9 continue reading you will find out that that is when all the

09:37:26 10 honourables have been arrested at Gberibana and their positions
11 were given to people like Terminator Pikin. At Mansofinia, G5
12 commander was Five-Five.

13 Q. Right. I will put it to you, Mr Witness, that in fact this
14 was at Mansofinia and not those places Gberibana you are

09:37:54 15 referring to. This was specifically at Mansofinia.

16 MS PACK: In fairness to the witness, if it is alleged that
17 an allegation is being put of a recent fabrication of that
18 portion of evidence as to the situation of Five-Five at this time

19 as a G5 in Mansofinia, then in fairness there should also be read
09:38:19 20 to him the 29th October 2003 interview. That is at page 10971 of
21 the registry pages going over to 10972. That was a confirming
22 interview and one can see that at the first page of the
23 interview. I repeat, it is page 10971 of the registry pages.
24 That was a confirming interview and we see that at 10958. It is
09:38:52 25 one in which the earlier May 2003 interviews was read back to the
26 witness.

27 PRESIDING JUDGE: Thank you, Ms Pack, I will just have that
28 before --

29 MR KOROMA: Your Honour, if my learned friend would be

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1 magnanimous to give us the page of the document.

2 PRESIDING JUDGE: Well, I have written down 10971. Ms

3 Pack, have I got that --

4 MS PACK: Yes, if my learned friend does not have the

09:39:22 5 registry pages, the actual interview pages are at pages 14 to 15

6 of the interview of 29th October 2003.

7 MR KOROMA: May I continue?

8 PRESIDING JUDGE: Yes, but you do have to put this as well.

9 You must put all of the statement to the witness. You cannot

09:40:15 10 overlook this part, Mr Koroma.

11 MR KOROMA: As Your Honour pleases.

12 Q. Now, you will agree with me, Mr Witness, two years ago,

13 when you made this statement, the facts of what transpired at the

14 jungle were very fresh in your mind then; not so?

09:40:31 15 A. What I could remember is what I said.

16 Q. That is not the question, Mr Witness, with respect.

17 PRESIDING JUDGE: Mr Koroma, are you ignoring what I have

18 just said?

19 MR KOROMA: I am not, My Lord.

09:40:49 20 PRESIDING JUDGE: Well, put the extra piece as well.

21 MR KOROMA: Yes.

22 MS PACK: For my learned friend's assistance it is 10971 or

23 page 14, lines 4 over to 10972, line 1.

24 MR KOROMA: Thank you.

09:41:12 25 Q. Now, having put to you a statement which you made on 29th

26 October 2003, do you recall making that statement during that

27 period; not so?

28 A. Yes.

29 Q. Right. Now, I will read to you at page 14 of that

1 statement. Okay? I will start from lines 3 and 4.

2 "Q. And how long had you been at Mansofinia?

3 "A. We spent about a week or two at Mansofinia. We
4 organised ourselves and we started our operation.

09:41:56 5 "Q. And from there you went to?

6 "A. Yaya.

7 "Q. And from there?

8 "A. To the jungle. We went bit by bit.

9 "Q. Bit by bit?

09:42:01 10 "A. Yes.

11 "Q. And where did you end up?

12 "A. We ended up at Rosos.

13 "Q. Rosos? So maybe just run through the command

14 structure. You have -- Gullit is the overall, then Bazzy

09:42:27 15 under him. Now, he is under him?

16 "A. You have Gullit, the overall commander. Then you

17 have Bazzy, as the 2IC. Then you have Papa, as the

18 overall operations commander, as the director of

19 operations, Papa. Then you have Bio, who was in charge
09:42:48 20 of medicines. Then you have Five-Five, who was in charge
21 of the G5. That is taking care of civilians that are
22 carrying weapons or medicines for us."
23 So, Mr Witness, from what I have read to you, on the 29th
24 October 2003 you told investigators that it was at Rosos that G5
09:43:12 25 was the -- I am sorry, that Santigie Kanu was the G5 commander.
26 MS PACK: That is not -- that is a misstatement of what is
27 stated there, Your Honour. It is quite clear that the reference
28 is to Mansofinia, the organisation and the route that followed
29 from Mansofinia was to Rosos. But there it is, it stands as it

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1 is, Your Honour.

2 MR KOROMA: Your Honour, with respect, it is clear from the
3 statement of the witness that definitely they were at Rosos.

4 MS PACK: Perhaps if my learned friend is not clear about
09:43:48 5 what the transcript is saying, can I ask Your Honours to see at
6 page 10970, page 13, lest there is a misunderstanding as to what
7 is being stated on the following page. From line 15,

8 "Q. What was the first objective?

9 "A. The first objective of the meeting is for us to come
09:44:04 10 to together at Mansofinia, organise ourselves and put
11 ourselves into fresh battalions and command structure
12 before we moved.

13 "Q. So a reorganisation?

14 "A. Yes:

15 "Q. And who was going be in charge?"

16 And so on. And then it continues logically onto the
17 following page, Your Honour.

18 MR KOROMA: Your Honour, it follows again, with respect,

19 from the transcript -- from the statement, that they only spent
09:44:28 20 about a week, a week, at Rosos -- I am sorry, at Mansofinia.

21 PRESIDING JUDGE: Mr Koroma, we are not -- the question
22 that you are asking relates not to time, but to command and who
23 was in charge of what.

24 MR KOROMA: Yes, yes, Your Honour.

09:44:45 25 PRESIDING JUDGE: So, you must be fair to the witness when
26 you are challenging him. If you are challenging him on a prior
27 inconsistency then you must be fair. Time is not the essence.

28 MR KOROMA: As Your Honour pleases.

29 Q. Now, Mr Witness, I put it to you earlier on that in fact in

1 your statement to investigators on 6th May, you told the
2 investigators that in fact it was Papa who was the -- sorry, it
3 was Pikin who was the commander, the G5 commander, and not
4 Santigie Kanu, in your statement of the 6th.

09:45:33 5 A. I want to know -- I want to know on which actual area you
6 are talking of Pikin being the G5.

7 Q. I put to it you that --

8 A. Whether Mansofinia because I told you Mansofinia when we
9 made the command structure, Five-Five was in charge of abductees

09:45:47 10 as the G5. When we went to Major Eddie Town, when SAJ Musa came
11 with other commanders, when the honourables were arrested, some
12 of those commanders took their positions. So, I believe that is
13 the area where Pikin became G5 commander.

14 Q. I am going by what, with respect, Mr Witness, I am going by
09:46:16 15 what you told investigators. I am saying to you that you told
16 investigators that on 6th May 2003, page 22 of that statement,
17 you told investigators that it was Pikin that was the G5
18 commander at Mansofinia. That's what I am putting to you.

19 A. No.

09:46:33 20 Q. You did not tell them that?

21 A. No.

22 Q. Right.

23 PRESIDING JUDGE: Mr Koroma, could you just refer me to the
24 bit about Mansofinia, please, for my own record?

09:46:40 25 MR KOROMA: Before I go further, let me just get this
26 right.

27 PRESIDING JUDGE: Excuse me, Mr Koroma, would you please
28 answer my question?

29 MR KOROMA: Your Honour, I will refer you, with respect, to

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1 page 21. Reading from line 20.

2 PRESIDING JUDGE: Mr Koroma, I have not read Mansofinia.

3 Please read the line in question for me, I would wish to have my

4 record correct.

09:48:08 5 MR KOROMA: As Your Honour pleases. Line 18. "We were all

6 at Kurubonla, before we moved there we organised everything

7 first." Page 21. "We were all at Kurubonla, before we moved

8 there, we organised everything first. The 2nd Battalion was a

9 guy who was an RUF. He joined us at Kurubonla." Then coming

09:48:43 10 down, My Lord, "At that time they dissolved everything for the

11 moment. I was the provost-marshal, I had my own administrative

12 for myself."

13 JUDGE SEBUTINDE: Mr Koroma, where is the reference to

14 Mansofinia?

09:49:04 15 MR KOROMA: Yes. Your Honour, I must apologise, the word

16 Mansofinia is not stated. But the word Kurubonla was stated.

17 PRESIDING JUDGE: Are you putting to the witness or are you

18 submitting to the Court that Kurubonla and Mansofinia are one and

19 the same?

09:49:26 20 MR KOROMA: I will put the question to the witness, Your

21 Honour.

22 PRESIDING JUDGE: I am asking you. Because you are

23 challenging the witness, I am asking you.

24 MR KOROMA: Well, Your Honour, with respect, they are the

09:49:36 25 same location, the same locality. They are very near places.

26 Q. Mansofinia and Kurubonla, Mr Witness, you will agree with

27 me, are in the Kabala District, Koinadugu District; not so?

28 A. Yes.

29 Q. These towns are very close to each other.

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1 A. Mansofinia to Kurubonla is 9 miles.

2 Q. 9 miles. So, according to you, it was at Kurubonla that
3 this new structural changes were made; not so?

4 A. At Mansofinia.

09:50:10 5 Q. Yes, at Mansofinia?

6 A. Yes.

7 Q. New structural changes were made?

8 A. At Mansofinia.

9 Q. At Mansofinia. That was in your statement of the 6th; not
09:50:18 10 so?

11 A. Yes.

12 Q. Whilst you were there, G5 was the commander. I mean, G5
13 commander was Pikin because that was [indiscernible]?

14 A. At Mansofinia the G5 commander after the command structure
09:50:36 15 was Santigie Kanu.

16 Q. Now, in your statement of the 6th, did you tell
17 investigators that Santigie Kanu was the G5 commander?

18 A. Since I started giving my testimony, Santigie Kanu, I've

19 been saying it and it is there in my notes that Santigie Kanu is
09:51:08 20 the G5 commander at Mansofinia when we started the operation to

21 Camp Rosos.

22 Q. Mr Witness, you have not answered my question, with
23 respect. My question to you is that did you tell investigators
24 on 6 May 2003 that Santigie Kanu was the G5 commander?

09:51:21 25 A. I could not remember.

26 Q. You could not remember telling them that. You could not
27 remember telling them that?

28 A. No.

29 Q. Again do you recall making a statement on 9th May 2003,

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1 Mr Witness?

2 A. Yes.

3 MR KOROMA: Your Honour, with your leave, I will refer to
4 the said statement at page 15 and 16. Pages 15 and 16.

09:52:15 5 Your Honours, with your leave, I will start by reading
6 lines three of the said statement, page 15.

7 JUDGE SEBUTINDE: Just a minute, please. We need the
8 registry numbers.

9 MR KOROMA: I am sorry.

09:52:20 10 MS PACK: Let me assist. It is 10549, Your Honour.

11 MR KOROMA: Yes. With your leave, Your Honours, the line
12 three reads:

13 "Q. Okay. Now can we get the -- we could go through it
14 now but it would also be really useful for us to get an

09:53:08 15 exact kind of diagram of exactly who held which position
16 within that command structure at Mansofinia.

17 "A. Yes.

18 "Q. Okay, so let's go through it now. This is

19 Mansofinia. Did you have a name for yourselves, like did
09:53:31 20 you call yourself at that point the western group or did
21 you have --
22 "A. No no.
23 "Q. All right. So run thorough that command structure
24 for us."
09:53:52 25 And then it goes on. And then it goes on at page 16, lines
26 eight. I will start from line eight, page 16.
27 "Q. Okay good.
28 "A. Then we had the G5 commander, who was Fassaluku.
29 "Q. Fassaluku. And G5 took care of what?

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1 "A. The families and the civilians.

2 "Q. Did you have any families with you?

3 "A. Yes, most people took off from Freetown at the
4 invasion with their family."

09:54:26 5 MS PACK: Your Honour, again whilst my learned friend is
6 referring to a diagram in fairness again the witness should be
7 referred to another document at page 113 -- sorry, 11133 registry
8 pages which, as I understand it, is a typed version of a document
9 written by the witness, but that is something that is not

09:54:50 10 recorded on the face of the document and he would have to be
11 asked that. And in any event a list of individuals that is
12 identified on that page 11133 which has the heading: "Command
13 structure Mansofinia enter from Kono to Mansofinia end of April
14 and take of at Mansofinia to Rosos early May".

09:55:13 15 The spellings are rather awkward but then there is a list
16 of names below that one of which is "Brig Santigie Kanu - G5 Comm
17 in charge abductees".

18 MR KOROMA: Your Honours, if my learned friend would be

19 grateful to refer to the page number. I don't know what document
09:55:40 20 actually my learned friend is referring to.

21 PRESIDING JUDGE: It is not actually got -- just --

22 MS PACK: It's a document that was disclosed as undated and
23 disclosed, as I understand it, on 26th April 2004. I am afraid
24 it was filed with the Court on the 30 June 2005, it has registry
09:56:11 25 pages but is itself unnumbered prior to being filed with the
26 registry. So my learned friends will obviously have a copy of it
27 but I am afraid there are no other page numbers I can assist
28 with.

29 JUDGE SEBUTINDE: Could you kindly repeat the registry page

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1 numbers.

2 MS PACK: Yes, the whole document begins at 11129; the page
3 to which I am referring is at page 11133.

4 MR KOROMA: I am afraid, Your Honour, we must be candid to
09:56:41 5 this Honourable Court to say that we did not receive that
6 document. That is why we do not have the registry number for it.

7 MS PACK: It has been received, Your Honour, because it has
8 been signed for and it's been identified as being disclosed on 26
9 April 2004.

09:57:10 10 MR KOROMA: Your Honour, I want to make a humble request if
11 my learned friend can make a copy of said document available to
12 us.

13 PRESIDING JUDGE: Ms Pack, is there a copy available? Can
14 one be printed?

09:57:24 15 We can arrange to have one printed.

16 MS PACK: In fact, the Prosecution case manager has a spare
17 copy so I can pass one copy over.

18 PRESIDING JUDGE: Thank you for that assistance.

19 MR KOROMA: I request a few minutes to peruse said
09:58:23 20 document.

21 PRESIDING JUDGE: Mr Koroma, would you please repeat what
22 you said. Unfortunately I didn't have my headphones on.

23 MR KOROMA: I am sorry.

24 PRESIDING JUDGE: Asking for a few minutes yes.

09:58:50 25 MR KOROMA: Well, Your Honour, we have decided to move on
26 with the cross-examination. We shall be making reference to that
27 later.

28 PRESIDING JUDGE: Very well. Please proceed.

29 MR KOROMA:

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1 Q. Again, Mr Witness, in your evidence-in-chief on the 15th
2 September this year you told this Honourable Court that it was
3 Santigie Kanu that was in charge of training at Rosos.

4 A. Yes, he was overseeing the trainings at Camp Rosos.

09:59:45 5 Q. Now, Mr Witness, I put to it you that in your statement of
6 9 May 2003 you did not tell the investigators that Santigie Kanu
7 was overseeing the training at Rosos. Mr Witness, can you please
8 answer the question?

9 A. Say it again.

10:00:16 10 Q. I put to it you that in your statement to investigators on
11 9 May 2003, you didn't tell the investigators --

12 MS PACK: Your Honour, we have covered -- my apologies,

13 Your Honour, I was going to point out that we have heard this

14 from my learned friend yesterday afternoon when he pointed to

10:00:38 15 pages 10576 and 10577 of the registry pages and read out a

16 portion of that transcript, 9th May transcript, regarding

17 training.

18 PRESIDING JUDGE: Yes, I recall a series of questions on

19 this issue as well, Mr Koroma. Is this another aspect? Is this
10:00:53 20 some different line of questioning?

21 MR KOROMA: Well, Your Honour, it is the same line I intend
22 to adopt.

23 PRESIDING JUDGE: Well, if you have adopted it already it
24 has been dealt with. You can't adopt it again.

10:01:06 25 MR KOROMA: As Your Honour pleases.

26 Q. Now, Mr Witness, a number of questions have been put to you
27 concerning your position as a member of the RUF.

28 MS PACK: It has not been suggested, I don't think. The
29 witness certainly has not given evidence that he is a member of

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1 the RUF. If that is being put to the witness as something that
2 he's said in evidence.

3 MR KOROMA:

4 Q. Mr Witness, I am suggesting to you that you were a member
10:01:55 5 of the RUF.

6 A. I was working alongside with the RUF.

7 PRESIDING JUDGE: Mr Witness, that is not an answer to the
8 question.

9 THE WITNESS: No, I was not a member of the RUF.

10:02:12 10 PRESIDING JUDGE: Thank you.

11 MR KOROMA:

12 Q. Mr Witness, I put to it you that you were not a member of
13 the Sierra Leone Army.

14 A. I disagree.

10:02:34 15 Q. According to your testimony in-chief you said you abandoned
16 your position, your post to go and mine diamonds in Kenema; is
17 that not what you said to this Court?

18 A. Kono, yes.

19 Q. Kono, yes. You went to Kono. For how long were you in
10:02:45 20 Kono mining diamonds?

21 A. It was for a short period. I couldn't give a specific
22 time.

23 Q. Can you recall when you left your posting to go and mine
24 diamonds?

10:03:04 25 A. No.

26 Q. When you went to go and mine diamonds nobody asked for you
27 in the army?

28 A. That's why I said I went on AWOL. Nobody asked for me
29 because I was not in Freetown again.

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1 Q. Mr Witness, if you are a member of the army if you leave
2 your post without informing the authorities your presence will be
3 missed; not so?

4 A. Yes.

10:03:59 5 Q. So my question to you is that throughout the period when
6 you were mining diamonds nobody went to arrest you at Kono
7 because you have left your position, your posting?

8 A. No.

9 Q. No. The reason why nobody went to ask for you to be
10:04:18 10 arrested at Kono while you were mining diamonds, it was because
11 you were not a member of the army?

12 A. I disagree.

13 Q. You said you had some training in the army; not so?

14 A. Say again.

10:04:47 15 Q. You said you went through some training in the army?

16 A. Yes.

17 Q. Can I just ask you a few questions concerning your
18 knowledge about the army. You have some knowledge about the

19 army; not so?

10:05:02 20 A. Yes.

21 Q. Do you know what FRO means in the military?

22 A. No.

23 Q. No, you don't? If I suggest to you, Mr Witness, that FRO

24 in the military means forces routine order; would you agree with

10:05:26 25 me?

26 A. Yes.

27 Q. Mr Witness do you know what RTU means in the military?

28 A. No.

29 Q. No. Mr Witness, if I suggest to you that RTU in the

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1 military means return to unit; will you agree with me.

2 A. Yes.

3 Q. Mr Witness, what is the difference between a warrant

4 officer one and an RSM?

10:06:18 5 A. The difference is you have WO2 and WO3. WO1, sorry.

6 Q. So according to you, the difference is you have WO1 and the

7 WO2?

8 A. Yes, that is the RSM and the sergeant-major.

9 Q. But do you know how many sections make up a platoon?

10:06:50 10 A. Four sections.

11 Q. Mr Witness, I put it to you that that is incorrect. Three

12 sections make up a platoon: section one, two and three; correct?

13 A. I say four.

14 Q. Mr Witness, how many platoons make up a company?

10:07:22 15 A. Eight platoons.

16 Q. Again, Mr Witness, I put it to you that that is incorrect.

17 A. I disagree.

18 Q. I put to it you that three platoons make up a company.

19 Three platoons.

10:07:41 20 A. I disagree.

21 JUDGE LUSSICK: Which army are you referring to?

22 MR KOROMA: The Sierra Leone Army. I'm terribly sorry,

23 Your Honour.

24 JUDGE LUSSICK: Every army has its different

10:07:48 25 configurations.

26 MR KOROMA: As Your Honour pleases. I am referring to the

27 Sierra Leone Army.

28 JUDGE LUSSICK: Sections and platoons are formed by the

29 available number of men. The more men you have, the more

1 platoons you would have, the more sections you would have.

2 MR KOROMA: As Your Honour pleases.

3 JUDGE LUSSICK: So I am just suggesting to you, Mr Koroma,

4 if you are going to be specific about the number of platoons in a

10:08:20 5 company perhaps you might give the size of the company and see

6 what he says to that.

7 MR KOROMA:

8 Q. Let us say, for example, a company of 1,000 men. What

9 would be the size of the platoons?

10:08:43 10 A. Between 150 men to 100 men.

11 Q. Again, if I may ask you, Mr Witness, do you know how many

12 companies are in a battalion?

13 A. Four companies.

14 Q. Again, Mr Witness, in the Sierra Leone Army, I put to it

10:09:11 15 you that there are five companies.

16 A. I disagree.

17 Q. You have the A company; the B company; the C company; the D

18 company; and the headquarter company.

19 A. Four company I know about.

10:09:29 20 Q. Do you know how many battalions there are in a brigade?

21 A. Four.

22 Q. Again, Mr Witness, I put to it you that in the Sierra Leone

23 Army there are three battalions in a brigade.

24 A. I disagree.

10:09:48 25 Q. You said you were a soldier during the NPRC regime?

26 A. Yes.

27 Q. In the days of the NPRC how many brigades were existing in

28 the army, in the days of the NPRC?

29 A. I cannot tell how many brigades. I can only name those

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1 that I know, the few that I know.

2 Q. You said that you were in the army. You said you were in
3 the army.

4 A. Yes.

10:10:16 5 Q. You don't know the number of brigades?

6 A. Yes.

7 Q. When you are a soldier?

8 A. Yes.

9 Q. Again, Mr Witness, may I ask you how many battalions were
10:10:45 10 in existence in the Sierra Leone Army during the war from 1991 to
11 1996?

12 A. I cannot tell.

13 Q. You cannot tell.

14 A. No.

10:10:51 15 Q. Yet you said you were in the army?

16 A. Yes.

17 Q. Mr Witness, I will say to you, and you agree or disagree

18 with me, during that period, you have the 1st Battalion; not so?

19 A. Yes.

10:11:04 20 Q. Do you know where it was based?

21 A. The 1st Battalion was at Wilberforce.

22 Q. Yes. Then you have the 2nd Battalion. Do you know where

23 it was based?

24 A. Makeni.

10:11:21 25 Q. You have the 3rd Battalion. Do you know where it was

26 based?

27 A. Daru.

28 Q. And what about the 4th Battalion?

29 A. Kenema.

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1 Q. What was the name of the 4th Battalion?

2 A. Cobra.

3 Q. Mr Witness, I put to it you that that is not correct. The
4 name of the fourth battalion was Tiger?

10:12:03 5 A. No, it was Cobra because that was my battalion and Tiger is
6 Daru. The 3rd Battalion was called Tiger.

7 Q. The 3rd Battalion, I put it to you, Mr Witness, was based
8 at Moa barracks at Daru. That was the 3rd Battalion, Moa
9 barracks, Daru?

10:12:22 10 A. The sign they were using was Tiger and the barracks is at
11 the Moa -- by the Moa River. That's why they called it Moa
12 barracks.

13 Q. That is the 3rd Battalion?

14 A. That is the 3rd Battalion, Tiger Battalion.

10:12:33 15 Q. Tiger Battalion, Mr Witness, I put it to you, was based at
16 Kailahun District.

17 A. Negative. At that time we have never gone to Kailahun.
18 There were rebels in Kailahun.

19 Q. Do you know about the Scorpion Battalion?

10:12:48 20 A. Scorpion Battalion is Pujehun.

21 Q. Again, Mr Witness, I want to test you to see your knowledge

22 about the army? Let me test. You know about call signs; not so?

23 Call signs in the military?

24 A. Yes.

10:13:28 25 Q. What is the call sign for the commanding officer?

26 A. Can you specify the --

27 Q. OC, commanding officer.

28 A. CO.

29 Q. That is the call sign?

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1 A. The commanding officer, I cannot give the call sign because
2 I was not using his set at that time during the NPRC government
3 regime.

4 Q. I am talking about the military generally in Sierra Leone.

10:13:57 5 There are call signs for certain officers in the army in Sierra
6 Leone. I am asking you about the commanding officer.

7 A. The commanding officer is the command one.

8 Q. That is the call sign?

9 A. Well, they had various call signs that they use.

10:14:10 10 Q. I'm talking about the military terms. In the Sierra Leone
11 Army, there are specific call signs for military officers.

12 A. I could not remember any.

13 Q. It's not a question of you cannot remember. It's a
14 question of whether you know or you don't know.

10:14:24 15 A. I don't know.

16 Q. You don't know. If I suggest to you that the call sign for
17 the commanding officer is sundry, you will agree with me?

18 A. Yes.

19 Q. Yes.

10:14:36 20 JUDGE SEBUTINDE: Sorry, could you repeat that word please?

21 MR KOROMA: Sundry. S-U-N-D-R-Y, Your Honour.

22 Q. Mr Witness, do you know the call sign for the 2IC?

23 A. No.

24 Q. But you said --

10:15:05 25 PRESIDING JUDGE: Mr Koroma, I am a bit confused about

26 these terms you are using. Commanding officer of what: a

27 battalion, a company or a platoon? You keep using different

28 terms and I don't know who is commanding what.

29 MR KOROMA: It is a company Your Honour.

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1 PRESIDING JUDGE: Of a company?

2 MR KOROMA: Yes, Your Honour.

3 PRESIDING JUDGE: So it's commanding officer of a company

4 and the second in command --

10:15:20 5 MR KOROMA: Is the 2IC.

6 PRESIDING JUDGE: Of a company?

7 MR KOROMA: Yes, Your Honour, 2IC of the company.

8 PRESIDING JUDGE: Thank you.

9 MR KOROMA:

10:15:29 10 Q. So you don't know?

11 A. No.

12 Q. Yet you said you were in the army?

13 A. Yes.

14 Q. All right. Now Mr Witness if I suggest to you that the

10:15:39 15 call sign for 2IC or the commanding officer or the second in

16 command is sundry minor, will you agree with me?

17 A. Yes.

18 Q. Mr Witness, do you know the call sign for the adjutant?

19 A. No.

10:16:00 20 Q. You don't?

21 A. No.

22 Q. Again, Mr Witness, if I suggest to you that in the army the

23 call sign for the adjutant is Obs Sea-Golf; will you agree with

24 me?

10:16:10 25 A. Yes.

26 MS PACK: Could we have a spelling or a breaking down?

27 MR KOROMA: Yes, Your Honour. O-B-S as one word. S-E-A

28 dash Golf, G-O-L-F; Obs Sea-Golf that is the adjutant.

29 Q. Mr Witness, again, do you know the call sign for the

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1 medical orderly in the army?

2 A. No.

3 Q. If suggest that the call sign for the medical orderly in

4 the army is Starlite, will you agree with me?

10:16:56 5 A. Yes.

6 PRESIDING JUDGE: Spelling, Mr Koroma.

7 MR KOROMA: S-T-A-R, Your Honour, L-I-T-E.

8 Q. Mr Witness, again, if I suggest -- do you know the signal

9 call for the pay master in Sierra Leone Army?

10:17:24 10 A. No.

11 Q. You don't?

12 A. No.

13 [AFRC20SEPT05B-RK]

14 Q. If I suggest to you that the signal call for the paymaster

10:18:01 15 is "Shallock", do you agree with me?

16 A. Yes.

17 Q. Shallock, S-H-A-L-L-O-C-K. Mr Witness, I put it to you

18 that you don't know -- I put it to you that you don't know the

19 basic facts about the Sierra Leone Army because you were not, you
10:18:47 20 were never in the army?

21 A. I disagree.

22 Q. What is the name of the Lungi Garrison barracks?

23 A. I cannot tell.

24 Q. You cannot tell.

10:19:04 25 PRESIDING JUDGE: Mr Koroma, would you refrain from
26 commenting and instead ask questions?

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

28 PRESIDING JUDGE: Incidentally, what was the name of the --

29 I didn't hear you properly.

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1 MR KOROMA: The Lungi Garrison barracks.

2 Q. If you suggest to you that the Lungi Garrison barracks is
3 the Bai Bureh barracks, would you agree with me?

4 A. Yes.

10:19:39 5 JUDGE SEBUTINDE: Would you kindly spell the name of the
6 answer, the correct answer?

7 MR KOROMA: I am terribly sorry, Your Honour. The spelling
8 is Bai, B-A-I, one word, Bureh, B-U-R-E-H and barracks, as in
9 barracks.

10:20:13 10 Q. Mr Witness, I again I have to ask you a few personal
11 questions. You recall telling this Honourable Court that you
12 were on drugs while you were in the army; not so?

13 A. Yes.

14 Q. You said you were taking heroin?

10:20:41 15 A. Yes.

16 Q. When did you start taking heroin?

17 A. When I met Ibrahim Bazzy Kamara.

18 Q. What year was that?

- 19 A. During the AFRC government.
- 10:20:56 20 Q. Apart from heroin, what other drugs were you taking?
- 21 A. Only heroin.
- 22 Q. Were you taking karabi [phon] sativa?
- 23 A. No.
- 24 Q. Are you sure about that?
- 10:21:12 25 A. Yes.
- 26 Q. You didn't make a statement on the 13th of May 2003?
- 27 Sorry, did you make a statement to the investigators on the 13th
- 28 of May 2003; did you?
- 29 A. Yes, I made statements.

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1 Q. I put it to you in that statement you told the
2 investigators that you smoke cannabis, or what we locally call
3 jamba?

4 A. When I was in the army, no. It was when we went to the
10:21:57 5 bush. Because the question you asked, you said, "in the army".

6 Q. When you went to the bush?

7 A. Yes.

8 Q. Were you not -- did you not go as a soldier?

9 A. Yes.

10:22:23 10 Q. And in the bush did you not consider yourself as a soldier?

11 A. Yes.

12 Q. So then what is the difference?

13 A. The difference I want to make is when you say "the army",

14 I'm referring to the period I was actually serving for the Sierra

10:22:40 15 Leone government, the period I went to the bush, I stopped

16 serving for the Sierra Leone government. Those are the two

17 different instances I'm saying.

18 Q. Did you join SAJ Musa to come down to Freetown?

19 A. Yes.

10:23:01 20 Q. To come and do what? What was your objective?

21 A. Well, the objective from the commander, SAJ Musa, was to

22 come and restore the Sierra Leonean Army.

23 Q. Of which you are claiming a part?

24 A. Say again.

10:23:19 25 Q. Of which you are claiming to be a part?

26 A. Yes.

27 Q. So while in the bush you were considering yourself as a

28 member of the Sierra Leonean Army?

29 A. Yes.

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1 Q. And in that period you were smoking jamba?

2 A. Yes.

3 Q. What about cocaine? You know about cocaine?

4 A. I have never smoked it.

10:23:54 5 Q. And brown-brown?

6 A. I do.

7 Q. You do?

8 A. I was smoking it.

9 Q. So we have heroin, we have brown-brown, we have jamba?

10:24:04 10 A. Heroin is what is commonly called brown-brown.

11 Q. Heroin and brown-brown are the same?

12 A. Yes.

13 Q. How do you take this brown-brown or heroin?

14 A. I cannot tell now because I have stopped taking it a long

10:24:16 15 time.

16 Q. When you were taking it, tell us, how were you taking it?

17 A. I would not like to recall taking it again or to show how

18 to take it because I've stopped from it.

- 19 Q. I mean it is just a question of telling us how, whether you
10:24:30 20 had to smoke it, whether you had to inject yourself, whether you
21 had to inhale it. That is all we want to know.
- 22 A. The time I was taking it I inhale it or I put it on
23 marijuana.
- 24 Q. The time you were smoking brown-brown or heroin, you used
10:24:47 25 to inhale it; not so?
- 26 A. Yes.
- 27 Q. It is in the form of a powder?
- 28 A. Powder, yes.
- 29 Q. You can just take a pinch of it and put it through the

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1 nostrils; not so?

2 A. That is what I have said.

3 Q. You said you've stopped taking it?

4 A. Yes.

10:25:14 5 Q. For how long were you taking it?

6 A. I cannot remember the time.

7 Q. You said from the days of the AFRC; not so?

8 A. Yes.

9 Q. Unless you were taking it for over a year?

10:25:26 10 A. Yes.

11 Q. Yes?

12 MS PACK: Is there a question?

13 MR KOROMA: The witness said he was taking the heroin or

14 brown-brown for over a year.

10:25:44 15 Q. When did you start taking it?

16 A. I couldn't remember the dates, but it has taken a long

17 time.

18 Q. Was it after January 6th?

19 PRESIDING JUDGE: Which year?

10:25:55 20 MR KOROMA: 1999, Your Honour.

21 THE WITNESS: I couldn't remember as I said, so I don't

22 want to guess the year or date.

23 MR KOROMA:

24 Q. When you came down to Freetown in January 1996, you were

10:26:06 25 taking it?

26 A. Yes.

27 Q. And when you were kicked out of Freetown again you went to

28 the jungle again, a second time, you were still taking it?

29 A. I had stopped.

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1 Q. When was that? When you were moving out of Freetown, that
2 is when you stopped?

3 A. When we came January 6th, we pulled out. After being the
4 chief security of Johnny Paul Koroma until I was fired, when I
10:26:37 5 sustained my injury, I stopped taking it.

6 Q. That was the incident at Frederick Street?

7 A. Yes.

8 Q. With that vehicle?

9 A. Yes.

10:26:51 10 Q. That was when the SLPP government had returned to power;
11 not so?

12 A. Yes, that was around 2000.

13 Q. That was when you stopped taking brown-brown?

14 A. Yes.

10:27:08 15 Q. What was your source? Were you buying it from?

16 A. I was getting it from Bazzy Kamara.

17 Q. Now you said you stopped taking it. Did you just stop like
18 that, or did you have any of what we call rehabilitation, any

19 kind of medical treatment; did you?

10:27:28 20 A. Well, I was treated by my sister.

21 Q. Where?

22 A. At the house at Lumley because she is a nurse.

23 Q. She treated you?

24 A. Yes.

10:27:38 25 Q. With what drugs do you recall?

26 A. I couldn't remember. Because she is a nurse, she knows

27 exactly about the type of drugs to give me.

28 Q. What about jamba, did you continue smoking jamba?

29 A. No.

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1 Q. Up to date?

2 A. Up to date --

3 PRESIDING JUDGE: Mr Koroma, what's the relevance of this
4 line of questioning. We've had quite a lot of questioning about
10:28:01 5 drugs. What is the relevance?

6 MR KOROMA: Your Honour, I want to point out that this
7 witness -- that when he was in the jungle taking these drugs he
8 had this proclivity for violence and to fanaticise, to make up
9 stories.

10:28:33 10 PRESIDING JUDGE: But you haven't put any of that to him.

11 MR KOROMA: As Your Honour pleases.

12 Q. You say presently you're unemployed; not so?

13 A. Yes.

14 Q. But you get money from the police and a few from the
10:28:50 15 Prosecution of the Special Court; not so?

16 A. The Prosecution only take care of me. I don't get any
17 money from the police. I'm wholly and solely on the Prosecution.

18 Q. Now, Mr Witness, in your statement of the 6th, 2003?

19 PRESIDING JUDGE: Which month?

10:29:26 20 MR KOROMA: The 6th of May, Your Honour, 2003.

21 Q. You were able to explain then -- that was two years ago --

22 you were able to explain, give a graphic account of what

23 happened? In that statement, Mr Witness, you explained how you

24 moved from Freetown on to Kabala. You say you pulled out on the

10:30:17 25 13th of February 1998, you went to Masiaka. There was a meeting

26 at Makeni and then you went to Kabala. Then you said during that

27 period SAJ Musa was giving orders; not so?

28 A. Yes.

29 Q. He was the head of the army; not so?

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1 A. When we pulled out we met SAJ Musa the Masiaka. He was the
2 most senior in command there.

3 Q. Apart from SAJ Musa, there were other senior military
4 officers present; not so?

10:30:53 5 A. Yes, like late AF Kamara.

6 Q. Then you said there was a meeting at Makeni as to who
7 should head the -- who was to give orders for the RUF or the SLA.
8 Now this meeting at Makeni, you said you were present; not so?

9 A. Yes.

10:31:21 10 Q. Again at that meeting, it was senior military officers who
11 were in that meeting?

12 A. SAJ Musa was the head.

13 Q. Yes.

14 A. Yes.

10:31:30 15 Q. Together with senior military officers; not so?

16 A. Yes.

17 MS PACK: It is a misstatement to say that they were the
18 only persons present because, of course, the witness gave

19 evidence that there were others present at this meeting.

10:31:42 20 MR KOROMA: No, I suggested to the witness that apart from

21 SAJ Musa, who was the head of the army then.

22 THE WITNESS: Yes.

23 MR KOROMA:

24 Q. Very senior military officers were present; not so?

10:31:50 25 A. Yes.

26 Q. Like SO Williams, et cetera; not so? SFY Koroma; not so?

27 They were present?

28 A. There were other senior military officers there. I've

29 already answered you - said yes.

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1 Q. Okay. In fact, after that meeting, you explained to
2 investigators that you went to Kabala.

3 A. Yes.

4 Q. You said there was a big split between the SLA and the RUF?

10:32:35 5 A. Yes.

6 Q. It was in Kabala that SAJ Musa gave orders for you to go to

7 Kono?

8 A. SAJ Musa did not go to Kono and he disagreed going to Kono.

9 Q. That was not my question. My question to you was that

10:32:53 10 while you were in Kabala that SAJ Musa gave orders for you to go

11 to Koidu, Kono?

12 A. Yes.

13 Q. Yes. Later you said RUF came and met you in Kono, Koidu?

14 A. Say again.

10:33:18 15 Q. Later, whilst the Sierra Leone Army was in Kono, Koidu, the

16 RUF came and joined them there.

17 MS PACK: That is not what the witness has said. If my

18 learned friend is going to put what the witness said in

19 evidence-in-chief, then if he could put it accurately, Your
10:33:38 20 Honours. That wasn't what was said about the Koidu attack. It
21 wasn't said by the witness in evidence that the Sierra Leone Army
22 went first and the RUF later joined. That wasn't what the
23 witness said in terms, or that wasn't the gist of his evidence
24 either.

10:33:54 25 MR KOROMA: Your Honour, I'm suggesting to the witness that
26 that was what he told investigators in his statement of 6th of
27 May.

28 JUDGE SEBUTINDE: Mr Koroma, it has been the practice in
29 this Court that when you put a prior inconsistent statement, you

1 actually quote verbatim from the statement. You don't quote from
2 your head or paraphrasing. If that's what you're doing, we
3 invite you to actually quote from the statement and then put that
4 the witness. You don't put a suggestion to him before you've
10:34:27 5 quoted from the statement.

6 MR KOROMA: As Your Honour pleases. Your Honour, the
7 question, so far as the witness -- starting from page 4, line 33.

8 "A. Yes, we were pursued, so from there we went to
9 Kabala. So when we went to Kabala --"

10:35:23 10 "Q. Kabala Town?"

11 "A. Yes. So everything was just -- we did not get any
12 stagnant arrangement, who was to lead and how we were to
13 rekindle the operation, then ECOMOG started pursuing from
14 Kabala to -- from Makeni to Kabala."

10:35:51 15 MS PACK: Let me assist with the registry page. That's
16 10416, Your Honour.

17 MR KOROMA: Then, Your Honour, at page 11 of the said
18 statement, question at line 2, Your Honour.

19 MS PACK: Again, it is 10423, Your Honour.

10:36:22 20 MR KOROMA:

21 Q. "Q. That is when you solidified the command structure?

22 "A. Yes.

23 "Q. Okay, yeah, we'd be really interested to get the full

24 command structure.

10:36:35 25 "A. No problem."

26 "Q. So who was going to be the - should we do that now or

27 should we do it later, command structure from that third

28 meeting? Yes, that would be interesting. So what did you

29 decide at that third meeting and what was decided in terms

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1 of who should be in charge?"

2 "A. At the third meeting the command was Superman, Denis
3 Mingo, who was the field commander. He was the overall
4 boss."

10:37:04 5 MR KOROMA: Your Honour, I'm -- before that, Your Honour,
6 the witness has stated in pages 9 and 10 that it was SAJ Musa who
7 gave orders for them to go to Kono. I will refer you to page 7,
8 line 15.

9 MS PACK: 10419, Your Honour.

10:38:06 10 MR KOROMA:

11 Q. The witness in answer to question stated, line 15, "Then
12 SAJ Musa went to Kurubonla, that is the interior of Kabala, he
13 went there, then we moved to Kono." "And that order came SAJ
14 Musa?" Answer: "Yes. Soon we reached Kono, we spent three

10:38:27 15 days, we saw Superman entering Kono in some convoy -- a long
16 convoy of vehicles entering Kono."

17 Mr Witness, is that a statement you gave to the
18 investigators on the 6th of May 2003?

19 A. Whatever I have said was what I said on the 6th of May.

10:38:53 20 The meeting, the orders came from SAJ Musa, and the person that

21 head the operation to Kono was Superman, and we were mixed. We

22 went to Kono and we came back to Magbonkineh to collect Johnny

23 Paul and back to Kono. So we were mixed, both RUF and SLAs.

24 MS PACK: Your Honour, I'm not sure what my learned friend

10:39:19 25 is suggesting, whether it is an inconsistency or what is being

26 put by my learned friend. If is being suggested that the witness

27 is being inconsistent about whether or not it was a joint

28 operation involving RUF and AFRC forces on the attack on Kono,

29 then I --

1 PRESIDING JUDGE: Actually, Ms Pack, he hasn't put
2 anything.

3 MS PACK: I was going to suggest --

4 PRESIDING JUDGE: He merely asked him if he said that and
10:39:43 5 the witness has elaborated. If he puts a question that causes
6 you to raise concerns about other statements, then we'll allow
7 you to speak on that.

8 MS PACK: Thank you, Your Honour.

9 MR KOROMA: As Your Honour pleases.

10:39:56 10 Q. Now, you explained to investigators the command structure
11 in Koidu; not so?

12 A. Yes.

13 MR KOROMA: Your Honour, with your leave, I want to refer
14 the witness to the statement of 6th of May, page 11 again.

10:40:25 15 PRESIDING JUDGE: Are we moving off, or are you putting
16 something in relation to the three pages you have referred us to?

17 MR KOROMA: Your Worship, I was merely trying to recap the
18 testimony of the witness to confirm and to agree whether he made

19 those statements to investigators.

10:40:46 20 PRESIDING JUDGE: Well, he has definitely agreed.

21 MR KOROMA: Yes, Your Honour, then I will he move on.

22 Q. You also explained to the investigators a command structure

23 at Koidu; not so?

24 A. Yes.

10:41:06 25 Q. Mr Witness, was there a G2 in Kono, in Koidu?

26 A. I was in Kono.

27 Q. Was there a G2?

28 A. No.

29 Q. There was no G2?

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1 A. I've never heard about it.

2 Q. Was there a G3?

3 A. No.

4 Q. Was there a G4?

10:41:36 5 A. Yes.

6 Q. And a G5?

7 A. Yes.

8 Q. At Koidu was there a G5?

9 A. Yes.

10:41:51 10 Q. Who was the overall commander at Koidu?

11 A. Denis Mingo.

12 Q. Was he also the field commander?

13 A. He was the overall commander, so he was the field

14 commander, the battlefield commander.

10:42:29 15 Q. In fact, would I be correct to suggest to you that you

16 explained to investigators that the G1 was one FAT Sesay?

17 A. Yes.

18 Q. After you have explained the position -- now, who was

1 A. You have Papa and you have Rambo.

2 Q. Rambo was his deputy?

3 A. Papa was the operation commander, was the deputy to Rambo.

4 Q. Are you sure about that?

10:43:58 5 A. I want you to remind me from my notes.

6 Q. Well, I just want to put it to you. You told the

7 investigator that it was Papa who was the operations commander.

8 That is what you told the investigator.

9 A. If that is what I said, I still stick to it that he was the

10:44:14 10 operation commander.

11 Q. And that Rambo was the deputy?

12 A. Yes.

13 Q. Then in the rank coming down you have Kallay, who was in

14 charge of medicines? Kallay.

10:44:34 15 A. Yes.

16 Q. Yes. Then after that you have the battalion commanders?

17 A. Yes.

18 Q. It spreads out battalion commanders. The 1st Battalion,

19 the commander was Colonel Tito?

10:45:04 20 A. Yes.

21 Q. The second battalion, the commander was Kposowa.

22 MR KOROMA: Your Honour, the spelling is K-P-O-S-O-W-A.

23 Q. Not so?

24 A. The second commander was deployed at Tombodu and it was

10:45:37 25 Savage.

26 Q. I'm talking about the commander of the 2nd Battalion. You

27 told investigators it was Kposowa?

28 A. Yes.

29 Q. Correct?

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1 A. Yes.

2 Q. You told the investigators that the commander of the 3rd
3 Battalion was Savage?

4 A. Yes.

10:45:59 5 Q. And you also told investigators that the commander of the
6 4th Battalion was Foday Bamara?

7 A. Yes.

8 Q. These were the commanders; not so?

9 A. Yes.

10:46:24 10 Q. So the command would be coming from Denis Mingo, coming
11 down; not so?

12 A. Yes.

13 Q. When you were talking to investigators you did not tell

14 them there was a G5. This was the exact command structure that

10:46:48 15 you explained to the investigators. You did not tell them about
16 any G5 in Koidu.

17 MS PACK: Could my learned friend specify when that wasn't

18 put or stated by the witness?

19 MR KOROMA: That was his statement.

10:47:02 20 MS PACK: Indeed, if anything was put in relation to that.

21 MR KOROMA: Yes, page 11, as I said. Your Honour, if will
22 allow me, I will read it in full.

23 PRESIDING JUDGE: I was going to remind you of the
24 direction of Justice Sebutinde, the proper way to do this. If
10:47:36 25 you are going to read it --

26 MR KOROMA: As Your Honour pleases. I shall abide by that.
27 I will read, starting from line 4:
28 "Q. Okay, yeah, we'd be really interested to get the full
29 command structure.

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1 "A. No problem.

2 "Q. So who was going to be the -- should we do that now

3 or should we do it later, command structure from that third

4 meeting? Yes, that would be interesting. So what did you

10:47:55 5 decide at that third meeting and what was decided in terms

6 of who should be in charge?

7 "A. At the third meeting the command was Superman, Denis

8 Mingo, who was the field commander. He was the overall

9 boss. Then second was Gullit. He was the second field

10:48:13 10 commander, deputy to Superman.

11 "Q. Deputy field commander?

12 "A. He was deputy field commander. Then we had these

13 honourables that were in Freetown, like my old boss,

14 Ibrahim Bazzy, who was number three and he was in charge of

10:48:29 15 taking care of the G4, the ammunition, supply of ammunition

16 and everything.

17 "Q. Logistics.

18 "A. Yes. Then we had FAT Sesay. He was in charge of

19 administration.

10:48:39 20 "Q. So that was G3?

21 "A. Yes. G1 that's ops, GS1.

22 "Q. So you took on the RUF ranking because that is 'G'

23 business is from -- directly from the RUF?

24 "A. Yes.

10:48:56 25 "Q. So FAT Sesay was G1, admin. Where is FAT Sesay now?

26 "A. He is in the army. He is working but I don't know

27 where he is deployed.

28 "Q. What is 'F'? What does it stand for?

29 "A. Who?

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1 "Q. Do you know what the 'FAT' stands for?

2 "A. No.

3 "Q. Anyway, alright, then who else?

4 "A. Then we had Papa, he was in charge of the operations.

10:49:20 5 Papa, he was in charge of the operations, like when we want

6 to go on and attack, he moves with the troop as a

7 commander.

8 "Q. Operation?

9 "A. Operation commander.

10:49:32 10 "Q. What was his real name?

11 "A. I don't know his real name.

12 "Q. You must have known his real name?

13 "A. Ah, his first name is Papa something, but I don't

14 know his real name. Then we had --

10:49:45 15 "Q. But he was SLA; correct?

16 "A. SLA. Then next to Papa we had Rambo.

17 "Q. Which one?

18 "A. RUF.

19 "Q. The who was killed in Okra Hill?

10:49:59 20 "A. No, Makeni.

21 "Q. In Makeni.

22 "A. Yes.

23 "Q. RUF. What was his --

24 "A. He was deputy to Papa.

10:50:13 25 "Q. So it was very mixed between RUF and SLA?

26 "A. Yes, in Koidu Town.

27 "Q. Yeah."

28 "A. At first. Then we had Kallay.

29 "Q. Foday Kallay.

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1 "A. Foday Kallay. He was in charge of medicines, I mean
2 the hospitals. Anywhere they go and attack, if we have
3 medicines he takes care of it and distributes it for proper
4 arrangement. Then after that we have the battalion
10:50:34 5 commanders.

6 "Q. Okay.

7 "A. First, we had four battalions at Koidu Town.

8 "Q. And all this was just for Koidu, right?

9 "A. Yes, just for Koidu.

10:50:49 10 "Q. Just for Koidu. So you had four battalions in
11 Koidu?

12 "A. Four battalions in Kono.

13 "Q. Okay.

14 "A. The battalion commanders, the first battalion we had
10:50:58 15 Colonel Tito who was killed at Okra Hill.

16 "Q. Okay, Colonel Tito --

17 "A. Yes.

18 "Q. And that was -- where was the 1st Battalion?

19 "A. The 1st Battalion was based before entering Kono,
10:51:14 20 at Mamadu.

21 "Q. Mamadu.

22 "A. Mamadu checkpoint, before entering Kono, there was
23 their base.

24 "Q. How far from Koidu" -- then it goes on and on.

10:51:30 25 Then at line 7, it says, question: "Yes, to take care of
26 security around Koidu Town." Question --

27 MS PACK: I think my learned friend is on page 10425 at
28 this point, Your Honour.

29 MR KOROMA:

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1 "Q. And what was his name?

2 "A. His name was -- he had some funny name. He is not
3 purely an RUF, and he is an STF boy. He works with the
4 RUF.

10:52:04 5 "Q. Is he a Liberian?

6 "A. Yes. Kposowa.

7 "Q. Kposowa?

8 "A. Yes, Colonel Kposowa.

9 "Q. Frank. Is it Frank?

10:52:13 10 "A. I don't know whether it's Frank Kposowa, but Kposowa,
11 tall guy. He has a lot of beards, yeah. Then we had the
12 3rd Battalion, which was commanded by Savage.

13 "Q. And where would that be?

14 "A. At Tombodu.

10:52:30 15 "Q. Okay.

16 "A. Then you had the fourth Battalion who (sic) was
17 commanded by Foday Bah Marrah.

18 "Q. Foday?

19 "A. Yes, Foday Marah."

10:52:54 20 So that was the statement you gave to the investigators on

21 the 6th of May; not so, that you gave this?

22 A. Yes.

23 Q. Line-up of the command structure; not so?

24 A. Yes, I made that statement.

10:53:08 25 Q. Yes.

26 PRESIDING JUDGE: Please pause, Mr Koroma. We've gone past

27 the normal time we would have a break during the morning session.

28 Is there some particular question you need to ask in relation to

29 your last questions, or is it convenient to take a break now?

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1 MR KOROMA: Your Honour, I believe it is convenient at this
2 point.

3 PRESIDING JUDGE: Thank you. In that case, we will adjourn
4 court for 15 minutes.

10:54:02 5 [Recess taken at 10.50 a.m.]

6 [On resuming at 11.10 a.m.]

7 PRESIDING JUDGE: Proceed, Mr Koroma.

8 MR KOROMA:

9 Q. Mr Witness, we broke off at the point where with you gave a
11:15:42 10 detailed account of the command structure at Koidu. Now,

11 Mr Witness, you will agree with me that after Koidu, you went
12 back to Kurubonla, not so?

13 A. Yes, Mansofinia.

14 Q. Kurubonla and then Mansofinia?

11:16:09 15 A. Yes.

16 MS PACK: The witness didn't say he went to Kurubonla,
17 actually. He said he went to Mansofinia.

18 MR KOROMA:

19 Q. Mr Witness, from Koidu did you go to Kurubonla?

11:16:28 20 A. Mansofinia.

21 Q. In your statement of the 6th of May, did you tell

22 investigators that you went to Kurubonla before going to

23 Mansofinia?

24 A. I did not go to Kurubonla. Some other members like Alex

11:16:41 25 Tamba Brima, Santigie Kanu and others went Kurubonla and joined

26 us at Mansofinia.

27 Q. All right. At Mansofinia a new command structure was

28 established, not so?

29 A. Yes.

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1 Q. And you explained to investigators, you gave details of
2 that command structure at Mansofinia to the investigators in your
3 statement of the 6th of May, not so?

4 A. Yes, I gave details of the command structure at Mansofinia.

11:17:35 5 Q. Yes.

6 MR KOROMA: Your Honours, with your leave, I will refer the
7 witness to statement he made the 6th of May, pages 20 and 21.

8 MS PACK: Your Honour, that is 10432.

9 PRESIDING JUDGE: Thank you.

11:18:11 10 MR KOROMA:

11 Q. Mr Witness, will you agree with me that when you went to
12 Mansofinia, there was already a big split between the SLA and the
13 RUF?

14 A. Yes.

11:18:36 15 Q. The ranking of the commanders by using the letter Gs, that
16 is commanders, not so?

17 A. Yes.

18 Q. That ranking is not known to the Sierra Leone Army?

19 A. No.

11:18:52 20 Q. No.

21 PRESIDING JUDGE: Yes, Mr Koroma, continue.

22 MR KOROMA:

23 Q. Yes. At Mansofinia it was strictly the ranking of the

24 Sierra Leone Army, not so, that was used?

11:19:24 25 A. We were in the jungle and we used jungle ranks. We were

26 not running an army.

27 Q. Can you please explain to the Court what you mean by jungle

28 ranks?

29 A. Because in the jungle, ranks were not given as how the army

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1 was operating in giving ranks.

2 Q. But, Mr Witness, it was you who explained in detail to
3 investigators the command structure at Mansofinia, were you not?

4 A. Yes.

11:20:10 5 MR KOROMA: Your Honours, with your leave, I will read what
6 the witness explained to investigators. I'll refer Your Honours
7 to 20 and 21.

8 PRESIDING JUDGE: Yes, we have that before us, Mr Koroma.
9 Continue.

11:20:51 10 MR KOROMA: Yes, Your Honour.

11 Q. Now, in that command structure you explained to
12 investigators -- sorry, Your Honour. Right. Sorry, Your Honour,
13 I'm trying to -- right. Now, didn't you explain, Mr Witness,
14 that the head of the command structure at Mansofinia was SAJ

11:22:17 15 Musa?

16 A. SAJ Musa was the head of the whole SLA troops both
17 Kurubonla, where he was, and Mansofinia and when we were going on
18 our operation, the head of our operation was Alex Tamba Brima to

19 and find a camp at Camp Rosos.

11:22:47 20 Q. Let us concentrate for a while on Mansofinia. Who was

21 second to SAJ Musa?

22 A. SAJ Musa was not at Mansofinia; he was at Kurubonla.

23 Q. Mr Witness, you have just explained to this Honourable

24 Court that SAJ Musa was the head of all the SLA?

11:23:09 25 A. Yes.

26 Q. Kurubonla as well as Mansofinia, he was the head, not so?

27 A. Yes.

28 Q. Yes, who was second to him?

29 A. I cannot tell.

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1 Q. You cannot tell. We're still on the command structure. Do
2 you know who was third in command?

3 A. At Mansofinia?

4 Q. Yes?

11:23:27 5 A. At Mansofinia, SAJ Musa was not at Mansofinia. I can only
6 tell the commander at Mansofinia when the operation was given and
7 when we started our operation.

8 Q. Who was the commander at Mansofinia, do you know?

9 A. Alex Tamba Brima was the commander.

11:23:52 10 Q. Who was next to him?

11 A. Ibrahim Bazzy Kamara.

12 Q. If I suggest to you that FAT Sesay was the head of

13 administration, would you agree with me?

14 A. Yes, head of administration, G1 operations.

11:24:10 15 Q. Yes. So although the G ranks was RUF, are you saying to
16 this Honourable Court that at Mansofinia they were still using
17 the G ranking?

18 A. Yes.

19 Q. Yes. Then after FAT Sesay, you will agree with me, Papa
11:24:36 20 was operations commander?

21 A. Yes.

22 Q. At Mansofinia?

23 A. Yes.

24 Q. Then after Papa you have the provost-marshal, that was you?
11:24:52 25 A. Yes.

26 Q. So that was the order, not so? Then after you, you have
27 the battalions?

28 MS PACK: If there is a question, perhaps my learned friend
29 could wait for the answer. If there was a question and that was

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1 the order, perhaps my learned friend could wait before asking
2 another question.

3 PRESIDING JUDGE: You've been told to let the witness
4 answer before, Mr Koroma, and I'm telling you again and this is
11:25:18 5 the last time I'm going to tell you. The next time it will be a
6 little more emphatic.

7 MR KOROMA: I apologise, Your Honour.

8 Q. So after Papa you have the provost-marshal. That was you,
9 not so?

11:25:36 10 A. Yes.

11 Q. Can you please elaborate a little bit on the duties of the
12 provost-marshal, the duties, the functions, rather, duties.

13 A. As I told you, I was in charge of the disciplinary actions,
14 to take care of discipline and law and order among the troops.

11:26:03 15 Q. That was a very senior position, not so?

16 A. Yes.

17 Q. Now, after these officers you have named, then you have the
18 battalion commanders, not so?

19 A. Yes.

11:26:21 20 Q. At Mansofinia. The commander for the 1st Battalion was

21 Colonel Tito?

22 A. Yes.

23 Q. And the commander for the 2nd Battalion was Arthur?

24 A. I couldn't remember unless you go through my notes.

11:26:57 25 JUDGE SEBUTINDE: Sorry, could you repeat that, please, he

26 commander for the 2nd Battalion. I didn't get the name.

27 MR KOROMA: Yes, it was Arthur, Your Honour, A-R-T-H-U-R.

28 Your Honour, with your leave, if you will permit me, I will

29 read to the witness the statement he made to the investigators on

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1 the 6th of May, at page 27.

2 MS PACK: 10439, Your Honour.

3 PRESIDING JUDGE: We had that before, Mr Koroma. What is
4 your question?

11:28:55 5 MR KOROMA: Your Honour, I will come to that later, if you
6 will permit. I just want to sort out.

7 PRESIDING JUDGE: Mr Koroma, this should have been sorted
8 out before you came to court.

9 MR KOROMA: As Your Honour pleases.

11:29:09 10 Q. Now, you will agree with me, Mr Witness, that the commander
11 for the 3rd Battalion was Foday Bah Marah? That is what you told
12 the investigators.

13 MS PACK: Are we still, at this point, in the Mansofinia
14 command structure?

11:29:25 15 MR KOROMA: Yes, Mansofinia.

16 THE WITNESS: Yes.

17 Q. Yes. And you also told investigators that the G1 commander
18 went to Sidiki, who was ZM?

19 A. Say again.

11:30:04 20 Q. You also told investigators that the position of G1 went to

21 Sidiki, ZM?

22 A. At Mansofinia?

23 Q. Yes.

24 A. No.

11:30:23 25 MS PACK: What is the reference for that, Your Honour? If

26 my learned friend could point to a reference for the that

27 question he is putting.

28 MR KOROMA: As Your Honour pleases. Yes, that is lines 21

29 and 22, going into 23. Page 22.

1 MS PACK: Well, in that case, if my learned friend would
2 read out -- that's 10434, Your Honours, and if my learned friend
3 would read out line 19, which is:

4 "A. Then we had the G4 commander.

11:31:10 5 "Q. G4."

6 Twenty-one.

7 "A. To take care of arms and ammunition, Sidiki ZM is his
8 name. They call him Terminator.

9 "Q. Sidike."

11:31:25 10 And so on. The preceding lines will probably elucidate the
11 answers.

12 MR KOROMA: Thank you very much for drawing my attention to
13 that.

14 Q. I was putting to you that, in fact, you explained in detail

11:31:32 15 the command structure at Mansofinia. That is contained in page 1
16 of your statement to the investigators on the 6th May, from page
17 20.

18 PRESIDING JUDGE: Are you now referring us to page 20?

19 MR KOROMA: Yes, Your Honour.

11:31:59 20 Q. With your leave, I will read starting from line 37. I will

21 read:

22 "A. So Gullit was the field commander for the movement.

23 He was the commander.

24 "Q. Field commander?

11:32:13 25 "A. Yes.

26 "Q. Is that his title?

27 "A. Yes. At that time he was a general, General Gullit."

28 "Q. Okay, he was the field commander?

29 "A. Yes.

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1 "Q. Okay.

2 "A. Then we have Bazzy, my own boss.

3 "Q. Who was?

4 "A. Who was the deputy.

11:32:27 5 "Q. Deputy field commander?

6 "A. Yes.

7 "Q. Okay.

8 "A. Then we had FAT, controlling still the

9 administration. Then we have Papa as the operation

11:32:46 10 commander still on the movement. Then we have battalions.

11 Tito commanded the battalion, the No. 1 battalion, the

12 first battalion.

13 "Q. Which is based where? Where was that based?

14 "A. We were all at Kurubonla. Before we moved there we

11:33:05 15 organised everything first."

16 Then line 20 it continues:

17 "Then the second battalion was a guy who was an RUF but he

18 never went with the RUF. He joined us at Kurubonla. He

19 was alone who was with us as RUF."
11:33:27 20 "Q. What was his name?
21 "A. He was alone with us who was an RUF. He was called
22 Arthur.
23 "Q. Ato?
24 "A. Arthur.
11:33:38 25 "Q. A-T-O.
26 "A. Yes, Arthur.
27 "Q. Oh, Arthur.
28 "A. Arthur, yes, Arthur, Arthur.
29 "Q. Arthur what? Do you know his last name?

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1 "A. No.

2 "Q. Or his name they gave him?

3 "A. Arthur, Arthur is his name, second battalion?"

4 Then line 35:

11:34:03 5 "Then the third battalion was Foday Bah Marrah, Foday,

6 Foday Marrah.

7 "Q. Foday Marrah was the third battalion.

8 "A. We had four battalions and we had the provost

9 martial, that was me.

11:34:17 10 "Q. You were the provost martial?

11 "A. Yes.

12 "Q. So you were no longer CSO?

13 "A. No, at that time they dissolved everything for the

14 movement. I was a provost martial. I had my own

11:34:36 15 administrative for myself.

16 "Q. What were your responsibilities as the provost

17 martial?

18 "A. Well, to take care of -- because when we go on the

19 operation, concentrate first on the operation, before these
11:34:43 20 boys start looting. If we are on the operation there
21 should be no looting until after everything is done; no
22 looting, no raping, no burning because SAJ gave us that --
23 strict orders. It was because of his death when they
24 changed the commandship, made all those things to start
11:35:01 25 coming.

26 "Q. But they started before he died. There was lots of
27 that activity before he died.

28 "A. When we were moving?

29 "Q. No. Anyway, we will get to that later. So your job

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1 as provost-marshal was what, to maintain discipline?

2 "A. Maintain discipline.

3 "Q. You must have been a busy man.

4 "A. Too bad.

11:35:19 5 "Q. All right. Who else?

6 "A. Then we had the G4 commander.

7 "Q. G4.

8 "A. To take care of arms and ammunition, Sidike, Z.M is
9 his name. They call him Terminator.

11:35:31 10 "Q. Sidike.

11 "A. Sidike Zedem.

12 "Q. Is he still alive?

13 "A. Yes, he is at Pademba Road prisons."

14 And so on, My Lord, coming down to line 32:

11:35:48 15 "Q. Did you have a G5?

16 "A. Yes, he had to take care of the families,

17 responsibilities, the civilian families, those who are

18 going to carry load and everything. Yes, we had a G5.

19 "Q. Who was he?

11:36:00 20 "A. It was this guy -- I don't know his real name. I

21 don't know his real name but they call him Pikin. Pikin

22 and his deputy was a guy they called Six Fingers."

23 So that was the command structure which you narrated to the

24 investigators in your statement of 6th of May, not so?

11:36:21 25 [AFRC20SEPT05C - AD]

26 A. Yes.

27 Q. Now, Mr Witness, you explained to this Honourable Court

28 that after Mansofinia you went to establish a base at Rosos.

29 A. Yes.

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1 Q. But before SAJ Musa could meet you there, you arrested the
2 commanders; not so?

3 A. Not at Rosos, but Gberibana.

4 Q. That was Major Eddie Town?

11:36:58 5 A. Yes, Major Eddie Town.

6 Q. You agree with me, your position as provost-marshal you
7 were senior to the battalion commanders?

8 A. Yes.

9 Q. And you were giving orders to your men, to the commanders.

11:37:19 10 A. Yes.

11 Q. In fact, you were giving orders to the commanders?

12 A. No.

13 Q. You don't?

14 A. I don't give orders to battalion commanders, only my own

11:37:35 15 securities I give orders to.

16 Q. You give orders. But you told this Court that you were in

17 charge of discipline for the entire troop.

18 A. Yes, but I don't give orders. The orders come from the

19 above, not me.

11:37:54 20 Q. You were one of the very senior officers that were taking

21 -- making the orders?

22 A. No.

23 Q. In your position as provost-marshal.

24 A. Yes.

11:38:14 25 Q. In fact, your rank was the same as FAT Sesay, Papa and

26 yourself you are the same rank?

27 A. No.

28 Q. Mr Witness, if I suggest to you that when the troops came

29 down to Freetown there was a break in the command structure; will

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1 you agree with me? There was a complete break in the command
2 structure. It was in disarray?

3 A. Yes.

4 Q. Now, is it not the case, Mr Witness, that you explained to
11:39:42 5 investigators in your statement of the 6th -- well if I go to
6 that. Is it the same command structure that moved from --

7 A. I am with you.

8 Q. Was there a new command structure at Major Eddie Town?

9 A. Yes, there were some positions that when SAJ came they had
11:40:12 10 to fill in those gaps.

11 Q. Did you maintain your position as provost-marshal?

12 A. Yes.

13 Q. From Major Eddie Town to Newton a lot of operations were
14 carried out; not so?

11:40:39 15 A. Yes.

16 Q. And you took part in all of those operations?

17 A. Not all.

18 Q. But this was the march from Major Eddie Town to Freetown;

19 not so?

11:40:56 20 A. Yes.

21 Q. As you say, there were four commanders who were detained,
22 who were under arrest or monitoring. Those were the words you
23 used, they were monitoring. They were not doing anything from
24 Major Eddie Town to Newton. Is that not the case?

11:41:14 25 A. Yes.

26 Q. You were one of the people who took over the command of the
27 troops; not so?

28 A. No, I was still provost-marshal. I never took command over
29 the troops.

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1 Q. Well, let me ask you this, Mr Witness. You have explained

2 -- was it still SAJ Musa that was still the head of the army at

3 Major Eddie Town?

4 A. Yes, on the arrival of SAJ Musa he was the head.

11:41:44 5 Q. Who was second to him?

6 A. At that time all the honourables have been arrested. He

7 was the head until we reached Newton. Then he fixed up the whole

8 command structure.

9 Q. Mr Witness, I asked a specific question. Who was second to

11:42:04 10 SAJ Musa?

11 A. I cannot tell. I only know the command.

12 Q. Was anybody third in command?

13 A. I cannot tell.

14 Q. What about fourth in command?

11:42:20 15 A. I cannot tell.

16 Q. But definitely you, as provost-marshal, you still maintain

17 your position in the structure; not so?

18 A. Yes.

19 Q. Well, if you say the other officers were removed, then
11:42:37 20 there was this gap between you and SAJ Musa; not so?

21 A. I was reporting directly to SAJ Musa.

22 Q. Yes. In other words, you were now in charge of giving
23 commands to the troops in the absence of the other commanders.

24 A. No.

11:42:55 25 Q. Who was? You said there was nobody next to SAJ Musa or
26 immediately after that, the preceding order, in that proceeding
27 orders.

28 MS PACK: That is a not what the witness said. That is a
29 mis-statement of what the witness said. This witness said that

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1 he was not able to identify those who were in positions that were
2 put to him, not that they didn't exist.

3 MR KOROMA:

4 Q. So, Mr Witness, are you telling this Honourable Court that
11:43:24 5 in fact the movement of the troops from Major Eddie Town to
6 Newton they were people serving orders -- well, immediately after
7 SAJ Musa, there were people occupying those positions?

8 A. After SAJ Musa arrived, the one who was taking care of all
9 the operations was called O-Five. He was the operation
11:43:45 10 commander.

11 Q. And were you next to O-Five?

12 A. I was the provost-marshal.

13 Q. Next to O-Five in that order?

14 A. All I can say I was the provost-marshal.

11:44:05 15 Q. Was there anybody senior apart from O-Five that was senior
16 to you?

17 A. After O-Five you have his 2IC, Junior Marvin.

18 Q. Yes.

19 A. And I was the provost-marshal.

11:44:17 20 Q. After Junior Marvin?

21 A. Those I could remember.

22 Q. I mean, I just want you to answer a specific question.

23 A. Yes.

24 Q. Yes.

11:44:28 25 MS PACK: Your Honour, I am not clear what my learned

26 friend is putting to the witness with these questions when he is

27 putting things like then this one was in that position, then

28 someone else was in the other position, whether he is suggesting

29 or putting that there was an order of -- in the manner in which

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1 he is putting the question. As in, whether he is saying that the
2 witness was subordinate to someone as a provost-marshal because
3 he is naming the witness is provost-marshal after he has named
4 that person. So, if that could be put specifically I think it
11:44:57 5 would be clearer for the record. My learned friend has said that
6 the witness was provost-marshal after Junior Marvin as second in
7 command to O-Five. Is it being put that the witness was
8 subordinate to Junior Marvin and therefore next in the line in
9 the chain of command? It is not clear to me from the questions
11:45:16 10 that are being put what is being asked.

11 JUDGE LUSSICK: I am not clear either, Mr Koroma. I am not
12 sure whether you are suggesting, as Ms Pack has just mentioned,
13 or whether you are going to suggest to the witness that apart
14 from discipline he attended -- he gave other orders as
11:45:32 15 provost-marshal.

16 MR KOROMA: As Your Honour pleases. I will put a specific
17 question to him then, Your Honour.

18 Q. Mr Witness, you have explained to the Court that when SAJ

19 Musa arrived the other commanders from Mansofinia to Rosos to
11:45:50 20 Major Eddie Town were under arrest, house arrest. SAJ Musa came,
21 they were still under house arrest. When the movement to
22 Freetown started SAJ Musa was head. Then I asked you who was
23 next to SAJ Musa. You said there was an O-Five and next to him
24 was Junior Marvin, that was his deputy. The question I am
11:46:19 25 putting to you: After Junior Marvin, next in line was you, the
26 provost-marshal?
27 A. Yes.
28 Q. So would I be correct to say that in that line of command
29 you were the fourth in command?

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1 A. Yes.

2 Q. And you were giving orders to the battalion commanders in
3 the movement to Freetown.

4 A. No. That was not my job.

11:46:59 5 Q. Now as fourth in command you will agree with me that that
6 was a very senior position; not so, Mr Witness?

7 A. Yes.

8 Q. When decisions were taken at that point, those decisions
9 were taken jointly. This quadruple structure, SAJ Musa, the 2IC,

11:47:24 10 Marvin and you, you had to take those decisions jointly; not so?

11 A. No, all decisions comes from the above who was SAJ Musa.

12 Q. What are you telling this Court? In other words, he was

13 not consulting you when he was taking those decisions?

14 A. He gives his decision and O-Five carries out any decisions

11:47:51 15 SAJ Musa gives.

16 Q. And then you filter it down to the commanders, that

17 decision?

18 A. O-Five would take it down to the battalion commanders.

19 Q. You have earlier on answered to a question that I posed to
11:48:44 20 you that when the troops came down to Freetown the command
21 structure completely broke down; not so?
22 A. Yes.
23 PRESIDING JUDGE: What is your question, Mr Koroma? He has
24 already answered that question twice.
11:49:18 25 MR KOROMA: As Your Honour pleases.
26 PRESIDING JUDGE: Move on, please.
27 MR KOROMA:
28 Q. It is true, Mr Witness, that you told investigators that --
29 PRESIDING JUDGE: What date was it, Mr Koroma, so we can

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1 have it in front of us.

2 MR KOROMA: The statement of 6th.

3 Q. That there was a split in fact between -- after Koidu --

4 PRESIDING JUDGE: Page and line number.

11:50:16 5 MR KOROMA: Page 23, Your Honour.

6 PRESIDING JUDGE: Thank you.

7 MS PACK: And, for the record, that is 10435, Your Honour.

8 PRESIDING JUDGE: Thank you. Continue, Mr Koroma.

9 MR KOROMA:

11:50:44 10 Q. You said there was a different planning between the SLA

11 soldiers and the RUF; not so, they were no longer as one?

12 A. Yes.

13 MS PACK: Your Honour, it is not clear to what time period

14 my learned friend is referring at this point.

11:51:10 15 MR KOROMA:

16 Q. Mr Witness, I am talking about from the time you went back

17 to Mansofinia, from Koidu to Mansofinia?

18 A. Yes.

19 Q. There was a big split between the SLA soldiers and the RUF;
11:51:29 20 not so?

21 A. Yes.

22 Q. This continued until the time you got to Rosos; not so?

23 A. It continued throughout.

24 Q. Until the time you came down to Freetown; not so, January
11:51:43 25 6th?

26 A. Yes.

27 Q. Mr Witness, I will give you several examples you mentioned
28 in your several statements before this Court of the relationship
29 between the RUF and the SLA. In your statement of 6th May 2003

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1 you mention that in Kabala the RUF were unhappy with SB's message
2 to Superman in which SB told the RUF that they should let the SLA
3 take charge, RUF was unhappy with this and arrested some SLAs.
4 That was on page 5 and 6 of your statement of 6th.

11:52:47 5 JUDGE LUSSICK: We are going all over the place here. What
6 happened to page 23, I thought you were going to ask a question
7 on it. Now we're back to page 5 and 6.

8 MR KOROMA: Your Honour, I was referring to page 23, laying
9 the foundation that there was a split between the SLA and the RUF

11:53:12 10 to which the witness agreed.

11 PRESIDING JUDGE: Yes, but you haven't read anything out
12 from that page.

13 MS PACK: Also, Your Honour, I should add that referring
14 just to pages of transcript that aren't in evidence -- if there's

11:53:21 15 a prior inconsistency which my learned friend wants to put to the
16 witness then fine. But otherwise just referring to pages as we
17 go through of prior interviews seems to me to be inappropriate in
18 the circumstances.

19 MR KOROMA: Your Honour, I am laying emphasis on the
11:53:42 20 statement of the witness which he made on 6th of May because
21 that was the first statement he made to investigators. That is
22 why I want to draw his attention to that statement which he made
23 and to what he has said in this Court on 15th of September.
24 JUDGE SEBUTINDE: Mr Koroma, a statement per se is not
11:54:06 25 evidence, is not even in evidence yet until you read from it for
26 the purpose of showing a prior inconsistency. It serves
27 absolutely no purposes simply reading from it if you are not
28 going to challenge that prior statement and I think that is what
29 Ms Pack is saying and I believe she is correct.

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1 MR KOROMA: As Your Honour pleases.

2 PRESIDING JUDGE: Further, Mr Koroma, I would remind you
3 of the duty of this Court to ensure that there is not time wasted
4 and if you persist in putting statements which the witness only
11:54:40 5 agrees with, as my learned colleague has said, you are wasting
6 time and it will not be permitted.

7 MR KOROMA: Your Honour, I shall try to cut my
8 cross-examination short by reading from page 5 of the statement
9 of the witness, pages 5 and 6.

11:55:07 10 MS PACK: For the record, that's 10417.

11 PRESIDING JUDGE: Are you only just going to read it so
12 that he agrees it?

13 MR KOROMA: Yes, Your Honour, because I want him to agree
14 with it.

11:55:23 15 PRESIDING JUDGE: But he has already -- what purpose are
16 you serving by putting something that he has already said and he
17 agrees with?

18 MR KOROMA: Your Honour, I just want to emphasise the point

19 that these are statements which the witness said he made.

11:55:39 20 JUDGE SEBUTINDE: And has he said now in Court something

21 inconsistent with those statements? Because if he hasn't it

22 serves absolutely no useful purpose.

23 MR KOROMA: No, Your Honour, with respect, from the

24 evidence-in-chief of the witness it will appear that there was a

11:55:57 25 joint enterprise between the SLA and the RUF, but in his previous

26 statement it was categorically clear that they were not one and

27 the same. That is what I want to bring out.

28 JUDGE SEBUTINDE: Mr Koroma, we as a Bench would appreciate

29 if you would clearly point out the inconsistency if there is an

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1 inconsistency.

2 MR KOROMA: As Your Honour pleases. I shall do that.

3 JUDGE SEBUTINDE: If there is one, please point it out

4 clearly. It just confuses us if we are scanning through the

11:56:30 5 pages.

6 MR KOROMA: As Your Honour pleases. I take the point, Your

7 Honour.

8 JUDGE SEBUTINDE: You were on page 5. Page 5, you were

9 about to read something.

11:56:47 10 MR KOROMA: Your Honour, I want to cut my cross-examination

11 short by just referring now to page 33 of the statement. I will

12 start from line 28, Your Honour. It says: "At that time

13 Mosquito had sent RUF to come and deploy to Makeni, Lunsar and

14 Waterloo. They were at Waterloo so we tried to communicate with

11:57:16 15 them to send ammunition for us so that we cannot pull back. But

16 they said maybe when they come in we will turn against them and

17 try to capture them."

18 Line 32:

19 "Q. So up to that point though the RUF and you were
11:57:34 20 inside this plan?

21 "A. No.

22 "Q. So it was just purely SLA? The objective was purely
23 SLA.

24 "A. Purely SLA. Purely SLA."

11:57:51 25 MS PACK: Perhaps if my learned friend would assist with
26 identifying the period to which this portion of prior interview
27 relates, because it's not clear on the face of it and the record,
28 in fairness, should indicate where it was that this communication
29 was made. It looks, by the previous paragraph starting line 18,

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1 to be at Orugu and I will just read from the, if I may, for the
2 record. Line 17:

3 "Q. So did SAJ -- did Gullit maintain the same operational
4 plan that SAJ had.

11:58:35 5 "A. Yes, that was the same plan he came with into
6 Freetown. But when we came to Freetown the night, January
7 5th night, we were at Orugu there. We came down that
8 night. When we came", and so on.

9 And then line 28: "At that time Mosquito had sent RUF to
11:58:52 10 come and deploy" and so on. For the record that is 10445 of the
11 registry pages.

12 JUDGE LUSSICK: Now you have read a passage, Mr Koroma. Do
13 you have a question relating to what you have just read?

14 MR KOROMA: Yes, Your Honour.

11:59:15 15 Q. In your evidence-in-chief you told this Honourable Court
16 that in fact it was the RUF and the SLA, didn't you, for the
17 attack on Freetown. Did you tell this Honourable Court that?

18 MS PACK: If there could be a page number of the transcript

19 reference for that portion of evidence by this witness. It is
11:59:38 20 not something that I recall this witness stating in evidence.

21 PRESIDING JUDGE: There were two days of
22 examination-in-chief, Mr Koroma. Which day was it and which page
23 was it?

24 MR KOROMA: The second day, the 15th. I am sorry, Your
12:00:54 25 Honour, I cannot readily point out where the witness said that,
26 but if I can put the question to the witness.

27 PRESIDING JUDGE: Mr Koroma, as has already been pointed
28 out, if you are putting a prior inconsistent statement, you
29 should put what did he say.

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1 MR KOROMA: As Your Honour pleases.

2 PRESIDING JUDGE: What did he say?

3 MR KOROMA: Like I said, Your Honour --

4 PRESIDING JUDGE: Quote it.

12:01:22 5 MR KOROMA: Your Honour, I cannot at the moment locate it

6 in the statement. Your Honour, can I go on with the

7 cross-examination?

8 PRESIDING JUDGE: Yes. Do you mean you are not pursuing

9 that particular question?

12:02:53 10 MR KOROMA: Yes, Your Honour.

11 PRESIDING JUDGE: Well, proceed on to your next question.

12 MR KOROMA:

13 Q. So, when you came to Freetown, when the troops came to

14 Freetown, you still maintained your position; not so?

12:03:17 15 A. I was task force commander.

16 Q. You were still the task force commander. And throughout

17 that period you were going round giving orders to the troops; not

18 so?

19 A. I go round to check on the troops, but I don't go round to
12:03:36 20 give orders.

21 Q. When you go round to check on them did you talk to them?

22 A. I don't talk to them; I go round talk only with the
23 battalion commander and know exactly what is happening at the
24 front line.

12:03:54 25 Q. And then you will give instructions to him after he has
26 explained what the position was?

27 A. I cannot give instructions to battalion commanders because
28 that was not my job.

29 Q. You have explained to this Court -- by way of round ing up,

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1 you have explained to this Honourable Court that you were the
2 task force commander from Rosos until Freetown?

3 A. No.

4 Q. Am I correct?

12:04:32 5 A. No, from Newton to Freetown I was the task force commander.

6 Q. That was the most senior than your previous position as
7 provost-marshal?

8 A. Yes.

9 Q. Yes. In fact, you were going some steps upward the ladder?

12:04:52 10 A. It was just an appointment, but it is a senior appointment.

11 Q. A very senior appointment. Taking down from your position
12 of provost-marshal down to task force commander in Freetown, you
13 were present in all the operations; not so?

14 A. Not all.

12:05:20 15 Q. But in those operation at which you were present a lot of
16 atrocities occurred; not so?

17 A. Some operations I do go, some I am not present.

18 Q. In those operations that you go a lot of atrocities were

19 committed.

12:05:45 20 A. I cannot tell.

21 Q. You cannot tell whether atrocities were committed?

22 A. Yes. In the case of war, there must be destructions that

23 takes place.

24 Q. Apart from troops, you had your own men; not so?

12:06:11 25 A. Yes, I had 42 securities with me.

26 Q. You were giving them orders?

27 A. I don't give them orders. They are there to protect me,

28 and whenever there is complaint that reach me, my securities will

29 go to bring the individual.

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1 Q. Mr Witness, you have just explained that in times of war
2 atrocities may be committed.

3 A. Yes.

4 PRESIDING JUDGE: I think that --

12:06:43 5 JUDGE LUSSICK: He didn't say that atrocities may be
6 committed. I understood him to say destruction.

7 PRESIDING JUDGE: That is also my record.

8 MR KOROMA:

9 Q. Destruction, that includes atrocities.

12:06:57 10 A. Say again.

11 PRESIDING JUDGE: Are you asking him or telling him?

12 MR KOROMA: Yes, Your Honour, I am asking the witness.

13 Q. That also includes atrocities; not so?

14 A. Destructions took place whenever there is war.

12:07:09 15 Q. In those operation you were present, at times people get
16 killed?

17 A. I cannot tell because all my operations I was going was

18 military operations, fighting against my enemies. So I cannot

19 tell what happened on the other side where my enemies are.

12:07:32 20 Q. Finally, Mr Witness, let me ask you this, of all those

21 destructions -- let me put it this way, when you say

22 destructions, like the burning of houses?

23 MS PACK: Is that a question, Your Honour?

24 MR KOROMA: It is a question.

12:07:57 25 Q. Does that include the burning of houses, when you say that

26 destructions took place?

27 A. Yes, they are all destructions.

28 Q. Mr Witness, do you know a lady called Linda?

29 A. Say again.

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1 Q. Linda, do you know a lady called Linda?

2 A. No.

3 Q. You don't. Were you arrested some time in 1997 for raping

4 Linda?

12:08:40 5 A. '97, no.

6 Q. You don't recall that incident?

7 A. No, because in '97 there was a government in Freetown and

8 we were in Freetown.

9 Q. That was the AFRC government?

12:08:54 10 A. Yes.

11 Q. You don't recall of that incident of raping Linda?

12 A. No.

13 Q. Mr Witness, if I suggest to you that in fact you told this

14 Honourable Court in evidence-in-chief that certain Christian nuns

12:09:23 15 were arrested on your pull-out at Kissy?

16 JUDGE SEBUTINDE: I beg your pardon, certain what?

17 MR KOROMA: Christian nuns, Your Honour. Nuns, N-U-N-S.

18 A. They were abducted.

19 Q. Abducted. Including Bishop Ganda; not so?

12:09:44 20 A. Yes.

21 Q. Mr Witness, if I suggest to you that you were present in a

22 house where three of these Christians nuns were raped, would I be

23 correct?

24 A. I was outside the house when I went to that area. I met

12:10:18 25 Foday Bah Marah and some of his securities in the house with the

26 Christian nuns.

27 Q. The Christian nuns, the ladies they were white people ; not

28 so?

29 A. They were mixed, whites and blacks.

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1 Q. How many whites, do you recall?

2 A. I cannot tell you numbers of whites and blacks, but they
3 were mixed.

4 Q. But those who were raped were the whites.

12:10:53 5 A. I cannot tell because I was not in the house.

6 Q. All of them were in the house?

7 A. On my arrival at that point they were all inside the house.

8 Q. Mr Witness, I am putting it to you that you were one of
9 those people who raped these white Christian nuns.

12:11:13 10 A. I disagree.

11 Q. Finally, Mr Witness, let me ask you this question: Of all
12 those terrible things that happened in your presence in which you
13 actively participated, in which you were a very senior officer,
14 do you have any regrets for that?

12:11:36 15 A. Say again.

16 JUDGE LUSSICK: You had better specify what actions you are
17 alleged he actively participated in. I am not quite sure what
18 you are referring to.

19 MR KOROMA: Your Honour, the witness has explained to this
12:11:51 20 Court that he was a very senior officer, one as provost-marshal,
21 one of the first four positions in the troops, and then he was
22 task force commander -- that was a promotion going upwards -- and
23 that he was present in most of the operations. He said
24 instructions --

12:12:07 25 PRESIDING JUDGE: You have not challenged his positions in
26 that question, Mr Koroma. You have ask if he regrets --

27 MR KOROMA: Yes, Your Honour.

28 PRESIDING JUDGE: But you have not specified what it is he
29 has to regret as Justice Lussick has pointed out.

1 MR KOROMA: As Your Honour pleases.

2 Q. Now I am talking about, Mr Witness, the destructions that
3 took place, the crimes against humanity that took place, the
4 burning of houses, the looting of properties, the killing ever
12:12:36 5 innocent people, the raping of women, the abduction of men and
6 children, et cetera, et cetera. Of all those atrocities and
7 destruction that took place, in which you were a very senior
8 officer, do you have any regrets?

9 A. Yes, because that was why I knocked the door so that there
12:12:58 10 will be peace, so that we can stop all these atrocities.

11 MR KOROMA: That will be all for this witness.

12 PRESIDING JUDGE: Thank you Mr Koroma. Re-examination,
13 Ms Pack?

14 MS PACK: No, Your Honour.

12:13:31 15 QUESTIONED BY THE COURT:

16 PRESIDING JUDGE: Mr Witness, can you explain to me --
17 there has been use of the word "battalion" and the use of the
18 word "company" in relation to the entry into Freetown. Was it

19 companies or battalions that entered Freetown on the night of 5th
12:13:49 20 of January 1999?

21 THE WITNESS: There were battalions, six battalions.

22 PRESIDING JUDGE: We have also heard in the course of your
23 evidence, both in-chief and in cross-examination, that you had
24 nicknames. For purposes of clarity, can you tell me what those
12:14:19 25 nicknames were and how many nicknames you had in the course of
26 your time, between both the army and in the jungle?

27 THE WITNESS: Well, in my own case, I loved getting
28 nicknames, and most soldiers love to get nicknames. That is all
29 I can say about that.

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1 PRESIDING JUDGE: Can you tell us what your nicknames were?

2 THE WITNESS: At first, I was Lion, when coming to
3 Freetown. And when I contacted Foday Saybana Sankoh I was called
4 Junior Lion. That was my nickname.

12:15:37 5 JUDGE SEBUTINDE: What about the other names you went by
6 earlier on in your vigilante days?

7 A. I was called Junior Bolo.

8 JUDGE SEBUTINDE: Does it mean anything? What does Bolo
9 mean?

12:15:54 10 A. Well, Bolo was an actor, a Chinese actor, so I admired him.
11 When I had my karate school I had to take that name.

12 PRESIDING JUDGE: Thank you, Mr Witness, those are my
13 questions. This is now the end of your evidence; we have no
14 other questions for you. We thank you for coming to give your
12:16:31 15 evidence. You are now at liberty to leave the Court. Madam
16 Court Attendant, someone from the Witness Protection, would you
17 please assist the witness to leave the Court?

18 [The witness withdrew]

19 PRESIDING JUDGE: Yes, Ms Taylor?

12:17:08 20 MS TAYLOR: Your Honours, the Prosecution is in a position

21 to call the next witness. Do Your Honours wish to proceed for

22 the next half hour or would you prefer to start in the morning?

23 PRESIDING JUDGE: Ms Taylor, we will proceed on, please.

24 MS TAYLOR: Your Honour, the next witness is Witness

12:17:41 25 TF1-153. That witness will give evidence in English. That

26 witness is a group one, category C witness, so the voice

27 distortion equipment needs to be turned on. Might I request that

28 the Prosecution has five minutes simply to arrange the transfer

29 of the witnesses. Mr Hodes and Ms Alagendra will come into Court

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1 on behalf of the Prosecution.

2 PRESIDING JUDGE: Will the wooden screen need to be to be
3 up the light of what you are saying?

4 MS TAYLOR: Yes.

12:18:08 5 PRESIDING JUDGE: So that will have to be put in place,
6 too. I understand it is quite heavy. Since the mechanics of
7 getting that up, I believe it is a heavy type of thing, and so
8 on, it is going to take a bit of time, maybe it would be more
9 practical that we start with that new witness first thing

12:18:34 10 tomorrow morning. In the circumstances, we will adjourn till
11 tomorrow morning to allow Court Management to have everything put
12 in place. Madam Court Attendant. You said this witness will be
13 in English, Ms Taylor, is that correct?

14 MS TAYLOR: That is correct, Your Honour.

12:19:01 15 PRESIDING JUDGE: Thank you for that clarification. Please
16 adjourn the Court until tomorrow.

17 [Whereupon the hearing adjourned at 12.10 p.m.
18 to be reconvened on Thursday, the 22nd day of

19 September 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

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