

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

TUESDAY, 27 SEPTEMBER 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg Mr James Tamba Kamara
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Jim Hodes Ms Wambui Ngunya Ms Shyamala Alagendra Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	Mr Ibrahim Foday Mansaray
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Amadu Koroma

1 [AFRC27SEP05A - SV]
2 Tuesday, 27th September 2005
3 [Accused Brima, Kamara and Kanu present]
4 [Open session]
09:12:39 5 [Upon commencing at 9.20 a.m.]
6 WITNESS: TF1-184 [Continued]
7 [The witness answered through interpretation]
8 PRESIDING JUDGE: Good morning. Unless there is some other
9 matters that any counsel wishes to raise, I will remind the
09:19:35 10 witness of his oath and proceed on with his evidence.
11 Mr witness, you recall that yesterday you took the oath and
12 promised to tell the truth. You remember that?
13 THE WITNESS: Yes.
14 PRESIDING JUDGE: That promise or that oath is still
09:20:02 15 binding on you today and you must answer all questions
16 truthfully. Do you understand this?
17 THE WITNESS: Yes.
18 PRESIDING JUDGE: Thank you. Mr Hodes, please proceed.
19 CROSS-EXAMINED BY MR HODES: [Continued]
09:20:18 20 Q. Mr witness, good morning.
21 A. Good morning.
22 Q. We left off yesterday when you and xxxxxx and I think
23 you indicated about eight people in total went to Makeni, and
24 what I'm going to do is just ask you about where you all went
09:20:45 25 from Makeni. If you would, did you go somewhere from Makeni?
26 A. When we reached xxxxxx we went to xxxxxx. At that time I
27 don't know whether I can provide this name, the village name is
28 xxxxxx. I cannot tell whether that is the correct
29 pronunciation.

1 PRESIDING JUDGE: Because, Mr Witness, please.
2 Mr Interpreter I'm not hearing anything. Is it being
3 interpreted?
4 THE INTERPRETER: Are you getting us?
09:21:30 5 PRESIDING JUDGE: I'm getting you now, thank you.
6 Sorry. Sorry, Mr Witness, to interrupt you. Please
7 continue.
8 THE WITNESS: when we left xxxxxx, we went to xxxxxx.
9 From xxxxxx, when we reached, xxxxxx asked for JP, for
09:22:02 10 JP Koroma. So he had information that he was in one of his
11 villages they call xxxxxx. So we were in xxxxxx and he
12 decided to go and meet him. When he went, he asked him what was
13 the next plan.
14 MR HODES:
09:22:23 15 Q. Mr Witness, I'm going to slow you down for a second.
16 First, you mentioned a village and if you don't know how to spell
17 it, I understand. I think you pronounced it kamabunaneh?
18 A. Yes.
19 Q. Can you spell that?
09:22:43 20 A. No, I cannot. I cannot.
21 MR HODES: Unfortunately, Your Honours, the only thing I
22 can do is give you a -- I don't have it, but I had it as
23 xxxxxx.
24 Q. You also began talking about xxxxxx meeting someone
09:23:08 25 else, I believe, and what I'm going to ask you to do for purposes
26 of the court is when people are talking to each other if you can
27 clarify who is saying what to who as opposed to he said to him;
28 okay?
29 A. Yes, yes.

1 Q. And to clear that up, I think your last bit of testimony
2 was that he asked JPK what the plans were. Who was he that you
3 were talking about?
4 A. xxxxxx.
09:23:51 5 Q. And did JPK say anything in response to that?
6 A. He said until they reach Kailahun it was only then he would
7 be able to tell him the next plan he had. From there we went to
8 xxxxxx and then we went back to xxxxxx and the next day we came
9 back. At that time when we came, the men I saw were Superman
09:24:43 10 from the RUF, the army -- CDS who was JP's brother, JP Koroma's
11 brother, and these were the people I am able to call presently.
12 So --
13 Q. And, Mr Witness, they were where? Where did you see them?
14 A. That is at xxxxxx. This was the second time inside
09:25:29 15 xxxxxx, the xxxxxx where JP Koroma met them. So from there
16 he never gave xxxxxx any good talk. That is, I didn't know
17 what they were saying. So he came back and met us. He told us
18 to go and check at xxxxxx; we went to xxxxxx. We went back to
19 xxxxxx. When we went to Kabaala and we decided in one evening,
09:26:05 20 that was around 6.00 to 7.00, and we decided to go and meet them;
21 but the time we went to meet them --
22 Q. When you say them?
23 A. JP Koroma. We wanted to meet JP Koroma. xxxxxx went
24 to go and meet JP Koroma. So when we went we didn't find him in
09:26:37 25 the village. So he decided to chase him to go to Makeni to see.
26 He went to Makeni. He was not in Makeni. He only saw the convoy
27 heading to Matotoka Highway to Kono.
28 Q. Mr Witness, again you refer to "he wasn't there" and "he
29 chased after the convoy". Go ahead and tell us who wasn't --

1 A. JP Koroma. JP Koroma. He never met JP Koroma in his
2 village, which was Kamabunaneh from there he decided to chase him
3 to Makeni. There we met a xxxxxx. They had taken him to
4 Matotoka Highway to go to Kono. It was this xxxxxx saw and
09:27:25 5 then he said, "Let him try to talk to JP Koroma." whilst we were
6 xxxxxx. We had to shoot at -- shoot at,
7 but during that time even the people who were there were Issa for
8 RUF, JP himself, his xxxxxx, who was xxxxxx. These are the people I
9 could call. From there we had some casualties with this attack.
09:28:09 10 Because of the arrangement xxxxxx saw, he was discouraged
11 because he saw that the men were just ready to go to Kailahun.
12 It was not for them to prepare to defend themselves. So we took
13 the casualties and he withdrew while JP Koroma and his battalion,
14 they went to Kono.
09:28:34 15 Q. Mr witness, do you recall whether or not any other members
16 of the AFRC ruling council or Supreme Council were with JP Koroma
17 at that time?
18 A. The only person whom I was able to see was Rambo, who was
19 his chief security. The next one was Issa. These were the
09:29:09 20 people I saw during that attack.
21 Q. Okay. If you would, you indicated that some of xxxxxx
22 or some xxxxxx were injured during the ambush. Did you and
23 xxxxxx do anything about the injured xxxxxx?
24 A. xxxxxx took them all away to take the casualties, put
09:29:40 25 them in the four-wheel drive he had to Makeni. From Makeni he
26 went to Kabala, whilst JP Koroma and the other troops, the ones I
27 have just mentioned, they went to Kono. We continued to go to
28 Kabala. We were in Kabala. It was in Kabala we left the
29 wounded.

1 Q. Mr witness, I'm going to stop you for a second. Did
2 xxxxxx ever talk to you about JP Koroma going to Kono?
3 A. If I remember, he asked me the question before they left
4 the second meeting we met at Kamabunaneh, where Superman himself
09:30:33 5 was there. He said JP Koroma and xxxxxx, these were the
6 only people who were to cross to Kono. All the other troops,
7 they should have left for Kono. Unless a few people whom they
8 would choose with JP Koroma and xxxxxx who would go with
9 them, they would cross to Kono. But the balance, the rest of the
09:30:58 10 troop, should remain at Kono. Based on that, xxxxxx said he
11 would never go to Kono because how would he go with a troop and
12 then somebody commands that when he gets to Kono he will choose
13 us to go with him. But if JP is ready to go, let him go. But he
14 would not go. That was the time I knew that they were going to
09:31:22 15 Kono.
16 Q. Okay, Mr witness. Again I'm going to ask you to slow down
17 sometimes so that the interpreters can keep up with you. But
18 xxxxxx told you that he would not ever go to Kono. Did
19 xxxxxx tells you why he would never go to Kono?
09:31:45 20 A. He said because -- yes.
21 Q. why would he never go to Kono?
22 A. He said how could he get -- how could he have a troop and
23 then a civilian RUF to tell him that it was only few of his men
24 that he would choose to go with and the place where they are
09:32:10 25 going is where the RUF is dominating? So if he is to go with few
26 men to where the RUF are, which means he would not have any
27 control. So because of this he said he would not go.
28 Q. okay. You just said that he would not have any control.
29 who are you referring to as "he"?

1 A. He, the xxxxxx. xxxxxx said because the order
2 came from RUF that all the soldiers who had retreated from
3 Freetown came to Masiaka up to Makeni, they were all to stop at
4 Kono. Only xxxxxx and JP Koroma and a few men whom they
09:33:13 5 would select should be with them who would cross, then the others
6 will stay. So it was this that xxxxxx saw and he said how
7 could he cross from Kono to Kailahun where RUF was based and
8 leave his manpower at Kono. So based on that --
9 Q. Mr witness, was there anything in particular that xxxxxx
09:33:56 10 xxxxxx was opposed to in terms of going to where the RUF was in Kono?
11 A. Yes.
12 Q. What was that, Mr witness?
13 A. He said he would not be under the command of RUF because
14 the Kailahun where they are going, it was the RUF that was based
09:34:26 15 there. So if he is to go there it will be a sort of trap. So he
16 said --
17 Q. And why, Mr witness -- did xxxxxx tell you why he did
18 not want to be under the control or command of the RUF?
19 A. One point he was trying to raise was that JP said until
09:35:02 20 they get to Kailahun before ever he would disclose what their
21 plan was and in that base -- it was an RUF base in Kailahun. So,
22 because of this, he said if he is to go to that particular side,
23 it will be like a trap. So he would not leave his military, the
24 soldiers, to themselves and then go into the RUF. So because of
09:35:30 25 that he saw that JP was listening to the RUF than what he was
26 telling them. So he said he would not go to Kailahun. They
27 should sit down and plan as soldiers to fight. But if JP insists
28 that he's going to Kailahun, "Let him go alone. I will remain."
29 These was the words he said.

1 Q. Let me ask you, Mr Witness, was there a difference between
2 the people in the RUF and the people in the AFRC?
3 A. Yeah. If you ask me this question, I would like to clarify
4 this because you had the AFRC, these boys who were well dedicated
09:36:17 5 to them and whom they believed that they were recognised, their
6 government had been recognised, when they were given six months.
7 And RUF on the other side, they were saying that they have
8 controlled us, Freetown. So if we get to the bush they should
9 control us. This was the argument that was between us. while
09:36:44 10 [REDACTED] was saying -- sorry, while xxxxxx was saying that
11 it was to reinstate the army, they will not tell us about flush,
12 and if you see what they say "flush", it means that if you go --
13 if you visit the gents then you flush, so when it goes down.
14 Based on that --
09:37:08 15 Q. Mr witness, you said that xxxxxx talked about
16 reinstating the army. Was there any difference in terms of
17 reinstating the army between the AFRC leaders and the RUF
18 leaders?
19 A. Yeah, if you ask me this question, yes, because if you look
09:37:37 20 at the Lome Peace Accord, they said AFRC/SLA and this was the
21 argument that how we, the soldiers, would suffer and we talk of
22 army. And you are saying that you AFRC should be recognised
23 before the SLA come. Based on this, this was the argument that
24 they been recognised for six months, they were a government.
09:38:08 25 Unless they know the AFRC force before the SLA would come, this
26 was the argument, and RUF was on the other side, who said they
27 were the only faction. So this was -- I should say there are
28 three bodies. They had those who were loyal as soldiers, you
29 have one which was the council members, and then the RUF was on

1 the other side.

2 Q. All right. Now you've just talked about soldiers on one
3 side and RUF on the other. For the most part, who made up the
4 RUF; was it soldiers?

09:38:55 5 A. The civilians were more, but most was some of the SLAs and
6 to add to that we had an information that even JP, when he
7 reached Kono, they said he said that all SLA should be answerable
8 to RUF.

9 Q. And how did xxxxxx feel about that?

09:39:25 10 A. He was angry because he was a soldier, he would not allow a
11 civilian to control him. So he said if they are talking about
12 guerillas and we are the junglers, so let us select our own side.
13 That was what brought the problem between. They were on one
14 side, the RUF were on the other side.

09:39:50 15 Q. Okay. So xxxxxx said he would not let civilians
16 control you because of the military background?

17 A. He told them, he said because if there had been chance --
18 he said he had the chance to go because he has done international
19 job. It was not during the time when NPRC, when they had just
09:40:19 20 come out of school and they came into the job. But now he has
21 done some law with his international law, which is LLB honours.
22 The only thing that would give him cause not to go was that he
23 would not cross over, and they would ask, "where is the SLA?" So
24 if they say they are going to flush the SLA then we should resist
09:40:38 25 and reinstate the army because the army was the oldest
26 institution. For less somebody to say no to that and you agree
27 to it. But all this on the other side, the boys were not seeing
28 the other side. They were saying, they had been recognised, they
29 had been given six months. But first they should be known

1 because they've already known them. This was the fracas that was
2 taking place between them.

3 Q. Okay, Mr witness. I'm going to take you back a second, and
4 let's get back to where you were located. At this point you've
09:41:16 5 indicated that Johnny Paul Koroma and a convoy headed for Kono.
6 You and xxxxxx had headed back with the wounded soldiers.

7 what happened? Did you do anything with the wounded soldiers?

8 A. Yes, we had some team that was medicare. When we reached
9 kabala we handed them over to them. From there, he drove to his
09:41:53 10 lodge where he was in kabala whilst the wounded were left with
11 the soldiers whom I cannot remember now. He was in charge.

12 Q. From kabala were there any meetings that occurred either in
13 kabala or anywhere near kabala?

14 A. Yes. If I could remember, because as you are asking me I'm
09:42:27 15 looking at the people, you make me to remember more, you make me
16 think more. We reached kabala. At that time we had some
17 authorities that were there. So Williams was there, Kis Kamara
18 was there. These were the people I was able to see. He said,
19 "well how could JP just go like that? He has no other plan.

09:43:03 20 we've left Freetown without a plan. We came to Masiaka. There
21 was no good plan."

22 Q. I'm going to stop you for one second. You've just
23 identified two individuals and I'm going to ask you, first of
24 all, do you know who SO Williams was?

09:43:19 25 A. Yes, he was officer and at that time he was the army chief
26 of staff.

27 Q. Do you know who Kis Kamara -- and, Your Honours, that's
28 spelt K-A-M-A-R-A -- who Kis Kamara was?

29 A. I knew him as a medical officer. During that time he was a

1 colonel.

2 Q. Go ahead and finish what you were saying about xxxxxx
3 meeting with them?

4 A. He said, "we left Freetown; there was no good plan. We've
09:44:05 5 come to Masiaka; there is no good plan. We have come back to
6 Makeni; there is no good plan." JP was just going, going, going.
7 How far would we go as far as Kailahun before ever you see --
8 make a plan. So, what I am saying, let us try to get people who
9 really think they are soldiers and how would we leave this
09:44:35 10 institution which, when you have come with your own problem -- 17
11 men have come with a coup. How hundred people could suffer for
12 those particular 17 men, and if we are soldiers we have arms, why
13 can't we come together and be -- and try to attack the ECOMOG?
14 Q. Did anything happen after that meeting?

09:45:07 15 A. From there we heard that ECOMOG was coming, ECOMOG was
16 coming. We pulled out from Kabala and we went to Mongo.
17 Q. Did you go anywhere from Mongo?
18 MR HODES: Mongo, for the Court, I think, is M-O-N-G-O, but
19 it's short for Mongo -- let me ask.

09:45:31 20 Q. Is Mongo short for anything, Mr Witness?
21 A. Mongo Bendugu. I don't know, but it's something like that.
22 I don't know if that's the noun. It's Mongo Bendugu.
23 Q. Do you know how to spell it, by any chance?
24 A. No, no, no, no.

09:45:56 25 MR HODES: The spelling I have, Your Honours, is M-O-N-G-O
26 B-E-N-D-U-G-U.
27 Q. Mr Witness, you were just saying at some point you moved to
28 Mongo. Did you at some point leave Mongo?
29 A. We also heard that ECOMOG was coming. We left Mongo and we

1 went to Kurubonla.

2 Q. Can you spell Kurubonla?

3 A. No.

4 MR HODES: Your Honours, I've got actually a couple of
09:46:27 5 different spellings for Kurubonla. One is K-U-R-U-B-O-N-L-A and
6 another is more phonetic K-R-U-B-U-L-A.

7 Q. Mr witness, did anything happen when xxxxxx and xxxxxx
8 moved to Kurubonla?

9 A. Yes, we were in Mongo when we heard that the ECOMOG was
09:47:07 10 coming, ECOMOG was coming. So we went to Kurubonla.

11 Q. Did anything happen in Kurubonla?

12 A. Yes.

13 Q. What happened in Kurubonla?

14 A. It was there xxxxxx called a muster parade.

09:47:28 15n Q. How many soldiers were there in Kurubonla?

16 A. If I'm not mistaken it was about 250 or more than that.

17 Q. Based on xxxxxx in the Sierra Leone Army, did you
18 see any commanders or officers in Kurubonla?

19 A. Yes. The officer I saw was one Colonel T. Then you had
09:48:26 20 [REDACTED], and Five-Five was there - Kurubonla.

21 Q. And by Five-Five you mean Mr Kanu?

22 A. Mr Kanu.

23 Q. Again, I guess we've both made the mistake now, but you can
24 refer to --

09:48:40 25 MR KOROMA: May it please Your Honour, I believe the last
26 question posed by my learned friend was very much leading. It
27 was too suggestive. The answer was clearly suggestive to the
28 witness.

29 PRESIDING JUDGE: well, it may well have been leading, you

1 may well have a valid point, but you didn't get up in time to
2 object, Mr Koroma, and there's now an answer on record.

3 MR KOROMA: In future, Your Honour, I will plead with this
4 Honourable Court to press on counsel for the Prosecution not to
09:49:18 5 put leading questions to the witness.

6 PRESIDING JUDGE: I recall yesterday noting that there was
7 no objection to leading questions. There hadn't been. If you
8 are now objecting to leading questions, I will note that
9 objection, I will remind the Prosecution. I made a remark
09:49:37 10 yesterday and that remark is on record. I will now say to the
11 Prosecution there will be no leading questions.

12 MR KOROMA: As Your Honour pleases.

13 PRESIDING JUDGE: Mr Hodes, you have heard the comment from
14 counsel for the Defence. There should not be leading questions
09:49:52 15 in this area of the evidence.

16 MR HODES: With all due respect, Your Honour, I'm trying to
17 avoid that and I don't know that that last question was leading
18 but, regardless, I'm certainly going to try to avoid leading the
19 witness.

09:50:05 20 Q. Mr Witness, I guess we can start. Did you see anyone in
21 Kurubonla?

22 A. You see, one thing that I want to make clear, I have not
23 come to lie for anyone. I am saying the truth between God and
24 man. Five-Five, I saw him there. He was with us. Even when we
09:50:40 25 went to Mongo. From Mongo --

26 Q. I'm sorry, Mr Witness, go ahead.

27 A. He was with us to Mongo and from Mongo to Kurubonla. From
28 Kurubonla, that was where we were when one [REDACTED] called a
29 muster parade.

1 Q. [Overlapping speakers].
2 PRESIDING JUDGE: Mr Witness, could we remind you of the
3 use of the term xxxxxx.
4 MR HODES: Your Honours, if you could strike the previous
09:51:21 5 reference.
6 THE WITNESS: I'm sorry.
7 MR HODES:
8 Q. Yes, I know.
9 PRESIDING JUDGE: Mr Court Attendant, could you please note
09:51:28 10 that those references are to be redacted from the public record.
11 MR HODES: Thank you, Your Honour. I apologise to you
12 because I know I've done it once.
13 Q. Mr Witness, you've just testified that there were
14 approximately 250 soldiers or troops at the muster parade in
09:51:52 15 kurubonla; is that correct?
16 A. Yes.
17 Q. Did you recognise any of the people that were part of the
18 muster parade in kurubonla?
19 A. Yes.
09:52:24 20 Q. You've already indicated a Colonel T and Mr Kanu. Was
21 there anyone in addition to those two who you recognised in the
22 muster parade in kurubonla?
23 A. We had again STF commander. I don't know if I should
24 pronounce his name as xxxxxx. He was the xxxxxx.
09:53:02 25 Q. Can you spell xxxxxx?
26 A. No.
27 MR HODES: Your Honours, I have two different spellings for
28 that. It's either xxxxxx or xxxxxx.
29 Q. Again I apologise for cutting you off. Was there anyone

1 else?

2 A. Yes, there were people but these are the only ones I can
3 recall.

4 Q. Did anyone else come to Kurubonla while you were there?

09:53:42 5 A. Yes, but let me tell you about the muster parade between
6 what xxxxxx said during the muster parade. He called the
7 muster parade. He told the troops that we have taken a long time
8 running away from ECOMOG and we should defend ourselves against
9 foreign aggressions. Nigerians are not responsible to secure
09:54:20 10 this land, he said. And, secondly, you heard what the government
11 has said, that they should flush us. So whosoever -- who amongst
12 you has used the toilet, and you know when you use the toilet,
13 when you flush, you see the white. And that is what it means
14 when they use the word "flush". He said so we should stand firm

09:54:48 15 and prove to them that we are SLAs and to tell the people that --
16 Q. Slow down.

17 A. He said, "well, let's tell the people that we are capable
18 of defending our country." Until some people said, "well,
19 xxxxxx, we are fighting for you. We are fighting for you."

09:55:13 20 He said, "No, I want to tell you that, no, you are fighting for
21 the crown on your head, not for me. Because that institution,
22 which is the oldest institution, is what they have said no to and
23 we should fight until you are reinstated. If we are not
24 reinstated, we should fight until we are reinstated. This is the
09:55:37 25 ideology that I am passing on to you. Wherever you go tell them
26 that they should reinstate the army, nothing more than that."

27 Q. Mr witness, did anything else happen after the muster
28 parade in Kurubonla?

29 A. Yes.

1 Q. what happened?
2 A. A soldier by the name of Korpomeh came and met us --
3 Q. Do you know how to spell Korpomeh?
4 A. No.
09:56:07 5 MR HODES: I have it as K-O-R-P-O-M-E-H, Your Honours.
6 Q. Go ahead, Mr Witness?
7 A. A soldier called Korpomeh who was a private soldier that we
8 left, left Freetown and came with captain. He said he is from
9 Kono with other troops saying JP Koroma who was supreme had said
09:56:46 10 all SLAs should be answerable to the RUF. He said that we should
11 take instructions and commands from RUF. These words reached to
12 xxxxxx. So Korpomeh, when he came, he refused to take
13 orders from the camp, he took himself as the authority. He was
14 the one sent to represent the soldiers from Kurubonla. He will
09:57:21 15 take people's creatures, cows, do whatever he likes in the town.
16 Q. Mr Witness, the way I just heard it, and I don't know if
17 others heard it the same way but Korpomeh represented the
18 soldiers is the way the testimony just came out. Who did
19 Korpomeh represent or who did he say he represented?
09:57:49 20 A. He came from JP Koroma. So he said he -- the message was
21 given to him to convey it to the soldiers at Kurubonla that all
22 SLAs should be answerable to RUF and he has been made captain,
23 even though we tried to tell him that xxxxxx is there. Then
24 he will say, "who is xxxxxx?" These were the same people
09:58:25 25 who had --
26 THE INTERPRETER: Your Honours, can the witness please go
27 over his statement. He's moving faster for the interpreter.
28 PRESIDING JUDGE: Mr Witness, you're going very fast and
29 the interpreter is having trouble keeping up with you. I would

1 like you to go back a bit and repeat some of your answer to allow
2 the interpreter to interpret it properly. Mr Interpreter, where
3 do you want him to start, the bit about him being made a captain
4 or?

09:58:55 5 THE INTERPRETER: Yes, from that part of his testimony.

6 PRESIDING JUDGE: Mr Witness, if you could repeat your
7 answer where you were saying he had been made a captain, he said.

8 THE WITNESS: He came with Captain Korpomeh. He came with
9 the message saying all SLA should be answerable to the RUF. He
09:59:48 10 said and these words were the words of JP in Kono before he left,
11 that was to go to Mosquito. He said therefore we who were in
12 Kurubonla, we shall take orders from the RUF. That he meant if
13 RUF was the commander SLA should be the deputy. Based on this we
14 called Korpomeh and said, "xxxxxx is here". Then he said,
10:00:40 15 "who is xxxxxx? who is xxxxxx? Haven't you heard what
16 they said, Supremo who is JP has said that all SLAs should be
17 answerable to RUF."

18 So one day xxxxxx ordered us to destroy the bridge
19 that came from Mongo to Kurubonla. We went and asked Korpomeh to
10:01:17 20 give us some of his arms so that it will act as a covering fire
21 whilst the other men were destroying the bridge. Korpomeh denied
22 giving us the arms. xxxxxx sent an order to Korpomeh that
23 if you are not trusting your colleagues to give them the arms
24 then you take them and go with them. Korpomeh denied. This made
10:01:56 25 xxxxxx felt angry. xxxxxx felt angry. He said how
26 could this man come and tell us that RUF as a soldier -- soldiers
27 should take instructions and command from RUF? That man and his
28 team should be put under control, they should be an example that
29 we've started business.

1 So six of them were ordered to be shot. They were
2 captured, even though they put on resistance but we ended up
3 putting them under control. Some of them, we struck them on the
4 head and he, the Korpomeh, was the only man who was able to
10:02:46 5 escape during that incident. He left us and ran to the road
6 leading to Kono, I don't know the name of the village, whilst we
7 were still in Kurubonla. Whilst we are there Superman came and
8 met us. He said he was coming. xxxxxx with the information
9 that Korpomeh came with, he ordered us that we should deploy. He
10:03:31 10 said if Superman came and refused to take orders the first
11 example has gone, he would be the second. But he said but
12 whatever you tell the man, if he accept it then he should come
13 and join us in the camp. So he, Superman, came and we put him
14 under control. We disarmed all of his men. He made no
10:04:05 15 resistance. We took him before xxxxxx. So if I could
16 recall, he met xxxxxx and told xxxxxx that they would
17 want him to go at the rear. That is, to go to Kailahun. Then
18 xxxxxx said, "Superman, you are lucky. If you had put up
19 resistance this could have been different. But that place that
10:04:42 20 you've called, from now you are under our control. In fact,
21 you'll go nowhere." Superman stayed with us while at that time.
22 He left us and he left one of his men called xxxxxx, I
23 don't know know if xxxxxx, xxxxxx, I don't know if that
24 is his correct name. Then we attacked Mongo.

10:05:26 25 Q. Mr witness, I'm going to slow you down because I think
26 you've moved well beyond the question that was asked and I'll
27 return to what you were just starting to talk about, but while in
28 Kurubonla did anyone else that you know come to Kurubonla while
29 you were there?

1 A. I will come later because this attack -- yes, before the
2 attack that was when we saw Gullit, we saw Bazzy.
3 Q. Let me just stop you for a second. By Gullit, you mean
4 Mr Brima?
10:06:29 5 MS THOMPSON: Your Honour, I think that's leading.
6 PRESIDING JUDGE: I think it is.
7 MR HODES: I think he already indicated what -- but I'll
8 ask.
9 Q. Mr witness, do you know Gullit by any other name?
10:06:45 10 A. Alex Brima.
11 Q. You also mentioned another name, Bazzy?
12 A. Yes.
13 Q. Do you know Bazzy by another name?
14 A. Yes, Bazzy. I have forgot the other name but if he can
10:07:06 15 stand up I will point at him to say that is the man.
16 Q. You don't have to do that, I'm just asking if you know him
17 by any other name.
18 A. No, no, no.
19 Q. Okay. You were just saying that Gullit and Bazzy had come
10:07:22 20 to kurubonla. Did anyone else come to kurubonla at that time?
21 A. Five-Five was already with us. You have xxxxxx.
22 MR HODES: I believe Your Honours already have that
23 spelling.
24 THE WITNESS: You have Junior Lion. You had xxxxxx
10:07:56 25 xxxxxx. We had xxxxxx.
26 MR HODES: Again, I think these are mostly names that Your
27 Honours have already heard.
28 THE WITNESS: One signaller by the name of xxxxxx.
29 MR HODES:

1 Q. Mr witness, let me ask you this: Did anything happen in
2 kurubonla after all of these people you've identified came to
3 kurubonla?

4 A. When they came it was Alex Brima who was the senior man.
10:08:49 5 who said that he was molested in Kailahun, took all his money
6 from him and the treatment that was given to him he was unable to
7 believe and that was why he came to meet Bazy in Kono and he
8 convinced them to leave the terrain and to move where xxxxxx
9 was. So based on that, xxxxxx had to tell Gullit to look
10:09:24 10 for a place. If he had a place, let him inform him. He said and
11 they should move from civilian target. They should have only the
12 military as a target and they should attack them because they
13 came as a security, they are the ones that we should fight so
14 that the people would believe that they don't have a security.
10:10:00 15 That one he made clean and plain.

16 Q. Mr witness, you indicated that xxxxxx told Gullit to
17 go find a place. What do you mean by that?

18 A. Like when the other word I could use as a soldier is base,
19 to look for a base, a camp. But it was -- I can't remember if he
10:10:33 20 located a base but he only said he should look for a base. That
21 base -- that when that base is found let them inform him. From
22 there they left us and went.

23 Q. When you say they left us, who left?

24 A. Gullit, Five-Five and all those names that I have just
10:11:00 25 called. They left to go to this base.

26 Q. If you would, go ahead and say the names of the people that
27 left other than -- you've just mentioned Gullit and Five-Five and
28 you've said that others went. If you would, just tell us who the
29 others were?

1 A. I will start Gullit, Bazzy, Five-Five, xxxxxx, xxxxxx,
2 Junior Lion, xxxxxx, xxxxxx, xxxxxx. Yeah,
3 these are the ones I could recall.

4 MR HODES: Your Honours, again, I think all of those are
10:12:01 5 names that have been heard and spelled several times.

6 PRESIDING JUDGE: Yes, thank you.

7 MR HODES:

8 Q. Mr witness, when xxxxxx sent them to find a base and
9 told them not to have any contact or do anything with civilians,
10:12:22 10 did he give Gullit any other instructions about the base?

11 A. Well, the one I could recall are these two things that I
12 have mentioned. That is, go and search for a base and to avoid
13 targeting civilians, they should target the military. This is
14 all I could recall.

10:12:53 15 Q. Okay. Mr witness, after Gullit and Bazzy and Five-Five and
16 the others left Krubola, did you and xxxxxx and the others
17 stay in Krubola or did you go somewhere else?

18 A. We were in Krubola. Whilst we were in Krubola -- can I
19 proceed?

10:13:33 20 Q. Please do.

21 A. Whilst in Krubola we decided to attack Mongo. When the
22 soldiers came with enough ammunition and took the Guineans that
23 were there and we took all of their weapons and returned to
24 kurubonla.

10:14:12 25 Q. After this attack at Mongo, did anything else happen?

26 A. From there Superman came back. When he came, that was when
27 we planned to attack Kabala. When they attacked Kabala we had a
28 lot of ammunitions, a lot of rifles, including RPGs, AK-47, SLR
29 pistols, grenade and uniforms. We were there for with between

1 three to four days, right in Kabala. That was the first attack.

2 we avoided there and we stayed in Koinadugu.

3 Q. Did anything happen after that, Mr witness?

4 A. When we reached Koinadugu, a lot --

10:15:53 5 MR DANIELS: Excuse me, Your Honours. Mr Kamara would like
6 to use the --

7 PRESIDING JUDGE: Yes, but he should be escorted out.

8 Please continue, Mr witness.

9 THE WITNESS: where do I stop?

10:16:21 10 MR HODES:

11 Q. You were just explaining to the Court, I think, that you
12 stayed in Kabala after the attack for three or four days. Then I
13 think what you had just said was that you had moved on to
14 Koinadugu, but I'm not 100 per cent sure.

10:16:35 15 PRESIDING JUDGE: I've noted, "when we reached Koinadugu".

16 THE WITNESS: We were in Koinadugu. That was when
17 casualties were happening, civilians were shooting at soldiers.

18 This was happening frequently. So the RUF decided that if we
19 were not able to flush these boys when we are with these boys,

10:17:15 20 then we should teach them on how to handle the weapons because
21 they should not be shooting at soldiers. While this lecture --

22 they were teaching them on how to handle weapons, they had a
23 place where they put those who were not soldiers where they were
24 trained on how to handle weapons. So they said this area where

10:18:08 25 these recruits were, where these young guys were, no soldier
26 should go there until after 10.00 o'clock.

27 MR HODES:

28 Q. Did anything happen at that place?

29 A. That was where -- yes, I am coming. You've instructed me

1 to take it step by step. So, when we were there, a soldier who
2 came from xxxxxx --

3 Q. And I'm going to stop you for a second there. If you can,
4 can you spell xxxxxx?

10:19:01 5 A. No.

6 MR HODES: I think it's just like the country, Your
7 Honours.

8 Q. Also, Mr witness, do you know who xxxxxx was?

9 A. Yes, he was an RUF fighter.

10:19:21 10 Q. Please continue with what you were saying.

11 A. He went, his boy went to the camp after 10.00 to enter
12 where these boys were based. They refused him entrance. He
13 said, "So you are preventing me? You are preventing me? Okay,
14 you wait me." Then he went and took his rifle. The boy that he
10:20:11 15 usually met, he shot at him. He scattered the entire place. The
16 word reached xxxxxx. He said, xxxxxx, one of
17 his men had went to the place and killed a soldier. He said
18 "Okay, let them go for him." By then the boy was arrested and he
19 was placed in the guardroom. He said "well, this will act as an
10:21:08 20 example." They asked him, "who sent you to go to the base?" He
21 refused to answer. They asked him, "why did you kill the boy."
22 He refused to answer. He took out his pistol and shot at him.
23 He also fell down and died.

24 JUDGE SEBUTINDE: Mr Hodes, I'm not sure who shot who and
10:21:40 25 who died.

26 MR HODES: Thank you, Your Honour.

27 Q. Mr witness, just to clarify it for the Court, who shot who?

28 A. It was xxxxxx who shot xxxxxx, whose
29 name I can't remember, who went and shot at those who were

1 undergoing training. That was when the RUF said, "oh well",
2 Superman wanted to sell them and this man that they were with,
3 that is xxxxxx, if they don't try to do anything then he
4 will end up killing all of them. As I am testifying to the
10:22:58 5 Court, in 30 minutes time all the ammunitions were captured.
6 They made their own defence.

7 JUDGE SEBUTINDE: Again, Mr Hodes, we don't know who
8 captured this ammunition or made the defence.

9 MR HODES: Yes, Your Honour.

10:23:23 10 JUDGE SEBUTINDE: If you could lead your witness, please.

11 MR HODES:

12 Q. Mr witness, who captured the ammunition?

13 A. Superman.

14 Q. What happened next?

10:23:40 15 A. From there they made their defence and made a fence.

16 Q. And by they you mean Superman and his troops?

17 A. Yes. Yes, the RUF.

18 Q. Please continue.

19 A. We, too, had some balance men that were outside. They
10:24:00 20 heard the information, they came and joined us. Then they shot
21 an RPG, that is the RUF. They shot it from their own area. In a
22 twinkle of an eye firing erupted. Then xxxxxx said, "well,
23 now it seems as if we should head to Freetown. We should not
24 waste our bullets on these people. Let us stop." We stopped, we
10:24:49 25 left Koinadugu and went to a village called Tumania.

26 Q. Mr witness, you had indicated in your previous testimony
27 that xxxxxx had sent Gullit and others to find a base and
28 that they were to contact him once they found a base. By the
29 time you and xxxxxx were in Tumania had anything been

1 heard --

2 MR KOROMA: May it please Your Honour. I'm sorry, I have
3 to object on this. We have not heard anything about Tumania.

4 PRESIDING JUDGE: What was the name of the village that the
10:25:34 5 witness said they moved to? We went to a village of -- I didn't
6 hear it properly.

7 MR HODES: Tumania.

8 PRESIDING JUDGE: It was Tumania. Then we have heard
9 Tumania, Mr Koroma.

10:25:46 10 MR KOROMA: I'm sorry, Your Honour.

11 PRESIDING JUDGE: Mr Hodes, please proceed.

12 THE WITNESS: Before we went to Tumania xxxxxx had to
13 leave a soldier by the name of xxxxxx to go in search of
14 Gullit and others. After when xxxxxx had left, then this
10:26:37 15 infighting started between xxxxxx and Superman.

16 MR HODES:

17 Q. Mr witness, did xxxxxx have a way of
18 communicating with xxxxxx

19 MS THOMPSON: I think the evidence was xxxxxx.

10:27:07 20 MR HODES:

21 Q. xxxxxx, excuse me.

22 A. Before xxxxxx left he was given a radio set.

23 Q. At some point did xxxxxx communicate with
24 xxxxxx?

10:27:29 25 A. Yes. That was he had been in touch with Gullit and the
26 other men.

27 Q. And at that time did xxxxxx give any other
28 information to xxxxxx?

29 A. That I cannot remember, but I knew that he will not only

1 say that he has seen these men, but he must have said -- well, at
2 that time as a security when he goes to the set we don't go
3 there, we only try to maintain security. So I don't know what
4 0-Five said next after he had told --

10:28:33 5 Q. xxxxxx. Mr Witness, I'll mind you again to make sure
6 you use the xxxxxx as the identity. But regards to this
7 communication, after this communication, Mr Witness, did
8 xxxxxx do anything?

9 A. From there -- you mean after xxxxxx had gone, had
10:29:10 10 been sent?

11 Q. Actually I mean you've just indicated that xxxxxx
12 had a communication with xxxxxx at some point saying that he
13 had located Gullit. After that communication did xxxxxx do
14 anything?

10:29:31 15 A. From there the infight erupted. After the infight we had
16 to leave Koinadugu and went to Tumania.

17 Q. Did you stay in Tumania?

18 A. We stayed in Tumania for about -- roughly it's about two
19 weeks.

10:30:04 20 Q. Mr Witness, can you spell Tumania?

21 A. No.

22 MR HODES: Your Honours, the spelling I have T-U-M-A-N-I-A.

23 Q. Did you go somewhere from Tumania?

24 A. From Tumania he decided that we should go to where Gullit
10:30:31 25 was. That was to locate Gullit's positions. If I could
26 remember, we had to radio them. He had to radio them to tell
27 them that he was on his way coming and --

28 JUDGE SEBUTINDE: Mr Hodes, I'm not sure who radioed.

29 MR HODES:

1 Q. Mr witness, again to clarify, who radioed who that they
2 were coming?
3 A. xxxxxx.
4 Q. Radioed who?
10:31:14 5 A. xxxxxx to Gullit.
6 Q. And I apologise for cutting you off, but you said that
7 xxxxxx radioed Gullit to say that they were coming. If you
8 could go ahead and finish that thought.
9 A. After he had radioed Gullit that he was coming they decided
10:31:47 10 to send Junior Lion to go and wait for us ahead.
11 Q. Mr witness, again you said "they" sent Junior Lion. Who is
12 "they"?
13 A. Gullit, Gullit, Gullit.
14 Q. Go ahead. I apologise for cutting you off.
10:32:04 15 A. Gullit sent Junior Lion and xxxxxx to go and meet us, I
16 could remember. Where we met, it was like a bridge. You had to
17 cross a small stream to meet them.
18 [AFRC27SEP05B - CR]
19 There, they took us, went -- walked a long distance. The
10:32:47 20 first man we met was xxxxxx.
21 Q. Mr witness, before you get to that, you said you went a
22 long while. Did you eventually stop somewhere?
23 A. We only stopped when we came in contact with the ones that
24 they sent ahead of us who were xxxxxx and Junior Lion.
10:33:22 25 Q. After you met xxxxxx and Junior Lion, where did you
26 go?
27 A. He tried to take us to the base where Gullit was.
28 Q. I believe your testimony was that they tried to take you to
29 the base where Gullit was.

1 A. Yes.

2 Q. Did they succeed in taking you to the base where Gullit
3 was?

4 A. Yes, yes, yes.

10:33:55 5 Q. If you know, did the base have a name?

6 A. It was Camp Rosos. It was at the same time I usually hear
7 they call it Colonel Eddie Town.

8 MR HODES: Again, I think these are names that the Court
9 has heard several times.

10:34:17 10 Q. Mr Witness, again, I apologise for cutting you off, but I
11 believe you had also testified that xxxxxx met you. where
12 did xxxxxx meet you?

13 A. It was he -- I don't know the village or the place name.
14 He met us there. We met him there because that was his place of
10:34:43 15 deployment, that was his place of responsibility. Then he took
16 out his sniper weapon.

17 Q. Mr Witness, before you go there, where you met
18 xxxxxx, was it a different place than what you have
19 identified as Camp Rosos or Colonel Eddie Town?

10:35:06 20 A. That was the place we met xxxxxx.

21 Q. When you say "that was" are you talking about Camp Rosos,
22 Colonel Eddie Town, or some other --

23 A. You will pass where we met xxxxxx before you reach
24 Camp Rosos. It was this same Camp Rosos that was the place they
10:35:43 25 were referring to as Colonel Eddie Town, saying it was his own
26 town or -- what was the reason for that name? It was because he
27 discovered this place or he showed him the place that led to the
28 name Colonel Eddie Town.

29 Q. Mr Witness --

1 A. Before we reach there --

2 Q. Mr Witness, just to clarify your testimony, you said it was
3 called Eddie Town because he found it or something along those
4 lines. When you say "he", who are you referring to?

10:36:18 5 A. xxxxxx. He was the deputy to xxxxxx.

6 Q. Again, to clarify your testimony, you indicated that you
7 met xxxxxx as you were coming into or coming near to
8 Camp Rosos or Colonel Eddie Town. Go ahead and tell us what
9 happened when you met xxxxxx.

10:36:54 10 A. Where we met him, he took off a sniper rifle and he handed
11 it over to xxxxxx. If I recollect properly, as I am seeing
12 Alex Brima, he was annoyed. I think it was the rifle he wanted
13 from Tito, and which Tito did not give him, so he was offended to
14 see that particular rifle with xxxxxx. I saw it. There was a time
10:37:44 15 where he demoted Tito. When xxxxxx was a colonel, he returned him
16 to major. It was due to this complaint that I was able to
17 understand when Tito told me that he himself was -- had no zeal
18 to go and I told xxxxxx. I said he --

19 Q. Witness, slow down. Did Colonel Tito do anything other
10:38:18 20 than hand over the sniper rifle to xxxxxx?

21 A. Yes. Because, as I am seeing Mr Alex Brima, as I'm seeing
22 him, he makes me recall more, he, Tito, what he was trying to
23 tell us that Alex Brima was not happy when he handed this weapon
24 to --

10:38:49 25 MR DANIELS: [Microphone not activated]. I think that the
26 witness, and I have been trying to restrain myself, is looking
27 menacingly in the direction of the accused person and would ask
28 that he refrain from that. He has been asked to answer
29 questions, but not look around in a menacing manner.

1 PRESIDING JUDGE: I wouldn't use as strong a word as that,
2 Mr Daniels, but I will direct the witness to look at the Court to
3 avoid any innuendos or suggestions. Mr Witness, we would be
4 grateful if you look up towards the judges here on the Bench as
10:39:25 5 you speak. Do you understand?

6 JUDGE SEBUTINDE: Also, Mr Hodes, I have been noticing that
7 this witness has a tendency to go into the minds of the other
8 people. I don't know if it's in the language or the translation.
9 But he says, "I think so and so thought this," or, "I think so
10:39:42 10 and so was planning this." Could we avoid this and take the
11 evidence, you know, first-hand evidence, rather than what he
12 thought was in someone else's mind.

13 MR HODES: By all means, Your Honour, instruct me if
14 something like that does comes up again and I can clarify with
10:40:00 15 the witness.

16 MS THOMPSON: May I just add to that. That was the reason
17 I was going to object. The last answer was "trying to", "he was
18 trying to tell us". I was going to object to that. The witness
19 either knows or doesn't know, but he cannot say that someone else
10:40:14 20 is trying to tell him something.

21 PRESIDING JUDGE: Sorry, Ms Thompson, you were out of my
22 line of vision there, so I didn't see the light. I will note
23 that objection. You heard the objection from counsel for Brima,
24 Mr Hodes.

10:40:37 25 MR HODES: I'm actually not sure what the objection was,
26 "trying to". I'm not clear, but I will rephrase any question I
27 just asked to try to limit where the witness goes with his
28 answer.

29 JUDGE SEBUTINDE: I think it's basically an objection about

1 speculation.

2 MR HODES: Understood.

3 JUDGE SEBUTINDE: We want evidence and not speculation.

4 MR HODES:

10:40:58 5 Q. Mr witness, I'm going to go back over your testimony very
6 briefly. what you told us already is that xxxxxx met you
7 and xxxxxx and, at that time, handed over a sniper rifle to
8 xxxxxx without speculating into the minds of others or
9 thinking about what else was being thought or said by other
10:41:26 10 people, my question to you was fairly specific, which was: Did
11 xxxxxx do anything else with xxxxxx at that time?

12 A. Yes. After xxxxxx had handed this rifle, then we
13 reached the camp.

14 Q. Let me ask you this: If you recall, did xxxxxx
10:42:03 15 have any conversations with xxxxxx when they met?

16 A. Yes, they met. The first time we came, they met. I don't
17 know what they said. They met later, but that, at the first
18 time, I didn't know what they were talking. They met and handed
19 over the weapon to xxxxxx -- sorry. Sorry.

10:42:35 20 MR HODES: Again I would ask that that be struck. There
21 was another reference.

22 PRESIDING JUDGE: Continue, Mr witness.

23 THE WITNESS: xxxxxx left and we went to where Gullit
24 was. When we reached, we met a problem there. The problem we
10:43:17 25 met there, they said xxxxxx, xxxxxx, they were
26 witches. They were trying to bewitch that the movement should
27 not advance. Gullit said it before us. He said they should have
28 killed them. But he said when he heard the information that
29 xxxxxx was coming, so that was why he waited for xxxxxx

1 xxxxxx. After we've got this report from xxxxxx, he sent us to
2 go and investigate whether this thing was true. I went to xxxxxx.
3 That is the situation. They said, "You are all witches. You did
4 not want this movement to advance." And he said to say the
10:44:56 5 truth. He said Gullit said before xxxxxx come, xxxxxx
6 should take command under him. He said because he refused, they
7 would deny that that man was a senior man, so that was why he
8 told them to target that. They were not with him. They were
9 trying to bewitch the movement, that is why he claimed --

10:45:27 10 Q. Mr witness, I'm going to slow you down so we can clarify a
11 couple of things.

12 PRESIDING JUDGE: Do you want to clarify them now,
13 Mr Hodes? I notice we have moved past the time when we normally
14 take a break.

10:45:41 15 MR HODES: If I can clarify this, we can certainly break
16 immediately after that. There were a lot of pronouns that were
17 used.

18 PRESIDING JUDGE: Please do so, Mr Hodes.

19 MR HODES:

10:45:49 20 Q. Mr witness, you said you were speaking with Colonel or
21 xxxxxx and he was telling you that Gullit had accused him
22 of being a witch because they were slowing down or not part of
23 the advance or movement of the troops, and that you then said a
24 lot of "he said this" and "they said that". If you would clarify
10:46:17 25 what it is that Colonel or xxxxxx told you about what
26 Gullit said about being in control or command of the troops.

27 A. Thank you. Bio, he told me that Gullit said when xxxxxx
28 xxxxxx is coming, he should take command under him.

29 Q. When you say "him", "he should take command under him", who

1 is "he" and who is "him"?

2 A. xxxxxx told us that Gullit --

3 PRESIDING JUDGE: Mr Witness, remember --

4 THE WITNESS: Bio told us that Gullit said, "when xxxxxx
10:47:27 5 xxxxxx comes, xxxxxx should take command under Gullit," that
6 Gullit should give command to xxxxxx and not xxxxxx to
7 command him. So this argument --

8 MR HODES:

9 Q. Just to clarify, Gullit said that xxxxxx should take
10:47:49 10 command from him, Gullit, and xxxxxx said, no, that Gullit should
11 take command from xxxxxx once xxxxxx arrived in the
12 camp. Is that what you are testimony was?

13 A. Yes, yes, yes. xxxxxx was the person who told me.

14 Q. Okay. We can finish that conversation after the break, if
10:48:12 15 Your Honours would like.

16 PRESIDING JUDGE: Thank you, Mr Hodes, we will adjourn for
17 15 minutes.

18 [Break taken at 10.52 a.m.]

19 [Upon resuming at 11.13 a.m.]

11:09:56 20 PRESIDING JUDGE: Please proceed, Mr Hodes.

21 MR HODES:

22 Q. Mr Witness, before we broke, you were telling us about a
23 conversation you and Colonel or xxxxxx had, and I think
24 the section of the conversation you had got to Gullit indicating
11:10:21 25 to Bio that he, Gullit, should be the commander of the AFRC
26 soldiers at the base, not xxxxxx and xxxxxx saying, "No, Gullit
27 should take orders from xxxxxx. Was anything else discussed
28 between you and Colonel or xxxxxx at that time?

29 A. Yes, if I could recollect properly, just as I told you,

1 xxxxxx told us to go and investigate towards allegations
2 we've heard which they have cast on Bio and Bomb Blast. I met
3 xxxxxx and he, xxxxxx told me that Gullit, he had said when xxxxxx
4 comes, xxxxxx should take command from him, from him, Gullit
11:11:34 5 himself. But they, like xxxxxx and xxxxxx did not agree with
6 Gullit's idea, and that was why Gullit decided to call them
7 witches. Then he said he had one chameleon, a chameleon egg,
8 which he --

9 MS THOMPSON: Your Honours, before the witness goes on,
11:12:05 10 there is a word which has been interpreted to us which was not
11 really interpreted. It has been said as the witness said it, and
12 there is an English version of it. I'm afraid the word that has
13 come out. I don't know there is a spelling of it in the English
14 language. I can certainly not spell it. If the witness can
11:12:24 15 mention the word again and the interpreter can interpret it in
16 English. The word was chameleon.

17 PRESIDING JUDGE: I heard chameleon. Mr Interpreter, can
18 that word be interpreted?

19 THE INTERPRETER: It was "chameleon".

11:12:43 20 PRESIDING JUDGE: Chameleon. You've heard that
21 interpretation, Ms Thompson?

22 MS THOMPSON: Yes, that's the English interpretation.

23 PRESIDING JUDGE: Thank you, Mr Interpreter. Please
24 proceed.

11:12:55 25 THE WITNESS: He had a chameleon egg which he, Gullit,
26 wanted. Because he did not give it to him --

27 MR HODES:

28 Q. Again, I'm going to stop you every now and then to clarify
29 things for the Court. When you said "he" had a chameleon egg,

1 you're talking about?

2 A. xxxxxx.

3 Q. Keep going.

4 A. Because he did not give him that egg, one day he went for a
11:13:30 5 walk in the bush, he, xxxxxx, but he fell. See, when he fell,
6 people said he was talking. The talk he was talking, that was
7 why they said when he regained consciousness he was proving, he,
8 xxxxxx, that he was proving to be a witch. If I can remember, these
9 were the things that he, xxxxxx, told me. So --

11:14:16 10 Q. Mr witness, I'm sorry to cut you off. You also indicated
11 xxxxxx - again, that's a name that has been heard before and
12 spelled a few times - xxxxxx was also under arrest for being
13 a witch. Did you have any conversations with xxxxxx at that
14 time?

11:14:32 15 A. No.

16 Q. Mr witness, were you approached by anyone else in the camp?

17 A. Well, I want you, for me, to go slowly. Because I am now
18 in the camp. Why we didn't go to xxxxxx, xxxxxx had his
19 own ammunition, his rifle and all his boys had weapons. It was
11:15:28 20 only xxxxxx that was disarmed, whose weapons were taken from him,
21 minus xxxxxx who was, by then, a civilian. He told me that they
22 were telling him that he was trying to give sense to xxxxxx
23 which made xxxxxx -- why xxxxxx and others, they didn't
24 want to accept Gullit. This was after this, that two men came
11:16:13 25 and met us. xxxxxx -- in fact, we are three men: xxxxxx, Issa and
26 xxxxxx, who was called xxxxxx. He said certain things
27 happened in the place before we came. When I asked them what was
28 the thing that happened, he said Gullit had information from
29 certain people whom I cannot identify who came from Guinea. They

1 came with the information that President Kabbah had given seven
2 cows that were white and seven that were black.

3 Q. Mr Witness, I'm going to stop you for one second. The way
4 the testimony has come out, it says that President Kabbah had
11:17:45 5 given seven cows that were black and seven cows that were white.
6 what do you mean by President Kabbah gave or was given - had
7 given seven cows that were black and seven cows that were white.
8 what does that mean?

9 A. I am coming. President Kabbah had offered seven black cows
11:18:18 10 and seven white cows. This he did, because he wants to go back,
11 he wants to resume power. When Gullit had this information,
12 according to those who told us, because we are not there, he gave
13 two children, because he was not able to get the white cow and
14 the black, so he removed two children who were buried alive.

11:18:54 15 Q. Again, I just want to clarify this so that the Court
16 understands. You said that President Kabbah had given seven
17 black cows, seven white cows, had offered seven black cows and
18 seven white cows. I'm going to ask you again what you mean by
19 President Kabbah had given the cows or had offered the cows.
11:19:16 20 what does that mean exactly? what happened to the cows?

21 A. It was a sacrifice that they would help him come back into
22 power.

23 Q. Your testimony was that in response to that, these
24 individuals, xxxxxx, Issa and xxxxxx had told you that Gullit had
11:19:51 25 ordered that two small children be buried alive, is that --

26 PRESIDING JUDGE: I didn't understand it that way and I
27 think you are now leading, Mr Hodes. I think you should not lead
28 the witness on this point.

29 MR HODES: I will ask again.

1 Q. Mr witness, I'm going to ask a question, so just wait. If
2 you would, after Gullit had heard about what President Kabbah had
3 sacrificed to return to power, did Gullit do anything after
4 hearing about that?

11:20:26 5 A. What I told you that when Gullit had this, this sacrifice
6 which Kabbah has offered, they told me that Gullit brought two
7 children who were buried alive; that was what I said.

8 Q. Thank you, Mr witness. Did these individuals say anything
9 else about Gullit at that time?

11:21:03 10 A. After he had told me about these two children who were
11 buried alive, because he himself wants to come into power, they
12 said they reached a town called Karina they said, "Brother, that
13 was fearful". They said when they reached there that Gullit said
14 that this was Pa Kabbah's town and that they should set an

11:21:35 15 example there and that they should leave a mark there that when
16 they catch any child from up, they can throw him down and if they
17 are caught, they are placed in a mosque and that mosque was
18 burnt. There, the hacking and killing of women, they said, "Oh,
19 it was only us," but we rarely performed. He mentioned another
11:22:02 20 town. I cannot remember how to call that town, and the one man
21 was amputated when he was told to go to Pa Kabbah. Because since
22 they wanted Pa Kabbah, let Pa Kabbah go and find another hand for
23 him. They said they took again some other civilians --

24 JUDGE SEBUTINDE: Excuse me, Mr Hodes. Is this witness now
11:22:29 25 telling us what he was told by xxxxxx, Issa and xxxxxx, or is
26 he telling us what he himself saw, because I'm a bit confused
27 now.

28 MR HODES: He's testifying to what they told him, but I can
29 go over that for the Court.

1 Q. Mr witness, you've just testified about Gullit and his
2 orders in Karina and also another incident in another village
3 whose name you can't remember. That information, Mr witness, if
4 you would just tell us again, where did that information come
11:23:03 5 from?

6 A. If I am to repeat, I told you that when we reached, these
7 three men have just mentioned xxxxxx, Issa and xxxxxx, the two
8 came first who spoke to me.

9 Q. Which two?

11:23:29 10 A. Issa and xxxxxx, they came first. This was not what -- this
11 was not where -- I was not there. That was what they told me
12 when they came to meet us where we are, how they passed there.
13 At that time, xxxxxx had told me to go and investigate what
14 actually happened. During that investigation, that was the time

11:24:02 15 I came across Issa and xxxxxx who were the people who briefed me on
16 what I've just said about the performance they did at Karina.
17 After they have spoken, he -- then xxxxxx came and he told me
18 the same thing. So, how they performed in Karina, how they
19 showed that this was Pa Kabbah's town, that was the place that
11:24:33 20 they showed the greatest example and these people should suffer
21 more. They sent children from up, they will throw them in the
22 fire; those who were amputated, those who were captured. They
23 said it was not only this, there was another place where they met
24 another man --

11:24:54 25 Q. Slow down. Go ahead, Mr witness. I'm just going to slow
26 you down every now and again.

27 A. They said they went to another town where they met a man
28 where he was amputated and this is what they told me. It is not
29 what I saw. To say they amputated there and on their way back to

1 go to Camp Rosos, they saw that the civilians were many, and they
2 were also gathered and they also killed the -- for ever they
3 headed for that particular town. After they've collected these,
4 it is not actually what xxxxxx sent me for, but because it
11:25:49 5 was fearful for me, so I said, "Let us go to xxxxxx."

6 xxxxxx, sir, this is what you sent me to around for. "These
7 men want to talk to you, because they have certain things to talk
8 to you," and let himself listen to them. So they went while I
9 was outside, they and xxxxxx, they went and told him. When
11:26:23 10 they went, xxxxxx had xxxxxx with him. He removed
11 xxxxxx and called all of them.

12 Q. When you say, "called all of them", who are you referring
13 to?

14 A. Gullit, Bazy, Five-Five, xxxxxx, xxxxxx. All of
11:27:00 15 them, the council members.

16 Q. Let me ask you a couple of quick questions if reference to
17 some things. First of all, if you know, did Gullit have a chief
18 security officer?

19 A. He had one whom we called xxxxxx.

11:27:24 20 Q. Are you saying xxxxxx like a reptile?

21 A. Yes, sir, but we usually call him snake. He has another
22 name called xxxxxx who was his CSO.

23 Q. If you know, did Bazy have a chief security officer?

24 A. Yes, he had Junior Lion.

11:27:51 25 MR DANIELS: Yet again, I ask that the witness look towards
26 the Bench, please.

27 PRESIDING JUDGE: Mr Witness, you remember what I have
28 already said. You must look up this way. Continue, Mr Hodes.

29 MR HODES:

1 Q. Mr witness, go ahead and tell us what happened at the
2 meeting. Let me just clarify that. I think the Defence counsel
3 interrupted you, but you did identify, I think, who the chief
4 security officer was for Bazzy. If you would just go ahead and
11:28:27 5 repeat it so the record is clear.

6 A. Junior Lion was the CSO.

7 Q. Mr witness, you were telling us about a meeting of all the
8 councillors in the camp, including Gullit, Bazzy and others. If
9 you would, go ahead and tell us what happened at that meeting.

11:28:59 10 PRESIDING JUDGE: Mr witness, are you all right?

11 THE WITNESS: Yes, yes, yes. After he had called all of
12 them, then he brought xxxxxx in front of them. He said he
13 captured xxxxxx. He said he knew he's a Father, Catholic
14 priest. He said, but, he captured xxxxxx to find a way to
11:29:53 15 communicate to the government. He said, the way he captured
16 xxxxxx, he came up with three things. One, they should
17 give us medicine; two, they should give us satellite phone; and
18 three, we should be reinstated in the barracks. He said the
19 satellite phone, why he's asking for it, that is the way he want
11:30:51 20 to communicate so that the international community will know why
21 they are in the bush.

22 He said the fight that they are fighting, they are not
23 targeting the civilians. He said because -- he said after
24 everything, the international community would have to ask. He
11:31:34 25 said we should believe that we are soldiers. He said, "what I'm
26 telling you, you have come with your coup. Now you are saying
27 that you are being recognised, but one thing I want you to know
28 is that you overthrow a democratically elected government. If
29 that same democratic elected government overthrow you, that is

1 one to one. The only advantage we had, they know that they said
2 no to the army. We should fight hard, so that the army will be
3 reinstated. This is not --

4 THE INTERPRETER: Your Honours, can the witness please take
11:32:21 5 it back after the reinstatement of the army?

6 PRESIDING JUDGE: Mr Witness, pause, because you are racing
7 ahead of the interpreter and the rest of us. Can you repeat your
8 answer starting where you said about overthrowing the army --
9 sorry, reinstating the army. Can you repeat that and continue
11:32:47 10 your answer, please.

11 THE WITNESS: He said, "You have come with their own
12 government. You have overthrown an elected government. This
13 same elected government had come and overthrown you again." He
14 said, "This is one-one. Remember, if you say we are going to
11:33:22 15 fight these people, nobody will support us because fighting
16 against a democratic government." He said, "But this time, as
17 long as these have said they will disband the army, which is the
18 oldest institution, let us fight so that the army will be
19 reinstated." And he said he will show us that if we arrived in
11:33:50 20 Freetown, he will give us two weeks, the bridges will intervene.

21 MR HODES:

22 Q. Mr Witness, based on your experience as a soldier and as a
23 training instructor, can you tell us at this meeting who was in
24 command and control of the troops at that time?

11:34:25 25 A. xxxxxx.

26 Q. Mr Witness, if you know, who was deputy to xxxxxx at
27 that time?

28 A. Alex Brima.

29 Q. And if you know --

1 A. Third?
2 Q. Yes.
3 A. Bazy.
4 Q. If you know, who was behind Bazy in terms of the command
11:35:04 5 and control --
6 A. Five-Five, xxxxxx, xxxxxx, Junior Lion, xxxxxx
7 xxxxxx, xxxxxx.
8 Q. Mr witness, with regards to the people you've just
9 mentioned and we'll start with xxxxxx, do you know if they
11:35:48 10 had ranks in the bush?
11 A. Yes.
12 Q. Do you know what xxxxxx 's rank was?
13 A. At that time he was a brigadier.
14 Q. You indicated that Mr Brima --
11:36:09 15 A. Alex Brima was a colonel. Bazy was a colonel. Five-Five
16 was a lieutenant colonel.
17 Q. At that time, do you know, for instance, whether or not
18 Mr Brima had any specific responsibilities within the command and
19 control of the troops?
11:36:40 20 A. During that time when xxxxxx was there, he had then
21 full command over the troops.
22 Q. When you say "he", who are you referring to?
23 A. Alex Brima.
24 Q. Alex Brima had full command over the troops?
11:37:02 25 A. No.
26 Q. Right.
27 A. Because xxxxxx, but before xxxxxx came,
28 Alex Brima was the commander who had control over the men. I
29 want to clarify to you for you to know that they maintained their

1 counsel that you are PLO1, PLO2, PLO3, PLO4. They knew that
2 chain. So wherever they went, they know. As I'm talking, they
3 know exactly what I'm saying. So, if you are asking me,
4 xxxxxx was a brigadier while Alex Brima was a colonel.
11:38:07 5 Gullit Bazy was a colonel; Five-Five was a lieutenant-colonel;
6 xxxxxx, lieutenant-colonel; xxxxxx downwards.
7 Q. Mr witness, did anything happen after this meeting that
8 you've just talked about?
9 A. Yes. After this, yes. After this meeting, Alex Brima took
11:38:50 10 xxxxxx to a village. what they discussed there, I did not
11 know. From there, they returned. The following day, we decided
12 to leave Camp Rosos and cross, heading for Freetown.
13 Q. Where did you go from Camp Rosos?
14 A. We decided to cross the river that was there. We came to
11:39:31 15 the next side, trying to head for Freetown. Before we arrived
16 Lunsar, xxxxxx and Alex Brima had a fracas. How I came to
17 know, xxxxxx shouted at him, "You. I told you that you
18 should not talk to these men at the rear." The men at the rear
19 were the RUF.
11:40:19 20 Q. I'm going to stop you. xxxxxx shouted at who?
21 A. Alex Brima. I said Alex Brima.
22 Q. Go ahead, Mr witness.
23 A. He shouted at him. He said, "I told you our business is
24 our business. Our business shall not be exposed. Do not try to
11:40:41 25 talk to these people over set." Even when I met him, I tried to
26 encourage him, because at that time I tried to meet him, because
27 by then we are under attack by the bridges. I said, "My man,
28 Alex Brima, what happened?"
29 Q. Mr witness, the testimony as it just came out was that you

1 were under attack by the British.
2 A. No.
3 JUDGE SEBUTINDE: By the bridges.
4 MR HODES: By the bridges. Thank you, Your Honour. Thank
11:41:18 5 you. Sorry.
6 [AFRC27SEP05C - AD]
7 A. What was I saying?
8 Q. Well, evidently xxxxxx was not happy with Mr Brima
9 because he was speaking to RUF soldiers.
11:41:43 10 A. He met him and told him -- he shouted at him. He said, "I
11 have told you you should not talk to these men. I told you we
12 are soldiers, do not talk to them". He said, "And this should be
13 the first and last". In fact, he took out his pistol and he was
14 playing with it. So I met Alex Brima. I said, "My man", but
11:42:09 15 before I met him I first met xxxxxx. I said, " xxxxxx,
16 what happened?" He said this Alex Brima persistently continued
17 to talk to these people, these RUF.
18 Q. Go slowly.
19 A. He continued to talk to this RUF. "I have told him to stop
11:42:33 20 talking to them. And look at his colleagues like Bazzy. He is
21 ahead. This man is on the rear just on politics, politics. Just
22 on politics, talking with the RUF". So I went and met him. I
23 said, "My man Alex, what happened?" I said, "You were making
24 xxxxxx become angry". I said, "Why is this man threatening
11:43:07 25 me?"
26 Q. Slow down.
27 A. Yeah. "This man, we called him. Why is he telling us what
28 to do? This man is trying to belittle us. He is trying to
29 belittle us". So I encourage him I said, "Okay. Forget,

1 forget". we left and we even had one casualty and we buried one
2 soldier by the name of xxxxxx. He was the xxxxxx at that
3 time. we left there, we come, we reach one place that is called
4 Mamusa.

11:43:49 5 Q. Can you spell that for the Court, Mr witness?

6 A. No.

7 MR HODES: I only have a phonetic spelling which is
8 M-A-M-U-S-A, Your Honours.

9 Q. Go ahead, Mr Witness. Did anything happen at Mamusa?

11:44:08 10 A. But before we left to reach Mamusa, xxxxxx would
11 always divide the battalion. He had the ones in front, he had
12 those who will stay at the headquarter and he had those that he
13 will always place in the rear. And in there, those in front,
14 Bazzy was the commander for the advance troop while Gullit and
11:44:47 15 Five-Five were based at the headquarter, that is in the middle.
16 As we advanced, then the middle where [REDACTED] -- by the time
17 we arrived at Mamusa, we saw some children that xxxxxx saw.

18 They were amputated somewhere, thrown in the -- they were
19 amputated, they were littered around the road. Then xxxxxx
11:45:32 20 stopped the train, because by then we used to call it the train.

21 Q. Mr witness, where did you see these people who had been
22 killed and/or amputated?

23 A. If there is an opportunity, just after you cross Mamusa, if
24 you are leaving Freetown, there is a village. It has a vehicle
11:46:01 25 road, there is a school by the right -- right or left, I can't
26 tell right now. That is the road that leads to the village, the
27 village is ahead. That was where I saw this incident where
28 children were amputated and some were up the roofs and some were
29 down on the ground. So when the centre reached where [REDACTED]

1 was, then he stopped the train, because by then we used to call
2 it train. He said, "Let us stop". Then we stopped. He said,
3 "who did this act?" If we do not know that this is against
4 international law, then they said, "It was Kabila. It was
11:47:00 5 kabila. It was Kabila." Then they called on Kabila. Then
6 [REDACTED] said he should be given -- sorry, xxxxxx. He
7 took the machete and, "To show you that what you've done, whether
8 it is good or bad, please place your hand". The man who came to
9 stop xxxxxx was between Alex Brima whose name was xxxxxx
11:47:39 10 xxxxxx. He came and said, " xxxxxx, don't do that". Then
11 xxxxxx slapped him.

12 Q. when you said "slapped him", who did xxxxxx slap?

13 A. He slapped xxxxxx. He himself was a council member.
14 when he apologised he told him, "well, these things that you've
11:48:09 15 done, you have to answer for it. These are the things that the
16 international community is against". He said, "But as we are
17 moving you have to answer for this". Then they left Kabila. The
18 train continued. Gbangbay, that is it was moving, it's moved.
19 we went and went. We reached at Masiaka. We captured the
11:48:56 20 ammunition. We captured the ammunition. We decided to go to 38
21 to send men while we were still in the bush. They went and came.
22 we decided to leave.

23 when we left we arrived at Newton. when we arrived at
24 Newton then xxxxxx observed that we are not far from the
11:49:39 25 town. He said we should take an oath. He said the oath that we
26 are going to take, that will -- because we are very close to the
27 town we should take an oath that when we arrive in Freetown we
28 will have nothing to say but to say we have come purposely for
29 the army to be reinstated. Gullit was there, Bazy was there,

1 Five-Five was there, xxxxxx, all of them were there. I myself was
2 there. They split the kola, put salt in water and turned it in
3 the cup like this one, that is the water. Then they give you the
4 kola. They say, "Handle the kola, hold the salt and water and
11:50:48 5 say, 'As we are leaving here heading for Freetown, whatever they
6 ask us we should tell them that we want the army to be
7 reinstated'." You bite it, then you drink the water. That was
8 done by everybody.

9 Q. Did anything happen after everyone took this oath in
11:51:17 10 Newton?

11 A. This Alex Brima, Alex Brima, he came and he said -- he
12 called his men, because whenever [REDACTED] -- sorry, xxxxxx
13 had a talk with them, he will go and call his council, ensure
14 that they will sit on what xxxxxx said, whether it is in
11:51:59 15 their favour or not. Alex Brima said xxxxxx was not in
16 their favour. How could xxxxxx continuously talk about SLA,
17 SLA, forgetting the AFRC. xxxxxx wanted to sell us to the
18 government of the day, because he is not working in their own
19 interests, and which, of course, they were the ones who called
11:52:39 20 him. If they were the one who called him, what they should tell
21 xxxxxx to do is what xxxxxx should do. It is not
22 xxxxxx who should tell them what to do. From there, then we
23 left.

24 MS THOMPSON: Your Honour, I'm sorry to interrupt the
11:52:58 25 witness, but before he moves on to another part of his answer,
26 the witness has given evidence of a conversation, my
27 understanding is a conversation which he perceived as opposed to
28 having been present or having been told by anyone who was
29 present. He keeps saying Alex Brima called his men, because

1 usually he would call his men to sit on what xxxxxx has
2 said. We don't know whether this witness was present, because my
3 understanding of his evidence is that he wasn't one of these men.
4 Or whether any one of these men told him, because my
11:53:33 5 understanding is he didn't have any such conversations. So
6 whether my learned friend would seek to clarify that with the
7 witness or whether the witness can tell us whether he was, and if
8 he wasn't there how he came to know about this conversation which
9 he has told us about, or the conversations which he has alluded
11:53:50 10 to.

11 MR HODES: That is fine.

12 Q. Mr witness, did you hear Mr Brima say all of these things
13 you have just mentioned?

14 A. I met him, he was grumbling. The site where I met him, the
11:54:09 15 ECOMOG launched on us --

16 Q. Mr witness, I'm going to stop you real quick. You have
17 just talked about Mr Brima saying that he was not happy about
18 xxxxxx turning over the army to whatever government was in
19 power at the time and things of that nature. The question I just
11:54:31 20 asked you is a very simple question, Mr witness. Did you
21 yourself hear Mr Brima make those statements?

22 A. Yes. Not once --

23 Q. Mr witness, that was all I asked you.

24 A. Thank you.

11:54:56 25 Q. Mr witness, you have referred to the troops and everybody
26 as the train; yes?

27 A. As the train. We called it the train.

28 Q. You said the train, Mr witness. Did the train go anywhere
29 from Newton?

1 A. Yes.

2 Q. Mr witness, where did the train go from Newton?

3 A. From Waterloo Town to Benguema.

4 Q. Did anything happen in Waterloo?

11:55:44 5 A. Yes. We blocked at Waterloo, because it was not in the
6 plan to enter into Benguema. While we were still in Waterloo
7 Junction, trying to go by Hasting, Jui, then one soldier came
8 with an information. He said the Nigerians are inside Benguema.

9 Q. Slow down, Mr witness, slow down. Go ahead, I apologise
11:56:21 10 for speaking over you. But slow down, please.

11 A. They went into Benguema. They said the Nigerians were in
12 Benguema, and it will not be nice for us to leave them. Then
13 xxxxxx said that we should move the men from Benguema. So
14 that made the train to go by Benguema. When we reached, another
11:56:54 15 information came saying that the men didn't want to advance.

16 Then xxxxxx --

17 Q. Slow down, Mr witness. Did anything happen in Benguema?

18 A. Yes.

19 Q. Tell the Court what happened in Benguema, Mr witness.

11:57:26 20 A. When we had captured Benguema, we finished capturing
21 Benguema, xxxxxx, or Alex Brima, he was at the back. They were all
22 behind of xxxxxx. There I met he, xxxxxx. I said,
23 " xxxxxx, we approaching 6.00, we are still in Benguema,
24 which is a route out." And he said, "Let us use Goba water and
11:58:15 25 climb the Lion Mountains."

26 Q. Mr witness, did anything happen to xxxxxx in Benguema?

27 A. I want you to give me some chance, let me come in with the
28 talk. You have asked me if anything happened at Benguema. What
29 happened in Benguema is what I am saying.

1 Q. Go ahead, Mr Witness.
2 A. So after he has say we should use the Goba Water to climb
3 the Lion Mountains, I said, "But xxxxxx, I have got another
4 information that the balance troop had used the range route
11:59:02 5 to" -- that time Alex Brima was behind xxxxxx. And he told
6 me - he, Alex Brima - "well, get out of this place. Don't come
7 and disturb here." If I am lying I will admit it in front of my
8 Court. "Leave this place, don't come and disturb this place."
9 But what led me --
11:59:26 10 Q. Slow, Mr Witness.
11 A. Why I did not answer him was because I had got command from
12 xxxxxx that, "Go tell these man, who are at the range, let
13 them leave range, let them use Goba water." That distance I just
14 took, just about 30 yards. "Tell these men to leave the range,
11:59:57 15 let them use Goba Water." I came now to tell xxxxxx that I
16 have told this men, I just saw them carrying xxxxxx. "Bup,
17 bup, bup, bup"; they were jogging. Who was behind them? It was
18 Alex Brima and xxxxxx and xxxxxx. What did I see? Alex Brima
19 drawing his hand to put it on his nose. I said, "What happened?"
12:00:36 20 He said, "No, we are to stop the building." I said, "Okay, let
21 them put him down. Let them lay him down." So he was laid down.
22 I said, "Give me some milk." They brought the milk. I put it in
23 his mouth. All was coming out. And I place him down -- I place
24 it down. When I remove my hand, I saw blood on my hand. I said,
12:01:07 25 "My man, that was Alex Brima. What happened?" He said it was a
26 bomb. I say, "Eh?" "A bomb." "Well, how is it that it's alone?
27 If it is a bomb he would not have been alone." So when I removed
28 the element which xxxxxx was putting on, I saw a hole to
29 tell me that it was a pistol.

1 Q. Mr witness, you just referred to something as elementary.
2 what was it that you removed from xxxxxx?
3 A. What I removed from xxxxxx was his helmet that he had
4 on his head. That was what I removed, because I was trying to
12:01:58 5 see whether it was -- the place was. So I tried to remove the
6 cap to open the button to see what next. I saw the helmet was
7 burst. I said, "What happened?" They said it was a bomb. I
8 said, "Bomb. Amongst all of you, it was only one person." The
9 eyes I saw maybe until the next world before I see it again. So
12:02:33 10 straightaway I stopped, they all started going. So they were
11 moving here and there, they were all scattered. They just left
12 us and the corpse. He was there.
13 MR DANIELS: If he can be warned to stop pointing at the
14 witness and intimidating them. We have said this once, twice,
12:02:55 15 three times, My Lord.
16 PRESIDING JUDGE: The witness isn't being -- who is he
17 intimidating?
18 MR DANIELS: My Lord, he is pointing at all the witnesses
19 present.
12:03:02 20 THE INTERPRETER: Your Honour's mic is not on.
21 PRESIDING JUDGE: Counsel, one at a time. Counsel. Just a
22 moment. I am speaking.
23 [Multiple speakers - transcript incomplete]
24 PRESIDING JUDGE: Mr Daniels, you used the terminology "he
12:03:21 25 is intimidating the witness." Do you wish to amend that?
26 MR DANIELS: [Microphone not activated].
27 THE INTERPRETER: Your mic is not on.
28 MR DANIELS: -- the witness was looking menacingly at the
29 accused persons. Your Honour said the word was too strong.

1 Subsequent to that Your Honour cautioned the witness not to look
2 in the direction of the accused persons. Yet again, I got up,
3 stood on my feet and I informed the Honourable Court that the
4 witness was yet again looking in the direction of the accused
12:04:00 5 persons. This time around the witness is pointing fingers in the
6 direction of the accused persons. I am saying that my clients
7 have expressed that they feel intimidated. It is my duty to pass
8 this on to Your Honours.

9 PRESIDING JUDGE: Now I am clear, Mr Daniels. You had
12:04:14 10 mistakenly used the word "witness". I'm clear now on what the
11 problem is. And Ms Thompson, you were also on your feet.

12 MS THOMPSON: Yes, Your Honour, because it was particularly
13 Mr Brima who was being pointed at. And, in fact, before
14 Mr Daniels got up I actually thought the look was towards me, so
12:04:32 15 I changed my position. But it was, in fact, the clients who were
16 being stared at during the evidence, as Mr Daniels said, and he
17 brought it to the Court's attention twice. But on this occasion,
18 not only did he look at them in the manner in which has been
19 done, he was actually pointing at them, raising his voice, which,
12:04:51 20 of course, got the reaction from the defendants, which, Your
21 Honour, of course I will apologise for. But, Your Honour, under
22 the circumstances it was understandable, given that they actually
23 have said they are feeling intimidated by the way the witness is
24 looking at them and, in this case, actually going ahead to point.

12:05:10 25 PRESIDING JUDGE: Thank you, Ms Thompson, I'm clear now on
26 your complaint.

27 Mr witness, I have spoken to you twice already about this.
28 I accept that this is emotional for you. But I have seen you
29 raise your hand now that you did not do before and you must not

1 do that. I have also said that you should look towards the
2 Bench, towards the judges. I am again saying to you you must
3 have not look, gesticulate, use your hands or raise your voice
4 towards the accused. If it would assist, I think Mr Hodes has
12:05:48 5 invited you to look towards him. Is that correct? If you feel
6 better doing that, then look towards Mr Hodes. Do you understand
7 me? Do you need to have a break, Mr witness?

8 THE WITNESS: Yes, ma'am. I don't believe that I was
9 looking at them. I just made like this, I make like this. I
12:06:16 10 don't feel that I was pointing towards them. Only that I don't
11 know -- if they don't want me to continue the talk. Because how
12 the woman could be here and say I'm looking at him or that I'm
13 looking at the witness. I am making like this, I am making like
14 that.

12:06:33 15 PRESIDING JUDGE: I accept that you are giving me an
16 explanation. You should not argue. But I will accept that as an
17 explanation. Just take it from me I have seen you move your
18 hands and your body turns in that direction. Just take it that I
19 have seen that. Look towards Mr Hodes when you answer these
12:06:51 20 questions.

21 MR HODES: Just briefly in response to all of this, I, for
22 record purposes as well, would like to say that while the witness
23 has looked over towards that side, I don't know that it is
24 menacing or intimidating. And in this last instances, if there
12:07:13 25 was a gesticulation towards any of the parties, it was only in
26 response to -- it was based on his answer with regards to what
27 had happened to xxxxxx and who he believes was responsible
28 for xxxxxx death. So, while I understand the Court's
29 concerns and, by all means, I would join in instructing the

1 witness to look more at me and the Court, I would argue on behalf
2 of the witness that not allowing witnesses to look over towards
3 the accused or -- I mean, by the same token, the accused have
4 every right to look at the witnesses. I would ask the Court to
12:08:03 5 consider this witness's rights and his knowledge and his
6 experiences, which actually have been of pretty great benefit
7 when he is able to look over towards them.

8 PRESIDING JUDGE: Mr Hodes, I have said that I accept this
9 is an emotional recollection for the witness, and I am leaving it
12:08:26 10 at that.

11 MR HODES: Thank you. Very good Your Honour.

12 Q. Mr witness, you have indicated at that point that xxxxxx
13 xxxxxx was unable to take any milk. I am just going to ask you to
14 basically go through what happened, if anything, from that point
12:08:51 15 when xxxxxx was unable to take milk and you were holding him
16 and, I think, you saw blood on your hand.

17 A. When I placed him down, when I saw the blood, I had to
18 remove the helmet from his head.

19 Q. Okay. That's helmet?

12:09:12 20 A. Yes. I saw it, it was burst. When I removed the helmet,
21 the cap, there was blood oozing from this part, here.

22 MR HODES: For record purposes, the witness is pointing to
23 the middle of the lower portion of his head.

24 Q. Go ahead.

12:09:40 25 A. So I asked him, how did it happen. He said it was a bomb.
26 I said, "A bomb?"

27 Q. Go ahead.

28 A. Yeah. I said, he said it's a bomb. A bomb. Bomb for only
29 one person amongst all of you. You say bomb? The eyes I saw,

1 the way they were, till next world, then I will be able to see
2 those type of eyes. So straightaway with that question, they all
3 scattered. When they scattered, some people went this way,
4 others went the other way. He, Alex Brima, was with us. I said,
12:10:32 5 "well, okay. Now, break the door. Let us put him there." Then
6 he was carried. We went into the bush.

7 Q. I am going to stop you there for a second. Did you help
8 take xxxxxx somewhere?

9 A. I was with xxxxxx until we place him into the hole.
12:11:01 10 From where we took him to where he was buried at Goba Water.

11 Q. How did you take xxxxxx to Goba Water?

12 A. We had to break a door. We called some other people, and
13 we put him on the door and we carried it. Whilst he was up we
14 were under him, we were carrying him, we were taking him. Up to
12:11:36 15 the time we went to a place and place him there and the medical
16 man that we had, he brought a drip, place a drip. He made
17 everything, put everything in it, but the glass, he said, "Ah."
18 He said, "Commanders he has gone." He said, "what?" He said,
19 "He is dead." Immediately I started hearing some boys saying
12:12:10 20 when some have died, now we are coming to rest. We were to reach
21 Freetown, we don't even know who should be minister of this,
22 minister of that. One boy that was called xxxxxx, he was
23 Minister of Defence. I went, I saw them sitting there.

24 Q. When you say "they", Mr witness, you saw them sitting
12:12:40 25 there, who was that?

26 A. Gullit; Alex Brima, all the council members. Then Alex
27 Brima and Bazy, they met me. He said, "well, now, you should be
28 with Alex, Alex Brima." It was Bazy who told me. I said,
29 "Okay. Let us go."

1 Q. Mr witness, if you know, after the death of xxxxxx,
2 who was in command or control of the forces of the AFRC?
3 A. It was Alex Brima. Straightaway he became major-general,
4 CIC, command in chief. Major-General Alex Brima.

12:13:48 5 Q. Mr witness, who was his deputy?
6 A. Bazzy.
7 PRESIDING JUDGE: Pause, Mr witness. What I have warned
8 the witness on I will now again warn the accused. I will not
9 have smirking and laughing in this Court, that type of behaviour,
12:14:08 10 and the same warning applies to you also. Continue, Mr witness,
11 please.
12 MR HODES:
13 Q. Mr witness, you just indicated that Bazzy was Mr Brima's
14 deputy.
12:14:27 15 A. He was the deputy to Alex Brima. Straightaway Five-Five
16 became brigadier and then army chief of staff.
17 Q. Mr witness, you also indicated that Bazzy said something to
18 you about --
19 A. He said I should work with Gullit.

12:14:54 20 Q. And do what?
21 A. Just as how we were with xxxxxx as security.
22 Q. Okay. Mr witness, did anything happen after Benguema? Did
23 the train go anywhere after Benguema?
24 A. [No translation].

12:15:30 25 PRESIDING JUDGE: None of the judges are getting any
26 translation. Mr Interpreter, are you translating, but it is not
27 coming through?
28 THE INTERPRETER: Yes.
29 PRESIDING JUDGE: There must be a problem. I will ask the

1 witness to repeat the answer and we will tell you if we hear you.
2 Mr witness, we did not hear the interpretation of what you said,
3 please say it again.

4 MR HODES:

12:15:56 5 Q. Did the train go anywhere from Benguema?

6 A. Yes. We had ill luck. This train had to go to Tombo when
7 it fell into an ambush. When it left, it was only a little bit.
8 we would have left xxxxxx. We fought with that. We tried.
9 we brought xxxxxx body --

12:16:26 10 Q. I am going to slow you down and ask you [inaudible]

11 MR HODES: Also Your Honours, there have been a lot of
12 villages and also come other commanders' names or colonels'
13 names. I think all of them have been heard by the Court before.
14 I don't know if you want me to go back. There was Mamusa,

12:16:43 15 Lunsar. And some of the other commanders like xxxxxx and xxxxxx. I
16 apologise. I made myself a note to check with the Court. Do you
17 need any additional spellings?

18 JUDGE SEBUTINDE: I think, Mr Hodes, it would be prudent if
19 you tackle the spellings as and when they arise. Now we can't
12:17:09 20 even find our way backwards.

21 MR HODES: I understand.

22 Q. Mr witness, you just mentioned another village, Tombo. Do
23 you know how to spell Tombo?

24 A. No.

12:17:24 25 MR HODES: Your Honour, I have that as T-O-M-B-O.

26 Q. Did anything happen after Tombo?

27 A. We went to Goba water.

28 Q. Did you go anywhere from Goba water.

29 PRESIDING JUDGE: I am not sure we have had a spelling for

1 Goba Water.
2 MR HODES: I apologise.
3 THE WITNESS: When we arrived first --
4 MR HODES:
12:17:48 5 Q. Mr witness, do you know how to spell Goba Water.
6 A. No.
7 MR HODES: It is Goba, G-O-B-A, Water.
8 PRESIDING JUDGE: Thank you.
9 MR HODES:
12:17:58 10 Q. Go ahead, Mr Witness.
11 A. When we arrived at Goba Water, we placed the corpse down.
12 we had missing in actions. Some soldiers had to go to a
13 different side. When we were scattered at Benguema, when these
14 things are taking place, some other soldiers went on the other
12:18:25 15 side where we don't know -- where we didn't know the cause.
16 Q. Benguema. Do you know how to spell Benguema?
17 A. No, no. No, no.
18 MR HODES: Benguema is B-E-N-G-U-E-M-A.
19 Q. Mr witness, the question I have for you is this: was the
12:18:43 20 train together in Benguema?
21 A. The train was together in Benguema. It was after xxxxxx
22 xxxxxx death then this train was scattered. Half went to one side,
23 the other went to the other side. So, as I was saying, when we
24 reached Goba Water, then we knew that some soldiers were missing.
12:19:19 25 There they -- I don't know if it was xxxxxx or so -- they said, "Let
26 us remove some men to go in search of the others."
27 Q. You mentioned xxxxxx. What is his full name?
28 A. xxxxxx.
29 Q. Do you know how to spell xxxxxx?

1 A. xxxxxx.

2 Q. Okay. Go ahead and tell us what it is that xxxxxx said
3 to you.

4 A. When we reached Goba Water, xxxxxx was the
12:20:14 5 administrating officer. He did all the paper work. They had a
6 meeting where I did not attend that meeting. But I got it from
7 another soldier who told me the outcome of that meeting while I
8 was with xxxxxx.

9 Q. I am not sure what you are referring to at this point, but
12:20:45 10 I want to keep us, in terms of time, at this point, we are now
11 after xxxxxx has passed away. If this meeting occurred
12 prior to that time, could you bring us back to the time you've
13 indicated that after xxxxxx passed away --

14 A. It was after, it was after, yes.

12:21:07 15 Q. Go ahead.

16 A. After he had died, they called this meeting. I didn't go
17 for the meeting. After the meeting, the boy told me that now
18 xxxxxx is gone. This is what the person told me, whose name
19 I cannot tell, xxxxxx said. Now xxxxxx is gone, it is
12:21:41 20 Gullit who is the commander whether you like it or not you have
21 to subject to the command and presently, as we are going up the
22 hill, we had to wait for the RUF because RUF had informed them
23 that they are coming. They are around Makeni. And we went up
24 the hill. we had buried xxxxxx. we went up the mountain.

12:22:10 25 And Alex Brima said to me I should hand over the helmet and he
26 held a pistol. He said, "Give me the suitcase. Give me
27 everything". I said, "Take it". And then he took it.

28 Q. The items you are referring to, who did they belong to?

29 A. They were xxxxxx.

1 Q. Tell us what happened, if anything, when the train headed
2 up into the mountains.

3 A. When we reached up the mountains, that is what I am telling
4 you. When we reached up the mountain, Alex Brima said I should
12:22:58 5 hand over everything that xxxxxx had: The helmet,
6 bandolier, the pistol, the bag, everything. I said, "Take them".
7 when the security -- because we were ten, we said "Mm, why should
8 I hand over?" But then I said, "It's an order. One man cannot
9 fight a dozen. If this man wants it what's my own business, it
12:23:39 10 is only for me to hand over. Whatever you want say, say it, but
11 this I have handed over. We came, we are up the hill and rain
12 fell on us for a complete two days and we decided to come down
13 town. We reached Hastings. There was fighting, fighting going
14 on. We came to Jui. As we were able to bulldoze Jui, there was
12:24:15 15 a poultry at the right-hand side. He, Alex Brima, I saw him in
16 there. We looted the whole poultry. We removed the chicken and
17 the egg, everything in that poultry. And then we arrested the
18 Lebanese and the family and they we went up. At the end before
19 me, Gullit asked for money when the Lebanese had to pay before he
12:24:48 20 could release them. From there, I don't know how they call them,
21 but I saw women who were in blue. I don't know their names, but
22 I think their name was nuns. I don't know, but I think they were
23 church people. Right there, they told him, Gullit, he confirmed
24 that they should be held. So, they themselves were being
12:25:19 25 captured, so we went up, we went to Allen Town. We are sitting
26 in Allen Town, that was around some minutes after 12 and they
27 said we should leave to enter the town. That was before
28 January 6th. When we reached there, Alex Brima said I should be
29 at the rear, I should not enter this time. But this place that I

1 reached, Mr Jim, I would not like to mention their names because
2 likely they might -- they might identify me. Presently, they
3 would have listen what I am saying now. As I was going ahead,
4 they said I should be at the rear. I said, "Eh, what?" From
12:26:42 5 over there, there. We are now arrived in town. This man is
6 telling me that I should be at the rear. Then, how would I be
7 able to know my fate at the back if I don't know what is
8 happening ahead of me? But as a commander, I agreed. I was
9 there, they came with some -- some prisoners they had removed
12:27:19 10 from Pademba Road from Pademba prisons. They brought them. But
11 I did not see xxxxxx, his wife. And I said, "well, this one
12 should be careful". So I left. I entered.

13 Q. When you say you entered, where did you go?

14 A. I left Kissy and came to town. When I came to town, the
12:28:02 15 first man I saw was Bazzy. He was with a radio set. He was
16 talking to -- he was talking to Mosquito. How do I know he was
17 talking to Mosquito? That time they were calling Mosquito Luck.
18 He was asking him for JP. How do I know he was asking for JP
19 Koroma? He was called Supremo. So by this I left him and came
12:28:44 20 inside State House. They came with four men --

21 Q. Mr witness, who is they? They came?

22 A. We, our soldiers, junior soldiers, went to the defence. By
23 then it was Paramount Hotel. They used to call it Paramount
24 Hotel. That is where they brought this four civilian, including
12:29:14 25 one woman. As they said, these people were Nigerians. Gullit
26 shot at them. Five-Five took the woman. We left there. I came
27 down. I came inside again.

28 Q. You indicated that Gullit shot at or fired at the three
29 men. Do you know what happened to the three men?

1 A. Because they were Nigerians, so we took them as enemies.
2 From there I left them and I went back. When I came this time --
3 Q. Mr witness, the question I had for you was, if you know,
4 what happened to the three men that you saw who were Nigerian,
12:30:22 5 Gullit shoot at or fire at? If you know what happened to those
6 three men?
7 A. They died.
8 Q. Thank you, Mr witness, please go on.
9 A. From there, we had to leave there. The same Alex Brima,
12:30:48 10 out of State House, that was where he shot at another woman. I
11 said, "Ah, what is happening?" I heard that information clearly
12 from the woman that was shot at. The boyfriend of the woman who
13 was shot at saying, "This Papay had been after my woman for quite
14 some time". The Papay that he is referring to is Alex Brima. I
12:31:28 15 said, "Well since she has gone, well let us accept it as it is".
16 Then I left them and I returned. I came, I stood by, I met
17 xxxxxx was standing by one soldier. He said, "A soldier
18 has stolen 44,000 US." So the soldier wanted to give a bad name
19 to the group.
12:31:47 20 Q. Mr witness, I need to stop you for a second and clarify a
21 couple of things. First of all, you just indicated that you met
22 with xxxxxx. Do you know how that is spelt?
23 A. No, no, no, no.
24 Q. I think it is just xxxxxx and xxxxxx, like a xxxxxx.
12:32:10 25 PRESIDING JUDGE: I think we have had that one, Mr Hodes,
26 thank you.
27 MR HODES:
28 Q. Where did you meet xxxxxx?
29 A. At State House. They rounded up a soldier. I said, "Hey,

1 xxxxxx, xxxxxx, what happened? what happened?" He said, "The
2 man stole 44,000 US". The man had refused to take it out. I
3 said, "Okay, please wait. Wait, let me call this man and listen
4 to what he has to say. Please wait." I said, "Eh, my man,
12:32:46 5 please wait. Please, give it to me. Please, I will give you the
6 information." Then he passed him. By the time I turned, a
7 soldier came with 56 hand grenade and I turned. When I turned I
8 said, "what happened?" He took the grenade and sent it inside
9 the gutter by Paramount Hotel and it exploded. Then I said, "Eh,
12:33:17 10 my man, what happened?" Then he said, "Because of that soldier."
11 And then I said, "Oh, grenade for one soldier?" Then he left me
12 and went.

13 Q. Who was it that threw this grenade, Mr witness?

14 A. Just as I was saying, maybe you will have to send it out
12:33:43 15 and I don't want to disclose my identity.

16 Q. That's okay, go ahead.

17 A. So, I said, "what happened?" He said, "Is it for that man?
18 For one man with that grenade, 56 hand grenade?" So I myself
19 went inside. I reached at Kissy. Then I said, "So this is the
12:34:16 20 reason why?" As this guy went, whom did I see, Alex Brima and
21 Five-Five. Then I did not even talk to them. I went in the
22 vehicle and drove off to Kissy. When I reached Kissy, I said,
23 "So this was the reason why Alex Brima said I should stay in the
24 rear." So, if it was that then I would have died. Then I said,
12:34:50 25 "Okay". I was there. We were in State House. Then we had
26 information because by then we are planning to go to Wilberforce.
27 So, while the Nigerians that were at Wilberforce had put our
28 people under control, so they were just waiting. If they saw our
29 presence as if we are heading for Wilberforce then they will kill

1 all of them, then they will stay.

2 Q. who said they will kill all the people?

3 A. I can't recall the soldier that came with the information
4 at State House, but this was the information.

12:35:45 5 Q. Understood. I am not asking you for the identity of the
6 person that told you this information, what I am asking you for
7 is who did that person tell you was going to kill all of the
8 people at wilberforce Barracks? who was at wilberforce Barracks?

9 A. The ECOMOG.

12:36:08 10 Q. who were the people they were going to kill at wilberforce
11 Barracks?

12 A. Our relatives, the civilians that were there, fathers,
13 mothers, the fathers and mothers of the soldiers that had went
14 into the bush, the parents of the soldiers. They gathered in the
12:36:35 15 field and they said, "If your children come, as soon as we see
16 them we are going to spray all of you and then we will leave."
17 This slowed the troop for the advancement of wilberforce. They
18 are there, they attacked us. when they attacked us we fought and
19 fought and fought and fought and fought. They removed us from
12:37:03 20 State House. we fought and fought and fought and fought, then
21 went back into State House. Then Gullit said we should burn the
22 town. Five-Five was --

23 Q. Mr witness, did you hear Gullit say that?

24 A. As I told you initially, I said after xxxxxx had fell,
12:37:31 25 Bazy said I should be with Gullit. So, as I am saying these
26 words about Gullit I want you to realise, to know that I was
27 there.

28 Q. Mr witness, the only time I am going to stop you is -- I am
29 going to ask you to answer a very specific question, like in this

1 instance whether or not you specifically heard Gullit say things
2 that you are reporting to the Court? If you could just answer
3 the question "yes" or "no".
4 A. Yes.
12:38:01 5 Q. Thank you, Mr witness.
6 A. Yes. They -- Five-Five was the patrol distributor. He
7 called all the men, "You without arms should go with kerosine,
8 you should have petrol. You should have a machete. Any unarmed
9 men should not be empty handed, you should have either a machete,
12:38:42 10 petrol or kerosine."
11 Q. Mr witness, just to clarify that. who is it that made that
12 statement about if you don't have arms, I will give you petrol,
13 cutlass or whatever?
14 A. The army chief of staff; that was Five-Five.
12:39:01 15 Q. Okay, please go ahead.
16 A. He distributed, it was right in State House that we got the
17 fuel, the petrol. He gave instructions that we should burn
18 Parliament, income tax, CID Police Station.
19 Q. You just said "he" again, Mr witness. who is "he"?
12:39:25 20 A. The army chief of staff, Five-Five.
21 Q. Thank you. Every now and then I will have to stop and ask
22 you that. Okay, Mr witness?
23 A. Yes. So, then Gullit, Five-Five, they came down by State
24 House, took the road heading by Paramount, whilst we are
12:39:54 25 upstairs. The next thing I saw was smoke. who confirmed it to
26 us? It was ~~xxxxxx~~ who said, "The bossman have burned the
27 CID, because I saw the smoke."
28 Q. Mr witness, what was the CID? what does that stand for?
29 A. Criminal Investigation Department.

1 Q. What kind of people work there? Who worked there?

2 A. It was people who came from -- who were trained as police,
3 but they don't put on police uniform, blue, blue; they always
4 wore civilian clothing. These are the ones I referred to CID.

12:40:49 5 Q. Thank you, Mr witness. Go ahead. I think I cut you off
6 when xxxxxx was saying something.

7 A. If I can say the facts, I am hungry presently.

8 PRESIDING JUDGE: Actually, I was watching the time, Mr
9 Hodes, and we are very close to where we normally would adjourn,
12:41:14 10 a matter of a minute. If that is a convenient part in the
11 line --

12 MR HODES: That's fine.

13 PRESIDING JUDGE: In light of the witness's indication, we
14 should adjourn. Mr Court Attendant, please adjourn court to
15 2.15.

16 [Luncheon recess taken at 12.42 p.m.]

17 [AFRC27SEP05 - SGH]

18 [Upon resuming at 2.24]

19 PRESIDING JUDGE: Yes, Mr Hodes. It has been brought to
20 our attention that there may be a correction arising from a word
21 that was not quite clearly heard this morning in the witness's
22 evidence.

23 MR HODES: I am not aware, actually, Your Honour.

24 PRESIDING JUDGE: I see. For the interpreter to tell us.
25 Mr Interpreter, can you inform the Court of the correction you
26 wish to make in your interpretation this morning? Not your
27 interpretation, I correct myself, what may have been misheard
28 this morning.

29 THE INTERPRETER: The interpreter presently in the booth

1 cannot make the correction, but we can appreciate it well if at
2 all the head of the Language Unit is contacted.

3 JUDGE LUSSICK: Look, Mr Interpreter, we are not interested
4 in speaking to the head of the Language Unit. We received a
5 message that something that was said in translation this morning
6 was, in fact, misheard by one or all of the Bench and should have
7 been something else. We just want to know from you [microphone
8 not activated] Language Unit unless she actually did the
9 interpreting this morning.

10 THE INTERPRETER: The interpreter is sorry. The present
11 interpreter was not the interpreter that was in the booth this
12 morning.

13 JUDGE LUSSICK: [Microphone not activated] we will let it
14 go at that.

15 PRESIDING JUDGE: For point of record, the information that
16 was -- no, we will wait for when the proper interpreter is there,
17 rather than -- evidence should not emanate from the Bench. We
18 will wait for the interpreter to come.

19 I did not imply that any interpreter was anything other
20 than proper. I mean when the relevant interpreter comes.

21 MR HODES: Your Honour, I rise only to bring to the Court's
22 attention that at the tail end of the witness's testimony I am
23 going to move for a very short closed session based on some of
24 the testimony that he has given and it will be the identification
25 of a previous witness before in the Court who has already been
26 granted certain rights and certain privacy. I have already
27 addressed that with Defence counsel and so they are aware of what
28 it is I am going to be intending to do and the questions that I
29 intend to ask.

1 PRESIDING JUDGE: Thank you, Mr Hodes, for that indication.
2 we will deal with the application as it arises.

3 MR HODES: May I continue?

4 PRESIDING JUDGE: Please do so.

5 MR HODES:

6 Q. Good afternoon, Mr Witness.

7 A. Good afternoon.

8 Q. I am actually not 100 per cent sure exactly where we left
9 off, but the last thing that I have in my notes dealt with
10 Mr Kanu, Five-Five, distributing petrol to burn the CID building
11 and the Income Tax building and some other buildings. If you
12 would, can you go ahead and tell us what else happened in
13 Freetown at that time?

14 A. Well, as you have asked me to explain, I would start from
15 where Five-Five was sharing the petrol. After he had distributed
16 the petrol at State House, we --

17 THE INTERPRETER: Sorry, the interpreter would appreciate
18 it most if the witness could come closer to the mic.

19 PRESIDING JUDGE: Madam Court Attendant, please assist in
20 moving the mic closer to the witness.

21 THE WITNESS: When they had distributed the petrol, later
22 he came to understand that before the distribution of the petrol
23 they sat on a meeting at the State House. The meeting -- the
24 people that were present were Alex Brima, Bazy, Five-Five, xxxxxx
25 xxxxxx, xxxxxx --

26 PRESIDING JUDGE: Could you just, please, Mr Interpreter --
27 Mr Witness, I am sorry to interrupt you, but we have just been
28 informed that there is no recording mechanism in place and the
29 evidence is not being recorded; there will be no transcript. We

1 have been asked to pause briefly to allow that to be rectified.

2 I think in the circumstances it would be better that we
3 retire and allow the people concerned to fiddle with the
4 machines.

5 Madam Court Attendant, can you get that sorted out, please,
6 and just adjourn very briefly.

7 [Break taken at 2.34 p.m.]

8 [AFRC27SEP05E - EKD]

9 [Upon resuming at 2.35 pm]

14:35:49 10 PRESIDING JUDGE: I'm advised that everything is back in
11 order. Mr Hodes, I'm going to ask the witness, for purposes of
12 record to recommence that part of his evidence and, in the
13 circumstances, the prudent thing would be for you to actually
14 record the question as.

14:36:04 15 Mr witness, I'm sorry there was a break because we had a
16 technical problem. So that all of your evidence is properly
17 recorded, I will ask Mr Hodes to ask the question again and I
18 would ask you to repeat your answer again so that it will be
19 recorded. Do you understand?

14:36:20 20 THE WITNESS: Yes, ma'am.

21 PRESIDING JUDGE: Thank you. If you could do that, please,
22 Mr Hodes. Your question, as far as my notes are concerned, was:
23 what else happened in Freetown at that time?

24 MR HODES:

14:36:33 25 Q. And I think I prefaced it by saying that the last thing
26 that I know for sure that you had testified to before the break
27 was about Mr Kanu, also known as Five-Five, distributing petrol
28 to those soldiers or people that did not have weapons, and then
29 ordering or telling people to go burn the CID building and the

1 income tax building, among others. So if you could pick up from
2 there as to if anything else happened in Freetown, what was it?
3 A. I thank you. When we arrived in Freetown, after Five-Five
4 had made the distribution and he has pointed the areas that are
14:37:37 5 to be burned, as I came out at the State House, I saw billowing
6 smoke.
7 Q. Who pointed at the areas to be burned, Mr Witness? You
8 said "they".
9 A. Five-Five.
14:37:57 10 Q. Go ahead and continue, Mr Witness.
11 A. From there, burning started. We are burning -- forgot to
12 attack the Nigerians or the ECOMOG. So they chased us out of the
13 State House. We came down to Kissy Road. When we came down to
14 Kissy Road, Bazy was at the East End Police junction by Annie
14:38:45 15 walsh. I came and pass by. I went to Kissy. While in Kissy,
16 one soldier came running with a message to Gullit himself.
17 Five-Five was there. Bazy was at SLRA, where his residence was.
18 Q. Mr Witness, I'm going to slow you down a bit. First of
19 all, you just testified that you left State House because ECOMOG
14:39:35 20 had advanced to State House, and when you left State House you
21 passed by Bazy in the Kissy Road East End Police area. Was
22 Bazy with anyone at that time?
23 A. xxxxxx, xxxxxx. These are the names I'm able to recall
24 now, including the soldiers. They were at the roundabout there.
14:40:13 25 Q. Were they doing anything?
26 A. At first when I walked past them, they were trying to
27 fight. Because during that time the Nigerians had went to the --
28 have gone to the groundnut market and they were trying to use the
29 bridge behind East End Police. I came. We opened firing at that

1 area. We fired sporadically. Then I pulled out while Bazzy
2 still remained at the roundabout, but he was at the Annie Walsh
3 corner. Back to Kissy --

14:41:17 4 Q. When you say back to Kissy, do you mean you went back to
5 Kissy?

6 A. Yes.

7 Q. Go ahead, Mr Witness.

8 A. When I arrived in Kissy, Five-Five met us at road
9 transport. "Eh, fellow, are you just here. You doing nothing,
10 doing nothing, staying here doing nothing, mmm? This man is
11 doing nothing. Now the people are coming."

12 Q. Let me ask you, Mr Witness, who said that? Who?

13 A. Five-Five.

14 Q. Who did he say that to, Mr Witness?

14:41:59 15 A. He was talking to me, speaking to me. He said I was doing
16 nothing, and that time when he was talking to me, Bazzy was
17 there, Gullit was there. And that time we had already -- we're
18 in a confused state. Bazzy himself met me, mmm, fellow, to say
19 we've lost this ground, and I said inasmuch as the ones, the
14:42:46 20 authority were in vehicles, then this is not a battle that we
21 should fight in a vehicle. And if they are in the vehicles and
22 they never alight the vehicles -- probably if they alight the
23 vehicles, the boys will alight too and this is no vehicle fight.
24 So as a result of that we finally lost our ground. That was the
14:43:12 25 discussion between I and Bazzy. From there, Five-Five said we
26 should perforate the tyres, remove them from the vehicles and
27 ensure that all the vehicles were parked. We are on it, one
28 soldier came running saying, "Papay, papay, papay, papay.
29 They've killed one soldier at Cross Road via Fourah Bay Road."

1 He said the civilians had hacked him to death. He said what the
2 soldier had gone to do there, he went to his family. He said,
3 "Ah, Mines," -- one soldier by the name of Mines.

14:44:08 4 Q. Slow down. Mr witness, just to make sure I understand your
5 testimony, at this point are you with Bazzy, Gullit and
6 Five-Five?

7 A. I was with Five-Five, Gullit, Bazzy. Was if you can see --
8 if you can see Old Road Kissy Road -- Kissy Old Road, just after
9 you crossed the bridge, there is another road that will follow to
14:44:54 10 go to the new road. That was where Bazzy was. Five-Five and
11 Gullit, they were in one of the burnt houses which was a storey
12 building.

13 Q. Mr witness, again, the question that I asked you is a
14 simple one. So again I am going to ask you to listen to the
14:45:21 15 question and just answer the question as simply as you can, but
16 feel free to explain yourself. The question that I asked you was
17 whether or not -- and I will do it differently this time. Was
18 Gullit present when this young boy came up and told you that a
19 soldier had been killed by some civilians?

14:45:46 20 A. Gullit and Five-Five --

21 Q. No, I'm just [overlapping speakers].

22 A. Yes.

23 Q. Thank you. Was Five-Five present when this person came up
24 and told you all about the soldier being killed by civilians?

14:46:04 25 A. Yes.

26 Q. Was Bazzy directly present, not nearby, not a hundred yards
27 away --

28 A. No, no.

29 Q. Mr witness, if anything, did Gullit or Five-Five say

1 anything after they got this information?
2 A. Yes.
3 Q. Who said something?
4 A. Gullit.
14:46:47 5 Q. What did Gullit say?
6 A. He said, "xxxxxx" -- that is one soldier whose name is
7 xxxxxx. He said, "Go to SLRA, collect cutlasses and come." He
8 boarded a vehicle and collected the cutlasses. When he came
9 back, he distributed the cutlasses.
14:47:22 10 Q. Who did, Mr Witness? Who distributed the cutlasses?
11 A. Changabulanga and xxxxxx. And Changabulanga was the
12 battalion commander for short hand and long hands.
13 Q. Mr Witness, I'm going to stop you again. You said
14 Changabulanga was the prime commander for short hands and long
14:47:51 15 hands. What do you mean when you say "short hands", Mr Witness?
16 A. If I can demonstrate to you, this is the long hand, when
17 this part is removed. When this remains, this is the long hand.
18 The short hand, when you take it from here, this goes away. The
19 remaining one is the short hand. I don't know if I made it lucid
14:48:20 20 to you.
21 Q. Mr Witness, you have made sort of a chopping motion with
22 one hand. If you would, what exactly are you saying when you
23 make that chopping motion? What are you trying to say?
24 A. When the five fingers are removed, that is what we refer to
14:48:48 25 as long hand?
26 Q. And when you say "removed"?
27 A. You cut it off with a cutlass. You cut it off.
28 Q. Thank you, Mr Witness. And that is what you called long
29 hand?

1 A. That is what I'm referring to long hand. The short hand,
2 when you cut it off up here, you cut off here, that is the short
3 hand.

4 MR HODES: For the record, Your Honour, the witness was
14:49:15 5 just again making a chopping motion but for a short hand he was
6 chopping towards his bicep area, above the elbow and below the
7 shoulder.

8 Q. Mr witness, if you know --

9 A. Sorry.

14:49:32 10 Q. -- who described this as short hand, for instance?

11 A. Well, it was Five-Five. Well, he did not only show that it
12 was a short hand or long hand, but he called a civilian whose
13 hand he amputated, so that he demonstrated to the others as to
14 how it could be done. After that he said, "Ah, who killed that
14:50:09 15 soldier? So if this is so, let us go up to the Upgun roundabout
16 via Kissy Road."

17 Q. Mr witness, who said "let us go up to the Upgun
18 roundabout"? Who said that?

19 A. It was Gullit.

14:50:36 20 Q. Go ahead, Mr witness.

21 A. When we arrive at the Upgun roundabout, he summoned a
22 muster parade. Five-Five, after they were in the meeting and
23 they had discussed, he said, "well, these people, we should teach
24 them a lesson." That it was Gullit who said so. They should --

14:51:11 25 Q. Go ahead, Mr witness.

26 A. They should ensure that any civilians they saw from
27 Ross Road unto Fourah Bay Road, his or her hand should be
28 amputated, they should be hacked to death. Kill them and ensure
29 that the entire area is burnt down. Then he said we - that is

1 myself - we should collect the other men to go to Kissy Road.
2 Q. Mr Witness --
3 A. Yes.
4 Q. -- who is it that said all these things?
14:51:52 5 A. The army chief -- the army chief commander. Because after
6 they had summoned a meeting and discussed, normally he came out
7 to address the soldiers and inform them as to how the operation
8 was going.
9 Q. Mr Witness, if you know the person's name who was the army
14:52:13 10 chief commander who made all these statements, who is that?
11 A. Five-Five.
12 Q. Now, Mr Witness, you were just talking about, I think,
13 troops moving towards Ross Road based on Five-Five's order to go
14 and chop hands and burn houses. If you would tell us what
14:52:48 15 happened at that time.
16 A. I'm on my way. I'm trying to make the arrangement. Sorry.
17 After they had divided the troop that were ordered to burn
18 Kissy Road and Ross Road, they gathered the men together that
19 will go to Ross Road. Five-Five was the commander of that group
14:53:24 20 that went to Ross Road. Bazy, he was at Kissy Road. We
21 gathered the men and we followed the order that says we should
22 burn. I was there, and I was there to ensure that the men
23 executed what they had ordered us. We started burning. We burn
24 until we reach at Eastern Police, where Bazy was. We met the
14:54:16 25 cathedral church. I don't know if that is the way it is called,
26 but that had already burnt down. So we only went and walked past
27 the place, went to Fourah Bay Road. We arrive at one market
28 area. I don't know if it is called fire burn. That was when one
29 signaller --

1 Q. [Microphone not activated].
2 THE INTERPRETER: Your mic is not on. Counsel, your mic is
3 not on.
4 MR HODES: Sorry.
14:54:44 5 Q. Mr Witness, I'm going to try to slow you down for a second
6 and ask you a question about what you just testified to. Was it
7 you along with Bazzy that were on the Kissy Road area or in the
8 Kissy Road area?
9 A. Yes.
14:55:03 10 Q. And as you went past the Eastern Police area and this
11 cathedral church, did you end up on Fourah Bay Road? Is that
12 what you just said?
13 A. We reach at Fourah Bay Road. When we reach there, that is
14 the time xxxxxx, a signaller, came and called us. He said,
14:55:32 15 "Papay, papay is calling you. Papay is calling you." He said,
16 "Let you come, let you come back, let you come back." Then we
17 came.
18 Q. Who was xxxxxx talking to, Mr Witness?
19 A. He was speaking to the mission commander. That was Colonel
14:55:54 20 xxxxxx.
21 Q. Go ahead, Mr Witness.
22 A. So after we've stopped, we came back to Kissy Road. I left
23 the group and came back to Kissy. When I arrived at Kissy, I met
24 Gullit. He said now he had wanted to talk to Mosquito. "This is
14:56:27 25 between I and my God." And I said, "This is not a time for you
26 to talk to these men." But since he had the last command he said
27 he was going to talk to them. I was at a corner, I climbed up.
28 what I heard, "I told you that I do something that none of you
29 will do and right now we are now in Freetown." He were trying to

1 degrade us. It was Gullit who said these words through the set.
2 So as he was speaking through the set, I left him there. Then I
3 came down.

4 He came and met me again. And he came and I said, "Eh."

14:57:30 5 During that time he was grumbling continuously concerning
6 Five-Five. He said Five-Five did not wait for him when they
7 entered Freetown. Five-Five rushed and talk through the radio,
8 that he had had a speech which he wrote, which he would have --
9 Q. Mr witness, you have to slow down for the interpreters.

14:57:57 10 You have to slow down. And I am stopping you for a second to ask
11 you who was saying these things about Five-Five?

12 A. It was Gullit. He said Five-Five had spoken through the
13 radio station. It he who was supposed to have been there and
14 talk. We are in this situation. All the surrendered soldiers

14:58:23 15 came to Kissy. Then Gullit summoned a meeting, including the
16 officials that were taken out from Pademba prison. Myself was
17 present in the meeting. I served them drinks. Those that wanted
18 beer, I gave them beer. We sat together. Then Gullit said he
19 was the major-general and CIC command-in-chief. "Now, have you
14:59:03 20 seen the great work we've done. We've taken you out of the
21 prison." So the men should dedicate themselves to the war. They
22 should ensure that we fight. The meeting was held at
23 Shankardass, right up at Shankardass. From there, during that
24 time --

14:59:25 25 Q. Mr witness, I'm going to stop you for a second. Do you
26 know how to spell Shankardass?

27 A. No. No, no, no.

28 MR HODES: Your Honours, the spelling is
29 S-H-A-N-K-E-R-D-A-S [sic].

1 MR DANIELS: while you're on spellings, I think there was
2 another one Changa something.

3 MR HODES: Changabulanga. I thought we had heard
4 Changabulanga before. Not necessarily today, but prior
14:59:53 5 testimony. But I can spell that as well.

6 C-H-A-N-G-A-B-U-L-A-N-G-A.

7 [AFRC27SEP05F - SV]

8 Q. Mr witness, if you would, when you refer to Shankardass
9 what is that you're referring to?

15:00:16 10 A. Shankardass, it was the meeting that we held at
11 Shankardass. That was the reason -- the meeting that I was
12 referring to.

13 Q. What is that place though that you referred to as
14 Shankardass?

15:00:35 15 A. You were trying to ask me what they were doing at
16 Shankardass.

17 Q. No, what is that place? Is it a place?

18 A. They sell rum there, hard liquor, like at -- just by
19 Ahmadiyya Secondary School. After Ahmadiyya Secondary School by
15:01:07 20 Kissy, the other area.

21 Q. Is it a building?

22 A. It was a building, a house.

23 Q. Go ahead, Mr witness.

24 A. We were there, the ECOMOG were firing. We heard a firing
15:01:29 25 from the Moa. Then they said that the place was not a protected
26 area, we should leave there. During that time the fight was
27 serious. As we came up Old Road we heard firing from the
28 Waterloo end. So we took it for granted that it was our friends
29 that came to reinforce us. Rather unfortunately, it was the

1 Guineans that were coming. So we decided to go up by the Kissy
2 mental home. ECOMOG had already stayed at Kissy and we were at
3 Kissy.

4 Q. Mr Witness, before you go on, did anything happen at
15:02:24 5 Shankardass other than what you have testified to about this
6 meeting?

7 A. After the meeting, nothing happened at Shankardass. We
8 went up. When the Guineans were coming from Masiaka end, when we
9 thought they were our friends, we were unlucky, it was the
15:02:54 10 Nigerians. So the strength of their firing power, we could not
11 withstood that, so we climb up the hill and gave them a passage.
12 It was then Gullit ordered that Shankardass should be burnt down,
13 burn down the oil refinery and brewery. Brewery, the men went
14 there; oil refinery, they went there. Shankardass, the man that
15:03:42 15 was ordered to burn Shankardass, I can still remember the man's
16 name. That was --

17 Q. Just a second, Mr Witness.

18 A. xxxxxx.

19 MR HODES: xxxxxx is spelled as you would think,
15:04:03 20 xxxxxx.

21 PRESIDING JUDGE: [Microphone not activated].

22 THE WITNESS: I'm sorry.

23 MR HODES:

24 Q. Go ahead, Mr Witness. You were about to say something
15:04:14 25 about xxxxxx, I believe?

26 A. He told xxxxxx to burn down Shankardass. Then xxxxxx
27 xxxxxx said, "Papay" --

28 Q. Just wait a minute, Mr Witness. Who told xxxxxx to
29 burn Shankardass?

1 A. Gullit, Gullit, Gullit.
2 Q. Okay. Go ahead.
3 A. He told xxxxxx to burn Shankardass. Then xxxxxx
4 said, "Papay," he said, "I will not do that." There at the spot,
15:04:46 5 he fired at xxxxxx foot. Then xxxxxx said, "Eh, that
6 is the way you are treating us now?"
7 Q. Mr witness, I'm going to stop you because of the way I've
8 just heard your testimony, which was that he shot at xxxxxx
9 foot. First of all, who is "he"?
15:05:14 10 A. Gullit.
11 Q. Second of all, if you know, was xxxxxx shot?
12 A. It was in my presence.
13 Q. Is that a yes or a no?
14 A. He shot him in the foot, yes.
15:05:30 15 Q. Thank you, Mr witness. What happened after that?
16 A. From there we went to Shell company by Old Road. We came a
17 little bit. Changabulanga had the mortar. He had a boy that
18 held the mortar. They all had cutlasses. He, Gullit, between
19 God and man, called on a civilian and he amputated his hand --
15:06:09 20 his or her hand.
21 Q. Did anything happen after that, Mr witness, and, please,
22 try to slow down for the interpreters. They're having a tough
23 time keeping up with you.
24 A. After Gullit had amputated the man's hand, that was the
15:06:35 25 time the situation was very interesting. They did that to a
26 point. Then we went back up to Kissy mental home. We burnt down
27 all the vehicles that we had there. We burnt all the vehicles
28 that were there. From there, one soldier whose name was xxxxxx
29 --

1 Q. Mr witness, do you know how to spell xxxxxx?
2 A. No.
3 MR HODES: Your Honours, I think we've heard the name
4 before, but just to play it safe, it's xxxxxx.
15:07:13 5 Q. Is this the same xxxxxx that you had referred to earlier?
6 A. This xxxxxx is the same xxxxxx that I've talked about when
7 I made mention of xxxxxx. Then he said, "Papay, Papay, Papay,
8 the civilians are pointing their hands at our own crowd here."
9 They are telling the ECOMOG where we are. Then he said the hand
15:07:40 10 that they are pointing at us, the fingers that are pointing at
11 us, we shall ensure that all their hands are amputated.
12 Q. Mr witness, first of all, who was xxxxxx speaking to?
13 A. To Gullit himself.
14 Q. Were you present?
15:08:12 15 A. Of course, yes.
16 Q. Mr witness, who said that all those hands that are pointed
17 against us should be cut or amputated? Who said that?
18 A. It was Gullit.
19 Q. Did anything happen as a result of that statement by
15:08:23 20 Gullit?
21 A. Round about one hour, one hour 30 minutes, it was xxxxxx who
22 came with a full bag of hands. We were up there and he showed
23 that to us. Then I said, "Papay, those hands are stinking. Let
24 the man don't come with them here. Let him stay with them where
15:08:47 25 if he go up by Kissy mental home by the church, there is a gutter
26 and the other house is up the hill there. It was up that area
27 that we were --
28 Q. Mr witness, I apologise, I've got to interrupt you one more
29 time. You've mentioned xxxxxx before. Do you have any idea how

1 to spell that?

2 A. No.

3 MR HODES: I believe it's just xxxxxx, xxxxxx.

4 Q. Do you have any idea what the real name is for xxxxxx?

15:09:27 5 A. No, no, I only know Mines.

6 Q. Okay, Mr witness. Did anything else happen when you were

7 located at the Kissy mental home?

8 A. Yes, when we were there we were attacked from the college

9 flank? There was firing from that side from up, down to where we

15:10:01 10 were. It was there the soldier that was in charge of the nun

11 came back to Gullit. He said, "Papay, what is the fate of these

12 nuns?"

13 Q. I just want to make sure I understand you're talking about

14 the nuns, the religious people that you met at the scene earlier.

15:10:31 15 I think it was either at Hastings or Jui?

16 A. Yes.

17 Q. Okay. Go ahead, Mr witness.

18 A. And he said go and do away with them. That was the way he

19 talked to --

15:10:51 20 Q. Who said something at that point?

21 A. It was Gullit.

22 Q. If you can do it slowly, could you tell us again what is it

23 that Gullit said when this person asked him about the nuns?

24 A. When the man came and asked about the nuns, Gullit said

15:11:24 25 they should be finished.

26 Q. What did that mean; they should be finished?

27 A. I believe to kill them. As we were coming down -- as we

28 were coming down I saw the nuns. One lay down, the other one lay

29 down, the other one lay down. We were there. Within myself, I

1 said, "Mmm." xxxxxx was there, they did not do anything to
2 him. why -- what about these nuns? well, we were in haste. I
3 met him and I told him why are we just withdrawing like that.
4 what about the remaining ammunitions? They took the ammunitions
15:12:25 5 and gave them to a civilian, I don't know his name. when we came
6 down to attack, when we call the civilian for the ammunition he
7 said he didn't know where he put them, while running he had
8 thrown them away. I said these men were just coming but if
9 really we believe, we should not just run away from them. I
15:12:47 10 said, "This was the city, let us try to fire them one by one".
11 He, that was Five-Five with xxxxxx 's wife. He said, "I have
12 told you that we should pull out". He said, "I have told you
13 that we should pull out," that was Five-Five who said that.
14 "You, xxxxxx 's wife, if anything happened with you, this man
15:13:15 15 would take that responsibility who are going." They went away,
16 climb up the hill, passed through Allen Town. I sat and said,
17 "If they were going, all of us would go." we, I myself -- we
18 withdraw, we went up. Withdrew, we went up, over Allen Town. We
19 were there. we left other troops in the town. There was xxxxxx
15:13:54 20 xxxxxx with that group, xxxxxx. They were the men that remained in
21 town. Gullit, Bazy, Five-Five with xxxxxx 's wife with some
22 others that I cannot remember their names. We all climbed up.
23 There was a time when Gullit gave an order that nobody should
24 tell xxxxxx 's wife that xxxxxx had died. If any
15:14:36 25 soldier did that, that soldier would be killed. He said this.
26 Q. Mr witness, I am going to take you back one second and just
27 clarify something. You testified that Gullit told a soldier to
28 finish the nuns. Did you ever see the nuns again?
29 A. Yes, if you can remember, I told you that when I came down

1 I saw the nuns. One laid here, two lay here and the third lay
2 there. When I stood I said, "Father Mario was with us. Nothing
3 happened to him. What -- why are these nuns killed?" Then I
4 cannot tell what was the cause of their deaths.

15:15:42 5 Q. All I was going to ask you is you said that you saw them
6 lying down?
7 A. Yes.

8 Q. Could you say whether or not they were alive or dead when
9 they were laying down?
10 A. Well, I am not a doctor --

11 Q. It is an easy question.
12 A. The only thing, I did not raise the corpse, but when I
13 stood and watched they were not breathing, they were just lying
14 down like that and it was very sunny when that incident took
15 place. So, I saw them as if they were sleeping because I was not
16 able to turn them. They just laid there. They were not moving
17 about in that sun.

18 Q. Okay, Mr witness. Shortly after that I believe your
19 testimony has been that yourself, Gullit, Bazy and Five-Five had
20 totally withdrawn from Freetown at that point; is that correct?
21 A. Yes. The person who said that was Five-Five. He said we
22 should withdraw. He said, "I have told that we should withdraw.
23 If anything happened with xxxxxx wife it is our fault
24 too." So this made us to be wakened and we withdrew and go to
25 Allen Town. From Allen Town they said we should go to Benguema.
26 But before we reached Benguema I called one boy, a small boy,
27 because they were just telling xxxxxx 's wife that we left
28 xxxxxx on top of the hill. He sent us his -- on the hill.
29 But he told others within 21 days if we are not able to capture,

1 let us come and meet him again. So, this thing was among -- was
2 going on. I sent a boy because I was not happy for to just
3 withdraw like that. I called this small boy. I said go and tell
4 xxxxxx 's wife that they were lying. xxxxxx had died.
15:18:26 5 The boy went and told her. When xxxxxx 's wife was told, she
6 fell down. who said this what? who said this what? They showed
7 the boy -- this happened before we climbed. There was a bank,
8 but I believe it was there that we were. They brought the boy.
9 They said, "Look at the boy". we began by grumbling --
15:19:03 10 THE INTERPRETER: My Lord, let the witness -- the witness
11 is too fast.
12 PRESIDING JUDGE: Mr Witness, you've speeded up again and
13 the interpreter cannot keep up with you. Could you repeat what
14 you have said recently? Mr Interpreter, if I go back to the bit
15:19:19 15 where the wife fell down, is that what --
16 THE INTERPRETER: Yes, Your Honour.
17 PRESIDING JUDGE: Mr Witness, could you start repeating
18 your answer at the part where you said she fell down? Continue
19 from there, please.
15:19:33 20 THE WITNESS: when xxxxxx 's wife fell on the ground,
21 we went and tried to raise her up. When we raised her up they
22 began by asking who told xxxxxx 's wife that xxxxxx has
23 died -- had died? So, they brought this boy who explained to
24 this xxxxxx 's wife. when they brought him, we all have to
15:20:12 25 beg on behalf of the boy. We said -- even xxxxxx 's wife
26 begged. The boy was released. From there we went up at Allen
27 Town. We were there at Allen Town with xxxxxx 's wife. She
28 was having her child which was a little child. This child was
29 crying at night. Five-Five said, "These children that are making

1 noise, they should shut their mouths". Later, when he discovered
2 that it was xxxxxx 's child, nothing happened. From there we
3 left Allen Town and went to Benguema.

4 MR HODES: Mr witness, I'm going to stop you at that point.
15:21:30 5 Your Honours, that pretty much ends his substant testimony.
6 There is just this one issue that I'd like to be able to ask him
7 in closed session and then we would be finished; the Prosecution
8 would have no further questions.

9 PRESIDING JUDGE: You're making that application now,
15:21:53 10 Mr Hodes, are you?

11 MR HODES: Yes, Your Honour.

12 PRESIDING JUDGE: What are the grounds of that application?

13 MR HODES: Again, it's under the same rule as cited
14 yesterday with regards to the security of the individual that
15:22:03 15 will be mentioned and testified about and that person is somebody
16 who has previously testified before this Court with the same sort
17 of security concerns and security issues.

18 PRESIDING JUDGE: Defence counsel, are you aware of this
19 application? There has been an indication of it this morning.

15:22:30 20 MS THOMPSON: Yes, Your Honour, we have been made aware of
21 it and we do not oppose it.

22 PRESIDING JUDGE: Thank you, Ms Thompson. We allow the
23 application for a closed session pursuant to Rule 79(A)(ii) to
24 protect the identity of a witness who has already given evidence.
15:23:08 25 Madam Court Attendant, could you please implement that closed
26 session.

27 MR HODES: Your Honours, at the same time the witness has
28 indicated that -- this is my first time to ask for it, but needs
29 to use the --

1 PRESIDING JUDGE: Yes. I would prefer he was escorted out
2 with a member of the witness Protection Unit. Is there someone
3 here in the vicinity? Yes, there is. Please switch off your
4 microphone, Mr witness. Just wait a moment, please, until the
15:23:49 5 public gallery is cleared.

6 [The witness stood down]

7 [The witness entered court]

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1 [Open session]

2 MS EDMONDS: Court is in open session.

3 PRESIDING JUDGE: Thank you. Mr Interpreter, we understand
4 that you were interpreting this morning and there is some matter
15:36:17 5 you want to clarify with us. Could you tell us what that is,
6 please?

7 THE INTERPRETER: Yes, Your Honours. It is on page 43,
8 line 27 of the transcript and it reads: "Because by then we were
9 under attack by the bridges". The word is neither "bridges" nor
15:36:35 10 "British". Rather it should read: "Because by then we were
11 under attack by the Gbethis". The Gbethis is another fighting
12 force and Gbethis is spelled G-B-E-T-H-I-S, Gbethis.

13 PRESIDING JUDGE: Thank you very much for that
14 clarification, Mr Interpreter. We have made a note of that.

15:37:01 15 THE INTERPRETER: Thank you, Your Honours.

16 PRESIDING JUDGE: I understand that's the only matter that
17 was to be clarified and I will now ask who is commencing
18 cross-examination.

19 MS THOMPSON: Your Honour, I'm supposed to start. I say
15:37:16 20 supposed to because there are some issues I would like to put to
21 this witness which I think would probably be better done in
22 closed session.

23 PRESIDING JUDGE: Perhaps you could have told me that
24 earlier, Ms Thompson, when we were in closed session.

15:37:31 25 MS THOMPSON: I should have perhaps, yes, Your Honour, that
26 is true, but I did wonder whether we needed to go into -- I did
27 actually debate this; whether we needed to go into open session
28 to clarify that examination-in-chief had ended and now we're into
29 cross-examination. That was the reason why I didn't bring it up.

1 PRESIDING JUDGE: I see. I think that this had to be
2 clarified in open session.

3 MS THOMPSON: I also have an eye on the time, Your Honour,
4 whether it would be better to start -- because we don't have a
15:38:02 5 session tomorrow, if I start now, which I could do, but then we
6 will have a break of a whole 24 hours and then Thursday morning.
7 I'm prepared to start now. I leave it solely up to the Bench.

8 PRESIDING JUDGE: Mr Hodes?

9 MR HODES: Whatever the Court deems appropriate.

15:38:20 10 PRESIDING JUDGE: Thank you. In the light of the short
11 time and the fact that we do have a status conference tomorrow -
12 there won't be a sitting of actual evidence, there will be a
13 sitting of the Court - it would be appropriate that we start
14 cross-examination fresh and we'll start it on Thursday morning.
15:39:02 15 Therefore we will allow the application.

16 MS THOMPSON: I'm grateful, Your Honour.

17 PRESIDING JUDGE: Mr Witness, did you understand what I
18 said?

19 THE WITNESS: Yes, ma.

15:39:16 20 PRESIDING JUDGE: Tomorrow we're not having witnesses in
21 court, we're having a different type of session, and you will
22 have to come back on Thursday morning. On Thursday there will be
23 questions from the Defence counsel. Between now and the time all
24 your evidence is finished you are not to discuss any of your
15:39:34 25 evidence or any of this story with anyone else. Do you
26 understand this?

27 THE WITNESS: Yes, ma.

28 PRESIDING JUDGE: Thank you. In the circumstances we will
29 adjourn court to tomorrow morning at 9.15 but the witness does

1 not have to attend. Madam Court Attendant, would you assist us
2 to adjourn court to tomorrow morning.

3 [whereupon the hearing adjourned at 3.40 p.m.
4 to be followed by a Status Conference on
5 wednesday, the 28th day of September, 2005, at
6 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-184	2
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