

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

THURSDAY, 28 SEPTEMBER 2006
9.18 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Advera Kamuzora
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Mr Michael Brazao (intern)
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazzy Kamara:	Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanuu:	Mr Geert-Jan Alexander Knoop

1 [AFRC28SEP06A - MD]
2 Thursday, 28September 2006
3 [Open session]
4 [The accused present]
5 [The witness entered court]
6 [Upon commencing at 9.18 a.m.]
7 WITNESS: DAB-095 [Continued]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: This gentleman in the witness box
10 is DAB-095; is that correct?
11 MS THOMPSON: Yes, Your Honour. He's for cross-examination
12 this morning.
13 PRESIDING JUDGE: All right. Well, Mr Witness, you
14 remember that last time you were in Court you took an oath to
15 tell the truth, and I want to remind you that that oath is still
16 binding on you; do you understand that?
17 THE WITNESS: Yes, sir.
18 PRESIDING JUDGE: Thank you. Yes, Mr Agha.
19 CROSS-EXAMINED BY MR AGHA:
20 Q. So witness, this morning, I'm going to ask you a few
21 questions and the majority can be answered with a "yes," or a
22 "no" or "I don't know" answer. If I require further explanation
23 from you then I'll ask for that; do you understand?
24 A. Yes, sir.
25 Q. So, you say that you went to secondary school, so, can you
26 read and write English?
27 A. Yes, sir. I can try.
28 Q. How often do you listen to the radio?
29 A. I listen frequently.

1 Q. You listen to the BBC, don't you?

2 A. Yes.

3 Q. Now, in your evidence last week, you mentioned that you
4 were trained in Daru for three months; do you remember that?

5 A. Yes, sir.

6 Q. You were trained by members of the SLA, weren't you?

7 A. Yes, sir.

8 Q. Now, during this military training, you were trained how to
9 advance, weren't you?

10 A. Yes, sir.

11 Q. You were trained how to attack and capture enemy positions
12 as well, weren't you?

13 A. Yes, sir.

14 Q. And you were taught how to defend an enemy position, once
15 captured, weren't you?

16 A. Yes, sir.

17 Q. You were taught how to retreat, weren't you?

18 A. Yes, sir.

19 Q. You were taught about weapons, weren't you?

20 A. Yes.

21 Q. You were also taught how to parade, weren't you?

22 A. Yes, sir.

23 Q. And you were taught about brigades, companies, battalions
24 and platoons, weren't you?

25 A. Yes, sir.

26 Q. And you knew that you had to follow the orders of a soldier
27 higher in rank than you, didn't you?

28 A. Yes, sir.

29 Q. And you knew that if you didn't follow the orders of a

1 soldier higher in rank to you, you may be subject to discipline,
2 didn't you?

3 A. Yes, sir.

4 Q. You were trained to salute your senior officers, weren't
5 you?

6 A. Yes, sir.

7 Q. And you were taught about rank, weren't you?

8 A. Yes.

9 Q. Now, you say that you were trained as an infantry soldier,
10 to defend the lives and properties in Sierra Leone during the RUF
11 war; that's right, isn't it?

12 A. Correct.

13 Q. Were you told that the purpose of your training was to kill
14 the innocent civilians of Sierra Leone?

15 A. No.

16 Q. Were you told that the purpose of your training was to
17 amputate the arms of the innocent civilians of Sierra Leone?

18 A. No, sir.

19 Q. Were you told that the purpose of your training was to burn
20 down the houses of the innocent civilians of Sierra Leone?

21 A. No, sir.

22 Q. The purpose of your training was to protect the innocent
23 civilians of Sierra Leone from the RUF, wasn't it?

24 A. Yes, sir.

25 Q. The RUF was your enemy, and you were trained to fight the
26 RUF, weren't you?

27 A. Yes, sir.

28 Q. Now, you say after your training you were sent to the war
29 front at Zimmi, to fight the RUF; that's right, isn't it?

1 A. Correct.

2 Q. And during the months you spent at Zimmi, did you actually
3 fight against the RUF?

4 A. Yes.

5 Q. Were you a part of a company, or a platoon?

6 A. Section.

7 Q. And did you have a commanding officer?

8 A. Yes.

9 Q. And you followed the orders of your commanding officer,
10 didn't you?

11 A. Yes, sir.

12 Q. And the other SLAs around you also followed the orders of
13 their commanding officers, didn't they?

14 A. Yes, sir.

15 Q. You were then sent on another assignment to Tongo, where
16 you stayed for about two years; do you remember that?

17 A. Yes, sir.

18 Q. Did you also fight against the RUF at Tongo?

19 A. Yes, sir.

20 Q. And you mentioned that you had a battalion commander, I
21 believe Mamadi Keita, and other commanders. Did you follow the
22 orders of your commanders at Tongo?

23 A. Yes, sir.

24 Q. And the other SLAs around you also followed the orders of
25 their commanders, didn't they?

26 A. Yes, sir.

27 Q. Now, the SLA had been fighting against the RUF since around
28 1993, hadn't they?

29 A. Yes, sir.

1 Q. And just before the removal of President Kabbah's
2 government, in 1997, the SLA were still fighting against the RUF,
3 weren't they?

4 A. Yes, sir.

5 Q. And during this period in which the SLA were fighting
6 against the RUF, the SLA won some battles against the RUF, didn't
7 they?

8 A. Yes, sir.

9 Q. So, prior to the overthrow of the Kabbah government, in
10 1997, the RUF had not been able to defeat the SLA and take over
11 Sierra Leone, had it?

12 A. Yes, sir.

13 Q. Yes, it had, or no, it had not been able to take over
14 Sierra Leone?

15 A. They were unable.

16 Q. Now, you've mentioned that during the war with the RUF you
17 were fighting against them. Did you hear that the RUF used to
18 amputate the arms of members of the SLA or civilians?

19 A. Yes.

20 Q. Did you think that it was wrong for the RUF to amputate the
21 arms of civilians, or SLAs, who they'd captured?

22 A. Yes.

23 Q. During the war with the RUF, how many arms of civilians did
24 you amputate?

25 A. Who?

26 Q. You.

27 A. What is the question? I've never done that.

28 Q. Okay. So why didn't you amputate arms of RUF during the
29 RUF war?

1 A. I'm not getting you clearly. Repeat.

2 Q. Let me put it this way to you: Did you think it was wrong
3 to amputate arms of civilians, like the RUF was doing?

4 A. Yes, it's -- it was wrong. It's not good.

5 Q. And you say that during the intervention that ECOMOG were
6 dropping bombs or missiles which killed civilians, for instance,
7 at Mabela; do you remember that?

8 A. Yes.

9 Q. And would you agree with me that it was wrong of ECOMOG to
10 bomb and kill innocent civilians?

11 A. Yes.

12 Q. You said that ECOMOG were also killing soldiers who'd
13 surrendered, didn't you?

14 A. Yes.

15 Q. And you'd agree with me that it was wrong for ECOMOG to
16 kill soldiers who had surrendered, wouldn't you?

17 A. Yes.

18 Q. And how did you personally feel about ECOMOG bombing
19 innocent civilians and killing your fellow surrendered soldiers?
20 Did you feel angry about that?

21 A. No. I was praying for peace to -- to come.

22 Q. But were you annoyed that ECOMOG were killing surrendering
23 soldiers, or were you happy about it?

24 A. I was not happy for that.

25 Q. Now, you say that when you were in the army you were paid a
26 salary and also received rice allocations; do you remember that?

27 A. Yes, I would have -- at times I would have but at times I
28 would not have. I cannot remember that.

29 Q. So amongst the other ranks, on occasion, you wouldn't get

1 paid on time and you wouldn't get your rice; is that right?

2 A. That is correct, as I said.

3 Q. And you would agree with me that this non-payment of
4 salaries on time, and rice allocation, led to frustration amongst
5 the other ranks; would you agree with me?

6 A. Yes, because the other ranks, they were with their
7 families, their -- their wives, children. If you believe they
8 will pay you at the -- at the end of the month, and they don't
9 pay you, you would be frustrated because of the welfare, of your
10 welfare.

11 Q. So because of this situation, a number of the other ranked
12 soldiers were dissatisfied, weren't they?

13 A. Yes, sir.

14 Q. Now, the Kabbah government was overthrown in May 1997 by
15 other ranked soldiers, wasn't it?

16 A. That was what I heard.

17 Q. And at that time, you were posted at Rotifunk, when the
18 Kabbah government was overthrown, weren't you?

19 A. That was where I was before the overthrow.

20 Q. And roughly how far is Rotifunk from Freetown?

21 A. I can't tell.

22 Q. Well, how long would it take you to walk, roughly? One
23 day, two day, three day?

24 A. Well, roughly, if I am walking from Freetown to Rotifunk,
25 it's -- it's one day, it would take one day.

26 Q. Now, do you remember at Rotifunk that you were ordered with
27 other SLAs to go and assist the Kabbah government during the
28 takeover?

29 A. Yes. That was the information we received.

1 Q. So you then headed into Freetown but by that time the coup
2 had succeeded; is that right?

3 A. Yes, sir.

4 Q. And you became a security at State House; is that right?

5 A. Yes.

6 Q. And you kept this position up until the intervention,
7 didn't you?

8 A. Yes, sir.

9 Q. And John Patrick was based at State House while you were a
10 security, wasn't he?

11 A. That was where he worked.

12 Q. And you were attached to John Patrick prior to the
13 intervention, weren't you?

14 A. No. I did not say that.

15 Q. So, in your evidence, you didn't say that you were attached
16 to him and that, as part of his security, you went with him
17 everywhere he went?

18 A. Yes.

19 Q. So you did say that?

20 A. I said that the security at -- at the house, and State
21 House, they would take from the house and -- State House to
22 follow him anywhere, so they would take from anywhere.

23 Q. And would you go with him on most occasions?

24 A. Most of the time I would go with him.

25 Q. Now, John Patrick held meetings in State House, didn't he?

26 A. Yes. He held meetings there.

27 Q. And SAJ Musa was also based in State House, wasn't he?

28 A. Well, I did not see him frequently. I did not know his
29 office because, when I went, I was deployed as a guard post. I

1 would -- I did not know who would come and go.

2 Q. So what do you mean you were deployed as a guard post?

3 A. It's just like this, this Court. When you come in, at the
4 main entrance there's a security at the back. So those that are
5 at the rear would not see those who are coming from the entrance,
6 so that is what I mean. We have different deployment points
7 around the State House. I -- I was one of the -- I was deployed
8 in one of these posts.

9 Q. And if Johnny Paul moved around the State House did you
10 stay in your post or did you accompany him?

11 JUDGE DOHERTY: Mr Agha, you referred to a Johnny Paul
12 whereas you had another name before.

13 MR AGHA: Yes, I apologise. It was Johnny Patrick.

14 Q. If you moved around State House did you stay at your post
15 or did you accompany him?

16 A. I would -- I would sit down. Unless if I was detained to
17 -- to go with him on patrol, that was the time I would go, but I
18 was always on post.

19 Q. Now, these meetings that John Patrick held, these meetings
20 were with the AFRC government, weren't they?

21 A. Yes.

22 Q. Now, did you see Tamba Brima, Ibrahim Bazy Kamara or
23 Santigie Kanu at State House at any of these meetings?

24 A. No, I've never seen them.

25 Q. Did you see Alex Tamba Brima, Ibrahim Bazy Kamara or
26 Santigie Kanu, aka Five-Five, in Freetown at all prior to the
27 intervention?

28 A. No.

29 Q. I say that you are lying. I say that being attached with

1 John Patrick, you would have seen Alex Tamba Brima, Ibrahim Bazy
2 Kamara and Santigie Kanu, in Freetown, before the intervention;
3 what do you have to say about that?

4 A. Well, I did not see them. I had not been seeing them.

5 Q. So you are saying you are not lying; is that your answer?

6 A. Yes.

7 Q. Now, you say you didn't see them. Did you ever learn that
8 Alex Tamba Brima, Ibrahim Bazy Kamara, Santigie Kanu, aka
9 Five-Five, were members of the AFRC government?

10 A. No, I've never heard about that and I've never seen them.

11 Q. I again say to you that you are lying and you knew full
12 well whilst you were in Freetown that Alex Tamba Brima, Ibrahim
13 Bazy Kamara and Santigie Kanu, aka Five-Five, were members of
14 the AFRC government?

15 A. No, from the -- from the time I was in Freetown I've never
16 seen them.

17 Q. Now, you were a security and you were based at Freetown
18 prior to the intervention. Did you mix with any other soldiers?

19 A. Yeah, I -- I meet with a lot of -- I met with a lot of
20 soldiers when we were deployed.

21 Q. And you spoke to them, didn't you?

22 A. I did not speak to them. I did not speak to them about
23 anything.

24 Q. So you never spoke to a single soldier whilst you were in
25 Freetown; is that what you are saying?

26 A. Well, we would talk. I -- I thought you were saying I had
27 something to tell them that I would tell them about.

28 Q. No. You just generally talked to them?

29 A. Yes. Just like how I'm -- I'm talking with you. You can

1 talk to somebody.

2 Q. Right. And you read newspapers whilst you were in Freetown
3 before the intervention, didn't you?

4 A. Before the intervention, no, no.

5 Q. Sorry, after. The period whilst you were in Freetown, at
6 State House before the intervention, did you read any newspapers?

7 A. Nothing. I had no time for that.

8 Q. Did you listen to the BBC radio at all?

9 A. No. Those times it was only the 98.2 that I was listening
10 to. I had no time for BBC.

11 Q. Right. So you were listening to the local radio then?

12 A. Yes, yes, yes, because I would -- I wanted to know about my
13 country, what was happening then.

14 Q. So you were hearing the local news about your country and
15 what was happening; right?

16 A. Yes.

17 Q. Did you ever hear of soldiers being referred to as
18 honourables in Freetown, before the intervention?

19 A. Yes, I heard about that.

20 Q. Alex Tamba Brima was referred to as an honourable, wasn't
21 he?

22 A. No. I did not hear about that.

23 Q. You never heard it on the local radio or in the newspapers?

24 A. Not at all.

25 Q. Ibrahim Bassy Kamara was also referred to as an honourable,
26 wasn't he?

27 A. I did not hear about that. I heard about the honourables
28 but they would not tell me their names. I was just saying that
29 they were honourables but I did not know them, who were the

1 honourables.

2 Q. So you had heard -- what you are saying is that you'd heard
3 of the term "honourable" but you had no idea who actually were
4 the honourables; is that right?

5 A. Yes.

6 Q. So, despite your listening to local radio and talking to
7 your colleagues you never discovered the names of any
8 honourables?

9 A. Not at all.

10 Q. I say to you that you're lying and that you know full well
11 who most of the honourables were; what do you have to say about
12 that?

13 A. I don't know. Even Freetown, it's not everywhere I knew at
14 that -- at that time.

15 Q. Mr Witness, you were based in State House, so you are
16 telling me, even whilst you were based in State House, you never
17 came to know who any honourable was? That's what you're saying,
18 isn't it?

19 A. Yes. Because where I was deployed at State House was at
20 the back, it was not at the entrance. It's not so easy to move
21 from my deployment post and go up -- go up and down whenever a
22 boss or a superior would come. Everybody would be at his post.
23 When those things happen we don't move from one place to another,
24 so it's easy for me. It was not easy for me to know them.

25 Q. Now, honourables were other ranks who had overthrown the
26 Kabbah government, weren't they?

27 A. Well, I did not understand that.

28 Q. Weren't you curious to find out who had overthrown the
29 Kabbah government? Didn't you discuss this with your colleagues?

1 A. Yes, but it was only -- it was only Corporal Gborie that I
2 knew about.

3 Q. And was Corporal Gborie an honourable?

4 A. Well, I don't know he -- I did not know his rank, his
5 position, but they -- they said he overthrew the government.
6 He -- he gave JP power.

7 Q. I say to you that you know full well who were the other
8 honourables who overthrew the Kabbah government and you are
9 lying; what do you have to say about that?

10 A. I don't know them.

11 Q. And did you ever hear of any soldiers being referred to as
12 PLO, whilst you were in Freetown?

13 A. No.

14 Q. Not even when you were attached to John Patrick?

15 A. Not at all.

16 Q. Not even over the local radio or from discussions with your
17 colleagues?

18 A. Not at all. I did not hear about that.

19 Q. Now, when the ECOMOG intervened, the SLAs fought for about
20 a week and then withdrew because they ran out of ammunition;
21 that's right, isn't it?

22 A. Well, I cannot tell if -- whether they -- they were short
23 of ammunitions. I don't know about that.

24 Q. Well, what were you doing? Didn't you inquire of your
25 colleagues, when they were pulling out, why they weren't
26 fighting?

27 A. Well, I thought it was because of the bombing. That's why
28 we -- we pulled out. It was not the ammunition, the lack of
29 ammunition.

1 Q. So you said you thought it was because of the bombing but
2 you don't really know why, do you?

3 A. Yes.

4 Q. Yes, you don't really know why; is that the answer?

5 A. Yes, I don't know whether it was because of ammunition, but
6 I feel it's because of the bombing of the civilians that made us
7 to pull out.

8 Q. Now, at the intervention, you say you left Freetown with
9 John Patrick through the peninsular to Four Mile and Masiaka; do
10 you remember that?

11 A. Yes.

12 Q. Now, you say you travelled on foot so, please, can you
13 explain to me how you could have travelled with John Patrick who
14 left Freetown in a vehicle?

15 A. Well, I've forgotten. But I can recall that we used the
16 Tongo route. We crossed the stream and we went to Masiaka.

17 Q. I'm saying to you, you said you left on foot but John
18 Patrick left by vehicle. So my question to you is: How did you
19 accompany him?

20 A. From where are you referring to?

21 Q. From Freetown, what -- the time you left Freetown?

22 A. From Freetown to Tombo we used a vehicle and from Tombo we
23 crossed the river and we left the -- the vehicles at Tombo.

24 Q. I think, Mr Witness, your evidence will reflect that you
25 said you were on foot. So, I say to you that you were not part
26 of one of the securities who travelled with John Patrick as he
27 left Freetown, and you are lying when you say this, aren't you?

28 A. Why are you saying that I am lying? I travelled with him
29 up to Tombo.

1 Q. I'm saying to you not only did you not travel with him but
2 you weren't even one of his securities, were you?

3 A. Yes, we travelled with him, up to Makeni, up to his
4 village.

5 Q. Yeah. I'm saying to you, you were not one of his
6 securities; do you still say you were?

7 A. Yes.

8 Q. You said a Sai du Kemolai, was also a security to John
9 Patrick?

10 MS THOMPSON: Kemolai, he said.

11 MR AGHA: Kemolai. Thank you for the assistance.

12 THE WITNESS: Sai du Kemolai.

13 MR AGHA:

14 Q. I say to you he was never a security to John Patrick during
15 the retreat from Freetown either; what do you have to say about
16 that?

17 A. He was a security. I am sure about that.

18 Q. I say to you that John Patrick left Freetown with SAJ Musa,
19 and you're lying when you said you first saw SAJ Musa after the
20 withdrawal from Freetown; what do you have to say about that?

21 PRESIDING JUDGE: Well, maybe you should put those
22 questions to him one at a time.

23 MR AGHA: Okay.

24 Q. Mr Witness, I say to you that SAJ Musa left Freetown with
25 John Patrick; what do you have to say about that?

26 A. It's a lie. Both of them were not in the same company. It
27 was Johnny Paul, we pulled out with Johnny Paul. In fact, we met
28 SAJ at Masiaka. I don't know the people that they pulled out
29 with but he pulled out on his own. We met him at Masiaka.

1 JUDGE SEBUTINDE: Witness, who is Johnny Paul? Who is
2 Johnny Paul?

3 THE WITNESS: Johnny Paul was the commander for AFRC. He
4 was my boss.

5 JUDGE SEBUTINDE: And who is John Patrick?

6 THE WITNESS: It was Johnny Paul Koroma. That is the
7 person I'm referring to.

8 JUDGE SEBUTINDE: So what are his names? Your boss, that
9 is, what are his names?

10 THE WITNESS: JP.

11 JUDGE SEBUTINDE: I did not ask for initials. I asked for
12 his names, from you?

13 THE WITNESS: John Patrick Koroma. That was how I referred
14 to him.

15 MR AGHA:

16 Q. And your boss who you were attached to, did he have any
17 other names?

18 A. Well, he had other names, but I don't know the other names.

19 Q. Now, you say you arrived in Masiaka where Guineans gave you
20 two vehicles for your use; do you remember saying that?

21 A. Yes.

22 Q. The Guineans were part of ECOMOG, weren't they?

23 A. Yes.

24 Q. So please, can you explain to me why ECOMOG, who are
25 invading Freetown and killing SLAs, are giving you vehicles to
26 escape?

27 A. Yes. It was because the Nigerians and the Guineans are not
28 the same. The Nigerians were penetrating and the Guineans, when
29 we met them at Masiaka, I -- we don't know whether they were

1 afraid because they were only deployed at Masiaka and they did
2 nothing with us and they gave us vehicles for our authorities and
3 they used the vehicles to go to Makeni.

4 Q. So, according to you, the Nigerians and the Guineans
5 weren't both part of ECOMOG; is that right?

6 A. Yes.

7 Q. I say to you that the Nigerians and Guineans were both a
8 part of ECOMOG and you are lying if you say otherwise; what do
9 you have to say about that?

10 A. It's not a lie. At Masiaka there were no Nigerians. When
11 we went there we only met Guineans.

12 Q. That wasn't my question. My question to you is: I'm
13 saying that the Nigerian forces and Guinean forces were both a
14 part of ECOMOG and you are lying if you say otherwise; what do
15 you have to say about that?

16 A. Well, why I'm saying this is because when I went to
17 Masiaka, we met only Guineans. We never met Nigerians. So I
18 can't say the Guineans and the Nigerians are the people I met at
19 Masiaka. I knew they were all ECOMOG but at Masiaka we only met
20 Guineans.

21 Q. I say to you that the Guineans did not give you two
22 vehicles to transport yourselves away from Freetown; what do you
23 have to say about that?

24 A. I don't say Freetown. I said Masiaka. It was Masiaka that
25 they gave us the vehicles.

26 Q. So you say you are not lying?

27 A. No.

28 Q. Now, you say you travelled with John Patrick from Masiaka
29 to Makeni, don't you?

1 A. Yes.

2 Q. Please, can you explain to me how you travelled with John
3 Patrick to Makeni when John Patrick went by vehicle and on your
4 evidence you went on foot?

5 A. Well, I've forgotten. I can't explain. I've forgotten
6 that part.

7 Q. I say to you again you never accompanied John Patrick from
8 Masiaka to Makeni, did you?

9 A. We went together up to his village. Even the vehicles that
10 he used, they were brand new Nissan Patrol vehicles. We went
11 together to his village.

12 Q. Now, Mr Witness, at Makeni, John Patrick called a muster
13 parade, didn't he?

14 A. No, I can't recall.

15 Q. I say to you you're lying and you know full well that John
16 Patrick called a muster parade?

17 A. I can't remember.

18 Q. Well, you were with John Patrick, weren't you?

19 A. Yes.

20 Q. So, let me put it this way: Whilst you were with John
21 Patrick you never saw him call a muster parade at Makeni; is that
22 right?

23 A. I can't remember.

24 Q. You can't remember because I say you weren't there with
25 him; that's true, isn't it?

26 A. I was with him. I can't recall everything that he does.

27 Q. Well, I would have thought you would have recalled a muster
28 parade, where there was SLAs and RUFs, wouldn't you think that
29 would be something you'd remember, a big muster parade after you

1 had all been chased out of Makeni ?

2 A. No, I can't remember.

3 Q. Now --

4 A. I can't remember that.

5 Q. -- how many RUF were at Makeni ?

6 A. I can't recall because I was not there to check the number
7 of RUF and other things.

8 Q. Did you recognise that there were any RUF at Makeni ?

9 A. Well, RUF, I am sure they were there because before we
10 pulled out of Freetown, RUF were all over the country, so I can't
11 say they were not there. They were all over.

12 Q. You did know that during the AFRC government the RUF were
13 also a part of that government, didn't you?

14 A. I knew about that.

15 Q. And you did know that RUF were in Freetown at the time of
16 the intervention, didn't you?

17 A. Yes. They were there.

18 Q. And the RUF retreated with you after the intervention,
19 didn't they?

20 A. Well, we -- whilst we were retreating RUF was not with us
21 but I believe they, too, moved out of Freetown. They didn't
22 stay.

23 Q. And did you meet the RUF at Makeni ?

24 A. Well, I was not there to find out. I can't recall.

25 Q. Do you remember any of the names of the RUF leaders who
26 were at Makeni ?

27 A. I can't recall.

28 Q. Did you remember at Makeni John Patrick announcing that the
29 plan was to re-take Kono?

1 A. Yes, I remember when he said we should go to Kono. That
2 was why we left Makeni to Kono.

3 Q. Yes, and he wanted to go to Kono to set up a stronghold
4 there, didn't he?

5 A. Yes.

6 Q. And Koidu Town was then captured by joint RUF/SLA force,
7 wasn't it?

8 A. Well, the time we went there we didn't fight. We met the
9 RUF and the soldiers there.

10 Q. My question to you was: Kono, Koidu Town was re-taken by
11 joint RUF/SLA force, wasn't it? You either know, you don't know
12 or you do know.

13 A. Well, when you said we fight to recapture Kono, the time we
14 went to Kono we didn't fight. That was why.

15 Q. I'm not talking about you. I'm saying the group that went
16 ahead of you had already captured Koidu Town and the capture had
17 been done by joint force of SLA and RUF, hadn't it?

18 A. Yes.

19 Q. Now, you maintain you were attached to John Patrick. You
20 remember John Patrick ordering Operation Pay Yourself, don't you?

21 A. Where?

22 Q. At any time or place, where did you hear John Patrick order
23 Operation Pay Yourself?

24 A. Well, I can't recall.

25 Q. So, according to you, you never heard John Patrick order
26 Operation Pay Yourself because he was unable to pay the troops;
27 is that right?

28 A. No, I can't recall.

29 Q. Did you see any looting whilst you were travelling with

1 John Patrick from Freetown to Masiaka to Makeni?

2 A. No.

3 Q. I say to you that you are lying. I say to you that you
4 know full well about Operation Pay Yourself; what do you have to
5 say about that?

6 A. No, I don't know about that.

7 Q. And I say you are lying when you say you did not witness
8 any looting from the withdrawal of Freetown to Masiaka to Makeni;
9 what do you have to say about that?

10 A. I didn't see.

11 Q. Now, you say that you spent about a week with John Patrick
12 in his village Magbonkinneh -- I hope I pronounced that
13 correctly -- before leaving for Kono, and you were with about ten
14 other SLAs and their families; is that right?

15 A. Yes.

16 Q. Name the other ten SLAs who travelled with you, with John
17 Patrick?

18 A. Well, I can remember -- recall some of their names. I
19 can't recall all the names.

20 Q. Okay. Let us have those you remember?

21 A. Saidu Kemolai Kallon. Then Akim. Then we have Klantalaju.
22 Then we had Blood. Those are the names I can recall.

23 Q. And as you travelled with John Patrick, from his village to
24 Kono, how many RUF were travelling with you?

25 A. Well, I can't remember, because when we left Makeni, it was
26 a convoy that left for Kono, so I can't remember.

27 Q. But you didn't go in the convoy, did you? Didn't you go to
28 the village of John Patrick? Or were you a part of the convoy
29 that headed to Kono straightaway?

1 A. Well, no. From John Patrick's village, when we left there,
2 we went to Kono, but I was not with the convoy that left
3 initially for Kono. We later left together with Johnny Paul.

4 Q. Okay. So there was a first convoy that went ahead and
5 captured Kono and then you came later with Johnny Paul; is that
6 right?

7 A. Yes.

8 Q. Now, Issa Sesay accompanied you with Johnny Paul to Kono,
9 didn't he?

10 A. Well, I met them at Kono. Whether he was at the back, or
11 with his squad, but when I went to Kono, I saw him there.

12 Q. I say to you that Issa Sesay was travelling in the same
13 convoy as you and John Patrick; what do you have to say about
14 that?

15 A. Well, I can't remember.

16 Q. Well, you said there was ten SLAs and their families. How
17 many were there in this second convoy?

18 A. Who are you referring to?

19 Q. The second convoy you travelled with to Kono with John
20 Patrick; roughly how many people were a part of that convoy?

21 A. Well, I can't recall the exact amount because we are many.

22 Q. There's 100, 200, 30?

23 A. Well, we were departing from Makeni to Kono, so I can't
24 recall the exact number of people.

25 Q. You said there were two separate convoys and yours was in
26 the rear one with John Patrick. Are you saying to me you can't
27 even estimate whether there was more than 20 or more than 100?

28 A. No, we were more than 20.

29 Q. More than 50?

1 A. Well, I can't tell.

2 Q. Well, in this group, do you remember Mike Lamin travelling
3 with you as well?

4 A. No, I didn't see him.

5 Q. I say to you again you did not travel with John Patrick to
6 Kono and that you are lying; what do you have to say about that?

7 A. We travelled together to Kono. I'm not lying.

8 Q. I say to you that you remained with SAJ Musa in the
9 Northern Jungle and never went to Kono; what do you have to say
10 about that?

11 A. I went to Kono.

12 Q. So you reached Kono with John Patrick; is that right?

13 A. Yes.

14 Q. And John Patrick ordered the area to be cleared of
15 civilians because they betrayed you to ECOMOG, didn't he?

16 A. No.

17 Q. You don't remember that?

18 A. That never happened.

19 Q. When you arrived in Koidu with John Patrick were there SLAs
20 already present or did they come after you?

21 A. SLA were there because we met people there.

22 Q. And how long did John Patrick stay in Koidu Town?

23 A. Well, he didn't stay for long. I can't remember the exact
24 number of days, but he didn't stay long in Koidu.

25 Q. Was it a week?

26 A. Yes, about that.

27 Q. Now, you say -- well, first of all, I say to you, I say to
28 you that John Patrick only remained in Koidu for three days and
29 that you are lying when you say he stayed a week?

1 A. That was why I said I don't know the exact number of days
2 but now you are forcing me saying that it's a week. If I say I
3 don't know, don't force me. Now you want to answer for me. That
4 was why I left you to answer.

5 Q. I'm not here to answer for you, you are perfectly capable
6 of answering for yourself.

7 A. Well, I don't know the number of days he spent there.

8 Q. Then just say you don't know.

9 A. I told you initially that I don't know.

10 PRESIDING JUDGE: Well, Mr Witness, nobody is forcing you
11 to say things that are not true, or that are not accurate. All
12 we are interested in is getting your honest answers to the
13 questions. Nobody is forcing you; is that clear? Do you
14 understand what I've just said to you?

15 THE WITNESS: Yes, I understand.

16 MR AGHA:

17 Q. Now, which SLA officers received John Patrick when he
18 arrived in Koi du Town?

19 A. I don't know.

20 Q. You didn't see any greet him?

21 A. If they were present, I don't know their names.

22 Q. But did you see any SLA officers greet Johnny Paul when he
23 arrived -- Johnny Patrick when he arrived in Koi du Town?

24 A. Well, when we arrived there, I have my own errands.
25 Whether they went there or not, I didn't know. I don't know
26 about that.

27 Q. And when John Patrick left Kono, to Kailahun, were there
28 RUF fighters with him?

29 A. They went together to Kailahun.

1 Q. And that's Issa Sesay also went with him to Kailahun?

2 A. Well, I don't know.

3 Q. What about Mike Lamin; he also went with him to Kailahun,
4 didn't he?

5 A. I don't know the people that he went together with because
6 I didn't go with them.

7 Q. So you stayed behind in Koidu Town; right?

8 A. Yes.

9 Q. And whereabouts were you staying? Did you stay in Koidu
10 Town or did you go to another area? Where were you staying?

11 A. I was at Koidu Town.

12 Q. Did you ever go to Masingbi Road?

13 A. No, I never been there.

14 Q. You say you learnt that Lieutenant King, Lieutenant Marouf,
15 Lieutenant Gbondo were SLA officers in Koidu Town; do you
16 remember that?

17 A. Yes.

18 Q. I say to you that Lieutenant Gbondo surrendered to ECOMOG
19 during the intervention and he was never in Koidu Town; what do
20 you have to say about that?

21 A. We went together to Koidu. He was there. It was the
22 pressure that made him to surrender later. We went together to
23 Koidu Town.

24 Q. The SLAs had their headquarters in Masingbi Road, didn't
25 they?

26 A. No, I don't know about that. They didn't have any separate
27 quarter. There was only one RUF headquarter at Koidu Town.

28 Q. You saw SLA Foday Kallay at Masingbi Road, didn't you?

29 A. No, I don't know him.

- 1 Q. You saw SLA Foday Bah Marah at Masingbi Road, didn't you?
- 2 A. No, I don't know him.
- 3 Q. You saw SLA Abravo [phon] at Masingbi Road, didn't you?
- 4 A. No, I never went there.
- 5 Q. Abravo is -- was Ibrahim Bazzy Kamara's security, wasn't
- 6 he?
- 7 A. I don't know him.
- 8 Q. You saw SLA Mohamed Cyborg at Masingbi Road, didn't you?
- 9 A. No, I don't know them. In fact, I have never been there.
- 10 Q. You saw SLA Mohamed Savage at Masingbi Road, didn't you?
- 11 A. No. I didn't go there. I -- I never heard about that.
- 12 Q. You saw Alimamy Bobson Sesay at Masingbi Road, didn't you?
- 13 A. No.
- 14 Q. You also saw other SLAs with Honourable Foday Kallay SLA at
- 15 Masingbi Road, didn't you?
- 16 A. No.
- 17 Q. Now, before coming here today to give your -- last week, I
- 18 apologise -- to give your evidence, did you meet with anyone from
- 19 the Special Court to tell them about your story of events?
- 20 A. No, no.
- 21 Q. So, at any time, whether this was in Kono, in Freetown, did
- 22 anyone from the Special Court, be it from the Defence Office or
- 23 investigator, approach you and ask you about your experiences?
- 24 A. Yes. Those that took statement from me?
- 25 Q. And the Prosecution has been provided with a summary of
- 26 what you allegedly told those people from the Special Court and I
- 27 will read to you what you allegedly said to the people who you
- 28 spoke to. And it says -- are you listening?
- 29 A. Yes.

1 Q. "After the AFRC was ousted and he moved to Kono with JPK he
2 saw Foday Kallay with some SLAs like Foday Bah, Abravo, Mohamed
3 Cyborg, Savage, Alimamy Bobson Sesay, alias Bobby, and others at
4 Masingbi Road in Koidu Town with Honourable Foday Kallay." Do
5 you remember saying that to the people who took your statement?

6 A. I never said that. Maybe they only wrote it. I never said
7 so. In fact, I will never say what I don't know.

8 Q. So the people who took your statement just decided they
9 would add this; it would be a guide idea, did they?

10 A. Yes. I never told them about that.

11 Q. I say that you are an absolute liar and that you did say
12 this to the people who took your statement; what do you have to
13 say about that?

14 A. No, I didn't say that.

15 Q. And I say that you are an absolute liar because you were
16 never in Kono, were you?

17 A. On what?

18 Q. How could you have spent two months in Kono after the
19 intervention in Koidu Town without going down Masingbi Road?

20 A. Yes, it can be. During that time, the RUF threat,
21 sometimes if you are in a compound we don't move around because
22 if they see you around the street they will capture you and take
23 you to the war front.

24 Q. Now, what about Junior Lion, George Johnson, did you ever
25 see him in Koidu Town in the two months you spent there?

26 A. No, I never saw him in Koidu during that time.

27 Q. What about SLA Hassan Papa Bangura, aka Bomb Blast, did you
28 ever see him during that time?

29 A. No, I don't know him.

1 Q. I say to you that Ibrahim Bazy Kamara was in Koidu Town at
2 this time; what do you have to say about that?

3 A. I never saw him the time I was there.

4 Q. I say to you that Ibrahim Bazy Kamara was in command of
5 all SLA troops in Koidu and Kono whilst you were there? What do
6 you have to say about that?

7 A. No. I never knew about that. I was not there.

8 Q. I say to you that you are lying and that you know full well
9 that Ibrahim Bazy Kamara was in command of all the SLAs in Koidu
10 Town and Kono while you were there; what do you have to say about
11 that?

12 A. It's a lie. It's the RUF that were in command and, in
13 fact, we used to go and muster to them at Tankoro.

14 Q. Now, you say you spent months in Kono before leaving to
15 join SAJ Musa, don't you? Is that right?

16 A. Yes.

17 Q. And during that period the RUF and the SLAs were working
18 together, weren't they?

19 A. Yes.

20 Q. And in your evidence you say that the SLAs and RUF formed
21 the People's Army and that was why John Patrick had the
22 confidence to go to Kailahun; do you remember that?

23 A. Yes.

24 Q. So when you spoke to the investigators, did you ever
25 mention to them the People's Army?

26 A. I told them about the People's Army.

27 Q. Well, can you explain why it's not mentioned in your
28 summary?

29 A. Well, I can't explain that, because I believe the

1 intervention was between us and the People's Army, so, whatever I
2 mention, I must call their names.

3 Q. I say to you that you are lying and you never mentioned
4 this to the investigators and that you've recently got together
5 with your former SLA colleagues to make up this story of People's
6 Army in Kono, haven't you?

7 A. No, I was with the People's Army themselves at Kono. I was
8 with Superman, in the same compound at Kono -- in Koidu.

9 Q. And if John Patrick went to Kailahun and he had confidence
10 in the People's Army, presumably your relations were cordial with
11 the People's Army, the SLAs? That's right, isn't it?

12 A. I don't understand the question.

13 Q. You said that John Patrick went to Kailahun and one of the
14 reasons was that he had confidence in the People's Army; do you
15 remember that?

16 A. Yes, he had confidence in them.

17 Q. So the relations within the People's Army were cordial
18 then, weren't they?

19 A. Yes.

20 Q. Now, you say you attended muster parades called by
21 Superman, which both RUFs and SLAs attended, didn't you?

22 A. Yes.

23 Q. And that Superman gave orders to the People's Army to burn
24 down houses in Koidu Town; do you remember that?

25 A. Yes. Whenever the jets will go over, they would -- they
26 would pass an order and the boys would -- would bomb.

27 Q. And according to you, the SLAs and the RUF were both part
28 of the people's army, weren't they?

29 A. Yes.

1 Q. So the houses were burnt down by both SLAs and RUF on
2 Superman's orders, weren't they?

3 A. No. The houses that were burnt down were done by the RUFs.

4 Q. So when Superman gave an order, only the RUF part of the
5 People's Army followed it; is that right?

6 A. Yes, according to how they were deployed. Superman's
7 house, the RUF would be there, so whenever he would pass an order
8 we would just see them to obeying the commands. Even when they
9 arrest us to go to the war front, we would just see the RUFs come
10 and pack their vehicles and arrest people and do what they were
11 instructed to do.

12 Q. Yes. But my understanding is Superman gave this order to
13 burn houses at a muster parade where both the RUF and SLA were
14 present? That's right, isn't it?

15 A. He -- he does not give the orders during the muster.

16 Q. Did he give an order to burn the houses at the muster
17 parade at which the RUF and SLAs attended?

18 A. He did not give an order at the muster. Whenever he gave
19 those orders --

20 Q. I'll ask for an explanation if I want one from you, thank
21 you. Now, you're saying when he gave an order only the RUF part
22 of the People's Army followed it; right?

23 A. For example, to burn down the houses, in particular it's
24 the -- the RUF that Superman gave the instructions to burn, to
25 burn the houses. That I know, about that.

26 Q. So he wasn't giving orders to the SLAs then, is that what
27 you are saying, to burn houses?

28 A. You know, if he -- if he gave us -- he knew that if he gave
29 us the orders, we would not do it and, in fact, we were not doing

1 that.

2 Q. So if you weren't following Superman's orders, why weren't
3 you all taken to the war front or killed, as you say was a
4 consequence of not obeying the RUF?

5 A. Yes, because whenever they take you to the -- the war front
6 they will capture you because if they just give you an order, you
7 would not go because you would not want to die.

8 Q. Yes. So that's why I'm saying to you if the SLAs didn't
9 follow the orders, how could there have been any of them at the
10 muster parade? Why weren't they taken to the front?

11 A. What I knew about, what I'm saying.

12 Q. I say to you that you are a liar and that the SLAs and RUF
13 were both taking orders from Superman to burn down houses in
14 Koidu Town; what do you have to say about that?

15 A. Well, they did not give me those orders, so I would not
16 know.

17 Q. So you don't know; right?

18 A. That's the question you asked me. That's why I said they
19 did not give me that particular order. I would not know.

20 Q. Now, this so-called People's Army, how were they keeping
21 contact? Did their commanders have radio communication sets?

22 A. They had.

23 Q. And were the People's Army just based in Koidu Town or were
24 they spread out in other parts of Kono like Yengema and Tombodu
25 and Bumpe?

26 A. Yes, they were spread out, but I don't know the villages in
27 which they were all in. They were not only in Koidu.

28 Q. So the People's Army were adopting defensive positions in
29 case ECOMOG attacked; is that right?

1 A. Yes.

2 Q. And at each village there would be a group of the People's
3 Army, so how did they stay in communication with Superman at
4 Koidu Town? Did they have radio sets?

5 A. They had radio sets.

6 Q. And each area where the People's Army were based had its
7 own commander, didn't it?

8 A. Yes.

9 Q. Now, during that two-month period, SLAs, like Foday Bah
10 Marah, Abravo, Mohamed Cyborg, Savage, Alimamy Bobson Sesay, used
11 to make patrols to Tombudu Town, didn't they?

12 A. Well, I can't tell you about that.

13 Q. During that two-month period you spent in Kono, SLA Mohamed
14 Savage and some of the other SLAs I have just mentioned
15 established a base in Tombudu Town, didn't they?

16 A. Well, I have forgotten. I -- I don't know about that.

17 Q. I will try and refresh your memory. Again, I have a
18 summary of what you said to the investigators and what they say
19 at least you said and recorded was "they," and "they" are the
20 people I've just named, "used to make patrols to Tombudu Town
21 until some of them, including Savage, decided to establish a base
22 there." Do you remember saying that to the investigators?

23 A. When I was in Koidu I -- I used to hear about Savage in
24 Kono but I've never been there. I don't know the people that he
25 was with.

26 Q. But you knew Savage was in Tombodu, didn't you?

27 A. Yes, I knew he was there.

28 Q. And you knew Savage was carrying out atrocities in Tombudu
29 Town, didn't you?

1 A. Yes, I used to hear about that.

2 Q. Now, are you aware where the People's Army were based that
3 these were a mixture of SLAs and RUF soldiers?

4 A. Well, there are some areas where the People's Army only
5 occupy but there are some areas where they are mixed, mixed up.

6 Q. And which areas were they mixed up?

7 A. Like for example, Tombudu, in Tombudu they are mixed and in
8 Yengema and Sewafe Bridge, and even Koi du Town. The other
9 villages, I can't tell now how things were in those villages.

10 Q. I say to you that Captain Junior had a mixed SLA/RUF
11 battalion under his command at Jagbwema Fiama; what do you have
12 to say about that?

13 A. Where? I did not hear.

14 Q. I believe it's pronounced Jagbwema Fiama, and my learned
15 friends on the other side can assist if I am wrong. Have you
16 heard of that place?

17 A. Jagbwema Fiama? I've not heard about that place.

18 Q. So you didn't hear Captain Junior had a mixed SLA/RUF
19 battalion under his command there?

20 A. I did not even know the people in Jagbwema Fiama.

21 Q. But you knew that Savage had a mixed battalion under his
22 command in Tombudu town, didn't you?

23 A. Yes, it was People's Army and the SLAs who were there.

24 Q. And I say to you that Lieutenant and Honourable Foday
25 Kallay had a mixed RUF/SLA battalion under his command at Bumpe;
26 what do you have to say about that?

27 A. No, not about Bumpe. I don't know about that. I.

28 Q. I say Lieutenant Mosquito had a mixed RUF/SLA battalion
29 under his command at Sewafe; what do you have to say about that?

1 A. Yes, in Sewafe there were SLAs and RUF and the People's
2 Army. They were there. They were the blocking force at the
3 bridge.

4 Q. I say to you that Lieutenant Tito had an SLA battalion
5 under his commands at Yengema; what do you have to say about
6 that?

7 A. No, I did not hear about that.

8 Q. I say to you that the SLAs had their own chain of command
9 in Kono; what do you have to say about that?

10 A. No, I'm not sure of that.

11 Q. You are not sure? You mean you don't know?

12 A. I don't know. Not at all.

13 Q. You were never disarmed by the RUF in Kono, were you?

14 A. Yes, yes.

15 Q. I say to you that you are lying and you were never in Kono
16 after the intervention; what do you have to say about that?

17 A. Well, where should I be now? I was in Kono.

18 Q. I say to you that you remained with SAJ Musa in the
19 Northern Jungle after the intervention. What do you have to say
20 about that?

21 A. It was when I left Kono, then I went to Kurubonla.

22 Q. According to you, you left Kono for Kurubonla after about
23 two months, didn't you?

24 A. Yes.

25 Q. And when reached Kurubonla you met Lieutenant Marouf, aka
26 Siaka Zulu, didn't you?

27 A. Yes.

28 Q. And this was your friend, Lieutenant Marouf, who you say
29 had earlier been with you in Kono with Lieutenant T, wasn't it?

1 A. It's him.

2 Q. In your evidence you said that Lieutenant Marouf left Koi du
3 Town due to RUF harassment and you never came to know his
4 whereabouts. So can you please explain to me how you met him in
5 Kurubonla?

6 A. Well, I met him at Kurubonla. He had no problems. He said
7 that it was as a result of the highest men that he left Kono to
8 go to Kurubonla. That is what I know about him.

9 Q. So you lied when you said you never knew his whereabouts
10 after he left Kono, aren't you? It's a lie, isn't it?

11 A. It's not a lie. I told you that when I was in Kono, when I
12 left there -- when he left there, I did not know where he went
13 to, but when I went to Kono, I met him there, Kurubonla.

14 Q. The record will speak for itself. Now, you also saw
15 Lieutenant T at Kurubonla, who you allegedly never came to know
16 the whereabouts of after Kono as well; isn't that right?

17 A. Yes. I don't know where he went to, when we were in Kono.
18 I don't know where he went to, but when I went to Kurubonla, I
19 met him there.

20 Q. Didn't you just say in your evidence: He left Kono and I
21 met him again in Kurubonla, rather than "I never saw him again or
22 where he went"?

23 A. Well, what I've explained is what I had explained.

24 Q. Well, you are lying, aren't you?

25 A. At what?

26 Q. That you never saw them again, in your evidence?

27 A. What do you mean I did not see them again?

28 Q. The record will reflect that. Now, in any event, when you
29 arrived in Kurubonla, you said that SAJ Musa held a muster

1 parade. Is that right?

2 A. I can't remember.

3 Q. Well, I tell you, you said that SAJ Musa held a muster
4 parade at Kurubonla. Does that refresh your memory?

5 A. I'm not getting you clearly.

6 Q. Last week, in your evidence, you said that when you arrived
7 in Kurubonla, SAJ Musa held a muster parade. Do you remember
8 saying that?

9 A. Yes.

10 Q. And you said that at that muster parade he wanted to
11 reinstate the army. Do you remember that?

12 A. Yes.

13 Q. And, according, to you Superman and RUF troops under his
14 command came to Kurubonla to join SAJ Musa, didn't they. You
15 remember that?

16 A. Yes.

17 Q. Now, according to you in Kono, the RUF disarmed SLAs, sent
18 them to the war front and harassed them, didn't they?

19 A. Yes.

20 Q. You, other SLAs and your officers even ran away from Kono
21 to join SAJ Musa to avoid RUF harassment, didn't you?

22 A. Yes.

23 Q. So can you please explain to me why RUF leader Superman
24 would come and join SAJ Musa and his SLA troops if Superman was
25 harassing the SLAs so much?

26 A. Well, when Superman went, I cannot tell you what he and
27 Superman discussed because they were both commanders.

28 Q. Yes. But why would, in your view, if somebody had been
29 harassing and badly treating the SLAs, come and join the SLAs?

1 A. It does happen. They make settlement.

2 Q. I say to you that the RUF were not harassing SLAs in Kono
3 and that the RUF and SLA were carrying on joint operations in
4 Kono. What do you have to say about that?

5 A. They were being -- they were being harassed but still they
6 were working together.

7 Q. So Superman joined SAJ Musa because he wanted to continue
8 in carrying out joint operations with the SLA, didn't he?

9 A. Yes.

10 Q. How long did you stay with Superman and his troop in
11 Koinadugu district?

12 A. Well, I cannot recall the time but he did not stay long
13 there.

14 Q. Did he stay more than a day? More than a week? More than
15 a month?

16 A. Well, I cannot tell you the exact time, the time period in
17 which they spent there.

18 Q. Superman and his troop also settled with SAJ Musa and his
19 troop in Koinadugu village, didn't he?

20 A. I can't remember that.

21 Q. So you can't remember settling with SAJ Musa in Koinadugu
22 village; is that what you're saying?

23 A. No, I did not go to Koinadugu. I did not go to Koinadugu.
24 I know only about Kurubonla.

25 Q. Well, I say to you that SAJ Musa settled with Superman in
26 Koinadugu village for at least a month; what do you have to say
27 about that?

28 A. Well, I don't know about that.

29 Q. You were not with SAJ Musa, were you, for most parts?

1 A. In Kurubonla, I was in Kurubonla. That was where I was.

2 Q. So when SAJ Musa left Kurubonla, and went to Koinadugu
3 village, where did you go?

4 A. I was the Kurubonla.

5 Q. So you remained there after SAJ left?

6 A. Yes, in Kurubonla. That was where I was.

7 Q. So you wouldn't know anything about the relationship
8 between SAJ Musa and Superman whilst they were in Koinadugu
9 village, would you?

10 A. No.

11 Q. So now you are in Kurubonla, I believe. SAJ Musa is in
12 Koinadugu village. When did you next meet up with SAJ Musa?

13 A. Well, when they went to call us, we met SAJ Musa in a
14 village. From then we went to Colonel Eddie Town.

15 Q. And if SAJ Musa said he wanted to reinstate the army in
16 Kurubonla, as you claim, can you explain why he was working with
17 Superman?

18 A. Well, I cannot explain that.

19 Q. I say to you that SAJ Musa left Koinadugu District because
20 he had an infight with Superman; what do you have to say about
21 that?

22 A. Now, I don't know about that, because I was in Kurubonla.

23 Q. Okay. So you joined SAJ Musa after Superman left; is that
24 right?

25 A. Yes.

26 Q. Then how could you have travelled with SAJ Musa to
27 Colonel Eddie Town? He left before Superman?

28 A. Well, we were called to join up with SAJ Musa, to go. That
29 is only what I know about.

- 1 Q. So if you joined up with SAJ Musa and there was no
2 Superman, how could you have been there when any advance party
3 was sent? SAJ Musa left immediately after his infight?
4 A. Well, I would not tell you now when the advance party left
5 or when they did not leave. I cannot tell you the time.
6 Q. So how long did you stay with SAJ Musa before he left for
7 Colonel Eddie Town?
8 A. Where do you mean? In Kurubonla?
9 Q. Well, apparently you joined SAJ Musa when you left
10 Kurubonla, so how long did you stay with him before he left for
11 Colonel Eddie Town?
12 A. I'm not getting that, your -- that question.
13 Q. I will try and explain it to you more clearly. It's
14 probably my fault in not explaining it well. You say you were in
15 Kurubonla and then SAJ Musa left and you remained in Kurubonla.
16 Are you with me?
17 A. Yes, I'm listening.
18 Q. That's right though, what I've said so far? You agree with
19 what I've said so far?
20 A. Is that the question you asked me?
21 Q. No, I'm explaining. I'm getting there. Just go slowly,
22 bit by bit. You then, later on, joined SAJ Musa. Now, where was
23 SAJ Musa when you joined him?
24 A. Well, I don't know the name of the village.
25 Q. And how long did you stay in that village before SAJ Musa
26 left for Colonel Eddie Town?
27 A. I can't remember the number of days we spent in that
28 village.
29 Q. Well, can you remember if it was weeks as opposed to days,

1 or months as opposed to weeks?

2 A. Well, I can't remember. I can't say what I don't remember.

3 Q. I say to you that SAJ Musa mentioned reinstating the SLA
4 for the first time at Colonel Eddie Town after his infight with
5 Superman; what do you have to say about that?

6 A. Colonel Eddie Town, Superman didn't go there.

7 Q. I'm not asking you about Superman. What I'm saying to you
8 is the first time SAJ Musa mentioned about his mission to
9 reinstate the SLA was at Colonel Eddie Town, wasn't it?

10 A. Well, that -- from when we left Freetown, that statement
11 was -- was in SAJ Musa's -- wherever he went, he would say that.
12 Wherever he went, he would say that, so I would not say it was
13 the first time he said such -- he made such statement or that was
14 the last time.

15 Q. I say to you the first time he formally announced his plan
16 to go to Freetown and reinstate the Sierra Leone Army was at
17 Colonel Eddie Town before a muster parade?

18 A. Whether he said, said that there?

19 Q. That was the first time he formally addressed the troops
20 [overlapping speakers] the SLA and that was his plan?

21 A. Well, he said that at Eddie Town. He said that.

22 Q. And that was the first time he actually said that to the
23 assembled troops and said his plan was to go to Freetown and
24 reinstate the SLA, wasn't it?

25 A. Yes.

26 Q. Now, you say that you travelled with SAJ Musa from this
27 unknown village to Colonel Eddie Town. Now, during this trip you
28 said that your job was to carry FAT Sesay's bags; do you remember
29 that?

1 A. Yes.

2 Q. So you were a security to xxx xxx; is that right?

3 A. Yes.

4 Q. SAJ Musa's security was Alabama, wasn't it?

5 A. It was not only Alabama but Alabama was included. He was
6 one of the security. His security.

7 Q. You mentioned an advance party had gone ahead under Eddie
8 with Junior Lion and others; do you remember that?

9 A. That is from what -- what point? From where? What do you
10 mean?

11 Q. Well, let's go back. You join SAJ Musa at the village.
12 You haven't left yet for Colonel Eddie Town. You say that an
13 advance party has gone ahead, led by Colonel Eddie and Junior
14 Lion; do you remember that?

15 A. Yes. When I came to Kurubonla, I heard about that but I
16 was not there when they moved off. When I came, they told me.

17 Q. I say to you that the advance party was led by Alex Tamba
18 Brima, Ibrahim Bazy Kamara and Santigie Borbor Kanu, aka
19 Five-Five, and their mission was to set up a base. What do you
20 have to say about that.

21 A. No. When I went to Kurubonla, I did not hear those names,
22 that they were in the advance party.

23 Q. I say to you --

24 PRESIDING JUDGE: Mr Agha, that might be a convenient time,
25 I think, for a break.

26 MR AGHA: I apologise, Your Break.

27 PRESIDING JUDGE: That's quite all right. I think the
28 witness could probably use a short break now. Mr Witness, we are
29 going to break until 11.00. I will remind you once more, don't

1 speak about the evidence or the case with anybody else. We will
2 adjourn until 11.00.

3 [Break taken at 10.45 a.m.]

4 [Upon resuming at 11.05 a.m.]

5 PRESIDING JUDGE: Yes, continue, Mr Agha.

6 MR AGHA:

7 Q. Now, witness, before we had the short break, we were
8 discussing the advance party, which you say was sent ahead; do
9 you remember that?

10 A. Yes.

11 Q. I say to you that before that advance party was sent, a
12 camp at Rosos had already been established by Alex Tamba Brima,
13 Santigie Kanu and Ibrahim Bazzy Kamara; what do you have to say
14 about that?

15 A. No. I never knew about that.

16 Q. So have you ever heard of Camp Rosos?

17 A. No, I have never heard about that.

18 Q. I say to you that you are lying and that you know full well
19 that Camp Rosos existed; what do you have to say about that?

20 A. I've never heard about that, except now that you are
21 calling that name to me.

22 Q. You never heard of that name before today?

23 A. Yes. Never. Never.

24 Q. I say to you that you are lying when you didn't -- when you
25 say that you didn't know Alex Tamba Brima was commander at Camp
26 Rosos?

27 A. I've never heard about that.

28 Q. So no one, when you reached Colonel Eddie Town, discussed
29 with you about a move from Camp Rosos?

1 A. Not at all.

2 Q. And how long were you in Colonel Eddie Town?

3 A. Well, I didn't stay long there.

4 Q. But, throughout that period, no one ever mentioned Camp
5 Rosos?

6 A. No, I've never heard of that name.

7 Q. You didn't hear that they had to move from Camp Rosos to
8 Colonel Eddie Town because of the bombing of the Alpha Jets?

9 A. No, I never heard about that.

10 Q. Now, on the way to Colonel Eddie Town, Junior Lion met
11 SAJ's group outside Colonel Eddie Town and guided him into
12 Colonel Eddie Town, didn't he?

13 A. No.

14 Q. Did anyone meet SAJ's troop and guide them into
15 Colonel Eddie Town or you just walked straight there?

16 A. Well, it was O-Five who went ahead of us to go to
17 Colonel Eddie Town.

18 Q. O-Five, that's the first time you mentioned that name going
19 to Colonel Eddie Town. Why didn't you mention it in your
20 evidence last week?

21 A. O-Five.

22 Q. Yes, O-Five.

23 A. But I told you that when I arrived at Kurubonla, I heard
24 that O-Five was among the advance party. I talked about O-Five.

25 Q. Okay. We'll see. Now, you say O-Five came and collected
26 you and guided you in to Colonel Eddie Town?

27 A. Yes, he came ahead of us to go to Colonel Eddie Town.

28 Q. And when you were coming into Colonel Eddie Town did O-Five
29 come and collect you and bring you in?

1 A. Yes.

2 Q. And Junior Lion was with him, wasn't he?

3 A. Well, Junior Lion, we met Junior Lion at
4 Colonel Eddie Town.

5 Q. So you didn't see Junior Lion with O-Five when he came to
6 guide SAJ's group into Colonel Eddie Town; is that what you are
7 saying?

8 A. Yes. I only saw O-Five. I only recognised O-Five during
9 that time.

10 MR KNOOPS: Your Honour, may I just - sorry for the
11 interruption - to assist my learned friend, the witness did
12 mention O-Five on page 57 of the transcripts.

13 PRESIDING JUDGE: All right. Thank you, Mr Knoops.

14 MR KNOOPS: You're welcome.

15 MR AGHA:

16 Q. Now, from the time you arrived at Colonel Eddie Town until
17 the time you left, were you still attached to FAT Sesay, carrying
18 his bags?

19 A. Yes.

20 Q. And you described the house which was used as a place where
21 the prisoners were kept in Colonel Eddie Town; do you remember
22 that?

23 A. Yes.

24 Q. And you said there was a window with iron rods, didn't you?

25 A. Yes.

26 Q. I say to you there were no such houses in
27 Colonel Eddie Town, in 1998, with iron rods and there are no such
28 houses there today with iron rods; what do you have to say about
29 that?

1 A. It was there. I don't know presently but it used to be
2 there.

3 Q. And what was placed in front of the house?

4 A. Well, there is a stick in front of the house. I can't
5 recall the exact name of the tree.

6 Q. The tree. Anything else?

7 A. Yes. Yes. No, I can't recall any other thing.

8 JUDGE SEBUTINDE: Mr Interpreter, was that --

9 THE INTERPRETER: Correction, interpreter, it's "tree."

10 JUDGE SEBUTINDE: Not "stick"?

11 THE INTERPRETER: Not "stick."

12 MR AGHA:

13 Q. I say to you, you are lying when you visited a house in
14 Colonel Eddie Town used as a prison; what do you have to say
15 about that?

16 A. It's not a lie. I visited there.

17 Q. You didn't know the prisoners from before, so why did you
18 want to visit them?

19 A. Because when we arrived there, they told us that they've
20 arrested some soldiers so we had wanted to see them. That was
21 why I visited the house.

22 Q. Why would you want to see people you didn't know before?
23 What was it your business that people had been arrested?

24 A. Well, I had no business with them but since I've arrived in
25 the town, and I got the information, so I was eager to go there
26 and see. That was why I went there.

27 Q. And what about when you were in Kurubonla with SAJ Musa,
28 did you visit any prisoners there?

29 A. No, we didn't have prisoners there.

1 Q. There was no prisoners in Kurubonla with SAJ Musa?

2 A. No prisoner. No prisoner at all, no. There were no
3 prisoners with SAJ Musa.

4 Q. Now, when you saw the prisoners in this house you
5 recognised who they were, didn't you?

6 A. Yes, I knew some of them. They showed me their names.

7 Q. You knew those, some of them from before?

8 A. No. I -- it was only there that I knew them.

9 Q. Okay. So you weren't able to recognise any of them from
10 their face?

11 A. Before? No, it was only at Colonel Eddie Town that I saw
12 them. That was where I knew them.

13 Q. Don't you remember attending Tamba Brima's engagement party
14 in Koidu, in December of 1997?

15 A. I've never went to Kono in '97. I left Kono in 1995.

16 Q. So you say you never went to Tamba Brima's engagement party
17 in 1997; is that what you are saying?

18 A. I never went there. In fact, I was not in Kono at that
19 period.

20 Q. I say to you that you are lying and you did attend Tamba
21 Brima's engagement party; what do you have to say about that?

22 A. I never went there. I didn't go there. I don't know about
23 that.

24 Q. You are related to Tamba Brima by blood, aren't you?

25 A. No.

26 Q. You are not his cousin?

27 A. No. In fact, the names are not the same.

28 Q. You are a close friend of Tamba Brima, aren't you?

29 A. No.

1 Q. I say to you that you are lying and that you are a close
2 friend of Tamba Brima and you knew him before you saw him as a
3 prisoner in Colonel Eddie Town; what do you have to say about
4 that?

5 A. I never knew him except when I met him at Colonel Eddie
6 Town. That was where I came to know him.

7 Q. You are originally from xxx, aren't you?

8 A. Yes.

9 Q. Tamba Brima is still a good friend of yours, isn't he?

10 A. No.

11 Q. How many times have you visited Tamba Brima in the
12 detention centre of the Special Court?

13 A. Well, I've never visited him.

14 Q. So if we requested the visitation records, we wouldn't find
15 your name there; is that what you are saying?

16 A. Yes.

17 Q. I say to you --

18 A. Because the name I have, I'm not alone. I came from a very
19 big family.

20 Q. Yes. I say to you, you are lying and that you did visit
21 Alex Tamba Brima in the detention centre; what do you have to say
22 about that?

23 A. Never. I've never been there.

24 Q. I say that you met him to make up the story of your
25 evidence which you gave last week; what do you have to say about
26 that?

27 A. Never.

28 Q. You've also been meeting former soldiers, haven't you, like
29 Mukta [phon] Rogers, Mohamed Tarawallie, aka Gold Teeth, haven't

1 you?

2 A. No. No. Never.

3 Q. You've been meeting these former soldiers to sit together
4 and agree made up stories to give before this Court, haven't you?

5 A. No. Never. In fact, I don't know them.

6 Q. I say to you that you've come to this Court to lie in order
7 to protect your fellow xxx brother, Tamba Brima; what do you
8 have to say about that?

9 A. I'm not here to protect anybody. What I saw and what I
10 know is what I'm here to testify about.

11 Q. The three accused were honourables, like Honourable Foday
12 Kallay, weren't they?

13 A. Well, I don't know them for that.

14 Q. Do you remember giving your statement before the Special
15 Court, don't you, at least to somebody who took down what you
16 said; you remember?

17 A. Yes.

18 Q. Well, apparently, this is what you said -- are you
19 listening?

20 A. I'm listening.

21 Q. "He," that's you, "would also talk of the arrest of some
22 honourables including the accused persons." So which honourables
23 were under arrest?

24 A. Well, I didn't tell them that they were honourables. I
25 said they were soldiers.

26 Q. So you didn't say to the people who took your story that
27 any honourables were under arrest; is that right?

28 A. No, I -- I don't know about them as honourable. I just
29 said they were soldiers.

1 Q. My question to you was: The person you told your statement
2 to, did you say to that person that the three accused were
3 honourables; did you mention that?

4 A. Well, I don't know that they are honourables. I don't know
5 about that.

6 Q. But did you mention that to the person who was taking down
7 your statement?

8 A. No.

9 Q. Then how does it appear in the summary?

10 A. Well, I don't know about that. I don't know that they are
11 honourables. I never spoke about that.

12 Q. I say to you that you are lying. You know full well that
13 the three accused were honourables. What do you have to say
14 about that?

15 A. I don't know about that.

16 Q. Okay. Which honourables were under arrest?

17 A. I don't know any honourable that was under arrest.

18 Q. And you only saw three people under arrest; that's right,
19 isn't it?

20 A. Yes, because they told me that they captured three soldiers
21 that wanted to surrender. So I knew about that, but I never knew
22 that they were honourables.

23 Q. Now, you were at Colonel Eddie Town. Whilst you were there
24 Colonel Eddie Town was used as a military camp for the SLAs,
25 wasn't it, under SAJ Musa?

26 A. Yes.

27 Q. You lied when you said there were civilians in
28 Colonel Eddie Town, didn't you?

29 A. There were civilians of family and also, there were also

1 civilians around when we went there.

2 Q. Yes. But they were forcibly removed and cleared from
3 Colonel Eddie Town, weren't they?

4 A. No. We -- we met the first people there and when we went
5 there we never forced anybody to -- to leave. We never forced
6 anybody to do anything.

7 Q. So you befriended these local people and allowed them to
8 stay amongst yourself in Colonel Eddie Town, did you?

9 THE INTERPRETER: Your Honours, can I learned counsel please
10 repeat his question?

11 MR AGHA:

12 Q. So you befriended these local people you found in
13 Colonel Eddie Town and let them live amongst you; is that what
14 you're saying?

15 A. Well, when we went there we never made friends with them.
16 We went there, we went with our family. Those that we met there,
17 we met them there. We never said this and that, no.

18 Q. So you never made them carry loads for you?

19 A. Not at all. We had no business with them to say "We are
20 going to send you," or --

21 Q. You never stole -- you never stole your food from them, did
22 you?

23 JUDGE DOHERTY: Sorry, Mr Agha, I didn't hear your
24 question; people were talking over you.

25 THE WITNESS: Never.

26 MR AGHA: Okay, I'll repeat it.

27 Q. You never stole any food from those civilians in
28 Colonel Eddie Town, did you? I am glad you find it funny,
29 witness.

1 A. Never, never. Because you said we didn't steal their food
2 and when are not thieves. We never steal any food. That was why
3 your question is so funny; I never steal.

4 Q. SLAs there were never stealing or looting or taking food
5 from anyone when you were in Colonel Eddie Town; that's what you
6 are saying?

7 A. Yes.

8 Q. So, can you please explain to me why SLAs would allow
9 civilians, who had assisted ECOMOG in killing their brothers
10 during the intervention, to remain in their military base?

11 THE INTERPRETER: Your Honours, can learned counsel please
12 repeat his question?

13 MR AGHA:

14 Q. Can you explain why SLAs would allow civilians, who had
15 killed their soldier brothers during the intervention, to remain
16 living amongst them?

17 A. I don't understand the question. Please repeat.

18 Q. Why would you allow civilians to live amongst you who
19 betrayed you to the Kamajors and who betrayed you to ECOMOG?

20 A. Well, civilians are our people. We don't have to ignore
21 them and those particular people we always moved along with them.
22 Wherever we are, they were there. So we had nothing to do with
23 them.

24 Q. Now, you learnt at the muster parade, at Colonel Eddie
25 Town, that SAJ Musa wanted to attack Freetown; do you remember
26 that?

27 A. Yes.

28 Q. And you were present at the muster parade; right?

29 A. Yes, I was there.

1 Q. Now, do you remember SAJ Musa saying that he did not want
2 crimes to be committed against the civilians during the advance
3 to Freetown?

4 A. Yes. He said that and in fact, we never did that.

5 Q. So no crimes were committed during -- until SAJ Musa's
6 death; is that what you are saying?

7 A. Yes.

8 Q. So you followed SAJ Musa's orders not to kill the
9 civilians?

10 A. Yes.

11 Q. Now, whilst you were in Colonel Eddie Town, there were
12 rules which the SLAs had to obey, weren't there?

13 A. What rules?

14 Q. Well, didn't SAJ Musa and others set down rules, for
15 example, that you weren't allowed to sleep with another SLA's
16 wife?

17 A. Well, he gave those instructions and it never occurred.

18 Q. Because, if it did occur, then the person who broke that
19 law of SAJ, would be punished, wouldn't he?

20 A. Yes.

21 Q. You had a Mammy Queen there who enforced discipline over
22 the women, didn't you?

23 A. Well, I don't know about that.

24 Q. You don't know -- you say you don't know there was a Mammy
25 Queen at Colonel Eddie Town?

26 A. No, I don't know about that.

27 Q. Soldiers weren't allowed to surrender, were they? That was
28 one of the rules.

29 A. To surrender where?

1 Q. To surrender to the ECOMOG, or the loyal SLA troops because
2 you would be arrested otherwise, wouldn't you, like the three
3 accused?

4 A. Well, during that time, we don't -- we don't have the guts
5 to surrender because we know that if you go there you will be
6 killed so we had no intention to surrender.

7 Q. But if you did surrender, you would be arrested, wouldn't
8 you?

9 A. Who will arrest you? The ECOMOG?

10 Q. It's my -- I didn't phrase the question properly -- if you
11 tried to surrender, like the three accused, you would be
12 arrested, wouldn't you?

13 A. Yes. It means you want to betray. You will be arrested or
14 you want to call ECOMOG to kill us, if we know that, we are going
15 to kill you.

16 Q. You weren't allowed to steal government property, were you?

17 A. Government property where? Where?

18 Q. Anywhere. You weren't allowed to steal from civilians, as
19 you said?

20 A. No. We never steal from civilians.

21 Q. And if SAJ found out you stole or raped or killed
22 civilians, you would be punished, wouldn't you?

23 A. Yes.

24 Q. Junior Lion was a provost-marshal, wasn't he, at Colonel
25 Eddie Town?

26 A. Well, I knew him as task force commander. I don't know
27 whether he was given that appointment additionally.

28 Q. Well, what would the provost-marshal do -- provost-marshal
29 do? What was his job?

1 A. I don't know.

2 Q. I say to you he was the provost-marshal to enforce
3 discipline amongst the troop?

4 A. Well, if the provost-marshal had been here, maybe he was
5 going to explain the rules, but I don't know.

6 Q. There were military police at Colonel Eddie Town, wasn't
7 there?

8 A. Well, during those days, we are not putting on uniforms. I
9 don't know whether there were military police. I don't know how
10 the administration was working.

11 Q. So you didn't know that Lieutenant King was in charge of
12 the military police?

13 A. Well, Lieutenant King, I knew he was there, but I don't
14 know his appointment.

15 Q. But generally, if you broke the law, which SAJ Musa didn't
16 allow, you would be punished, wouldn't you?

17 A. Yes.

18 Q. So soldiers made sure they didn't break the law, didn't
19 they?

20 A. Yes. But many will go against the laws.

21 Q. Now, en route to Freetown, SAJ Musa and his troops attacked
22 numerous villages such as Lunsar, Mile 38 and York, didn't they?

23 A. Well, I don't know about that because we stayed at the
24 headquarters with the family.

25 Q. Well, didn't you hear that the advance party were attacking
26 villages to capture food and ammunition?

27 A. No, I don't know about that.

28 Q. So what was the advance party doing; it was just walking
29 into Freetown, was it?

1 A. Yes.

2 Q. It didn't engage the enemy at any point?

3 A. Well, if they engage, I don't know because I was not in
4 front.

5 Q. Well, you knew that they attacked and captured Benguema, so
6 you did know, didn't you?

7 A. Yes, I know about Benguema.

8 Q. Yes.

9 A. Yes, I know about Benguema.

10 Q. And did you hear about Lunsar?

11 A. No, I don't know about Lunsar.

12 Q. I say to you that the SLAs attacked Lunsar and Mile 38 on
13 the way to Freetown; what do you have to say about that?

14 A. Well, on our way, we don't pass through that area so I
15 don't know anything about that.

16 Q. But essentially, would you agree with me, you were heading
17 to attack Freetown and occupy it; was that the mission?

18 A. Well, I am not SAJ Musa. I can't tell, but we planned to
19 come to Freetown so that we will be reinstated.

20 Q. As a soldier, was this an offensive attacking operation or
21 a defending operation?

22 A. That was where, Benguema? Where?

23 Q. No. From Colonel Eddie Town to Freetown, was that a
24 defensive operation or were you attacking in order to get to
25 Freetown? What were you doing; advancing or retreating?

26 A. We were advancing to Freetown.

27 Q. And eventually you got to Freetown, didn't you?

28 A. Yes.

29 Q. So you were attacking as you went, rather than defending,

1 weren't you?

2 A. Well, we only attacked Benguema. I knew about Benguema's
3 attack.

4 Q. So you also presumably knew about the attack on Freetown
5 because if you hadn't attacked Freetown, you wouldn't have got
6 there, would you?

7 A. What?

8 Q. Well, you know Freetown was attacked, don't you?

9 A. That -- what are you asking me about?

10 Q. I'm asking you very clearly, was Freetown attacked by SLAs?
11 "Yes" or "no"?

12 A. Yes.

13 Q. Thank you. Now, you say that Alex Tamba Brima, Ibrahim
14 Bazzy Kamara and Santigie Kanu were prisoners during the advance
15 on Freetown; is that right?

16 A. Yes. Yes.

17 Q. I say to you that that's lie. That Alex Tamba Brima,
18 Ibrahim Bazzy Amara and Santigie Kanu, aka Five-Five, were not
19 prisoners on the advance to Freetown; what do you have to say
20 about that?

21 A. I knew them as prisoners.

22 Q. I say to you that you are lying and that Alex Tamba Brima,
23 Ibrahim Bazzy Kamara and Santigie Kanu, aka Five-Five, held
24 positions of command during the advance to Freetown; what do you
25 have to say about that?

26 A. No, I don't know about that. The only thing I know about
27 is that they were prisoners.

28 Q. Alex Tamba Brima, Ibrahim Bazzy Kamara and Santigie
29 Five-Five -- Santigie Kanu, I'm sorry -- alias Five-Five, were

1 members of the AFRC, weren't they?

2 A. I don't know about that.

3 Q. Well, do you remember speaking to the people from the
4 Special Court who took your statement?

5 A. Yes, I spoke to them.

6 Q. And did you tell them that the headquarter, comprising the
7 overall commander SAJ Musa, FAT Sesay, Adamu, Alabama, Elba,
8 American, the women and the children and the arrested AFRC
9 members; do you remember saying that?

10 A. No.

11 Q. I say to you, you are lying and you did say that. You know
12 full well that the three accused were AFRC members; what do you
13 have to say about that?

14 A. They are soldiers.

15 Q. Are you also saying they were not AFRC members? I didn't
16 ask you if they were soldiers?

17 A. No, I don't know about that.

18 Q. Now, during the advance from Colonel Eddie Town to Freetown
19 the first group was the advance group and the second group was
20 the reinforcement group, wasn't it?

21 A. That was how it was.

22 Q. You said that the second group, being the reinforcement
23 group, was commanded by Tito, didn't you?

24 A. Well, those people were being changed. They -- they used
25 to change them. At times they would be in front and on another
26 day they would send a different set in front, so I would not say
27 it's exactly one person that would be leading. They would change
28 them, but I don't know how they did the interchanging.

29 Q. So you are saying that the position existed, that sometimes

1 different commanders were holding the position?

2 A. Well, for example, if they say this group would move today,
3 they would remove these and put -- interchange it with some other
4 group and vice versa, so that they can go on, but to say that
5 it's -- that this particular group, it's a person --

6 THE INTERPRETER: Your Honours, Your Honours, can the
7 witness take it slowly?

8 PRESIDING JUDGE: Mr Witness, you are talking far too fast
9 for the interpreter. He hasn't had time to interpret everything
10 you have been saying. Interpreter, where do you want the witness
11 to pick up the answer from?

12 THE INTERPRETER: He was saying something about the
13 interchanging; from that point.

14 PRESIDING JUDGE: All right. The interchange in combat
15 point. Can you go on from there?

16 THE WITNESS: Well, at times, Tito, he would go with the
17 advance. Sometimes Junior Lion would be put from the
18 headquarters, since he was the task force commander, to monitor
19 the team. That was how it used to happen. There were times, the
20 other squad, they used another commander to go with them, but
21 they will definitely take one or two authorities from the
22 headquarters to join up with the advance team.

23 MR AGHA:

24 Q. So you would have the battalions and battalion commanders,
25 that position would exist; is that right?

26 A. Well, we moved by groups. When you talk about battalion,
27 you are talking about soldiers and those --

28 Q. Witness, just answer the question. You had various
29 battalions, didn't you?

1 A. Yes.

2 Q. And those battalions had a commander, didn't they?

3 A. Yes.

4 Q. That commander remained the same throughout the march or
5 could it change? There would be appointments and reappointments?

6 A. Yes. At times they would change to another person.

7 Q. Now, when you left Colonel Eddie Town for Freetown, you
8 said that Tito was in command of the reinforcement group, didn't
9 you?

10 A. Yes.

11 Q. Well, in the summary, which I have, of the statement, which
12 you gave to the investigators, you say the reinforcement team
13 commanded by Lieutenant-Colonel King, Lieutenant-Colonel Tee and
14 Lieutenant Kordulay followed; is that what you told the person?

15 A. That what? I did not get it clearly.

16 Q. Well, when you spoke to the person from the Special Court,
17 and they took down your statement, allegedly you said the
18 reinforcement team commanded by Lieutenant-Colonel King,
19 Lieutenant-Colonel Tee and Lieutenant-Colonel -- Lieutenant
20 Kordulay followed; is that what you said?

21 A. No. Colonel Tito, I did not say Colonel Tee.

22 Q. I say to you that because the positions of the commanders
23 was changing, you don't know who was holding which position at
24 which time, en route to Freetown, do you?

25 A. Well, the positions, I'm not so well au fait with them
26 because I don't give the details. I can't tell.

27 Q. So you would have a battalion, which would march from
28 Colonel Eddie into Freetown, and they would have a battalion
29 commander; right?

1 A. That -- that what? I don't understand.

2 Q. You have a battalion and it has a commander; correct?

3 A. Yes. But he was not the only commander of the -- that --
4 the battalion. You can be in a particular battalion and they
5 bring another leader. They would bring -- they would remove a
6 commander from that point and replace him. That is how it used
7 to happen.

8 Q. Yes, yes, that is fine.

9 A. It's not like a position you hold. Like this.

10 Q. Now, whilst you were in the headquarters group during the
11 advance from Colonel Eddie Town, you still remained FAT's
12 security; is that right?

13 A. Yes.

14 Q. Now, in your evidence last week, you said that during this
15 period, in 1998, up to your arrival in Freetown, you did not have
16 a gun. So can you please explain to me how you were expected to
17 protect FAT as his security without a gun?

18 A. Yes. I protected him. I was not the only security for
19 him. There were others who had guns. But my role was to carry
20 his bags and take care of him, the things he would move with.

21 Q. So you weren't really his security. You were more his bag
22 carrier, his personal assistant; would you agree with that?

23 A. Yes.

24 Q. So if you didn't have a weapon and you were his bag carrier
25 and personal assistant, can you please explain to me how you
26 managed to be a reinforcement during the attack on Benguema?

27 A. Yes. It was because FAT moved, so I moved.

28 Q. You moved without a weapon?

29 A. Yes. Yes.

1 Q. I put it to you that you were armed throughout this period
2 and that you always had a weapon with you; what do you have to
3 say about that?

4 A. It's a lie.

5 Q. Why didn't you have a weapon, as a soldier? Aren't all
6 soldiers issued weapons?

7 A. There was shortage of weapons. Not everybody had weapons.

8 Q. Did you have a weapon as you advanced from Benguema to
9 Freetown?

10 A. No.

11 Q. Why didn't you pick up a weapon at Benguema from the
12 ammunition dump?

13 A. Well, well, when --

14 THE INTERPRETER: Your Honours, can the witness go over
15 that again?

16 PRESIDING JUDGE: Repeat your answer, please, Mr Witness.

17 THE WITNESS: When they asked me why I did not have a
18 weapon, I said when I got to Benguema, most of the weapons I
19 wanted to move on with, the working parts were not complete, so
20 that made me not to have a weapon. I did not see a full weapon
21 that would function.

22 MR AGHA:

23 Q. But weren't they blowing up ammunitions and other weaponry,
24 which they couldn't carry?

25 A. No.

26 Q. So you didn't leave any weapons behind at Benguema?

27 A. No, they left no weapons there.

28 Q. I say to you, you are lying and there was an excess of
29 weapons and ammunition at Benguema and it was blown up. What do

1 you have to say about that?

2 A. Well, the ammunition were bombs, not -- not guns. They
3 were bombs.

4 Q. Now, come back to the attack on Benguema, which you were
5 one of the reinforcements for, you remember this was where SAJ
6 Musa died; do you remember that?

7 A. Yes, I was where he died.

8 Q. And SAJ Musa was placed on a door, wasn't he?

9 A. No, they put him on a stretcher.

10 Q. Where did you get stretcher from?

11 A. Well, I don't know where they took it from. I met them on
12 the way. As I was coming, I met them on the way as they were
13 going.

14 Q. I say to you that SAJ Musa was placed on a door and not a
15 stretcher. What do you have to say about that?

16 A. It was a stretcher. A green stretcher, not a door.

17 Q. And when you saw them with this stretcher did you see
18 Alabama, SAJ Musa's security there?

19 A. Well, I can't remember the people I saw.

20 Q. And then, according to you, the troop is going forward to
21 Freetown to take SAJ Musa's corpse for burial; is that right?

22 A. I don't understand.

23 Q. Well, didn't you say in your evidence that you wanted to
24 take SAJ Musa's body to Freetown for burial and you that attacked
25 York and then repulsed and then buried his body under a tree?

26 A. Yes. We wanted to take the corpse to Freetown but we were
27 unable, so we buried him in a village, Koba Wata.

28 Q. I say to you that is a total lie. You were not wandering
29 around Freetown, attacking York, with SAJ Musa's body, were you?

1 A. No.

2 Q. The attack on York was after SAJ Musa was buried, wasn't
3 it?

4 A. What attack, the Freetown attack, or where? Which exactly?

5 Q. On York. That took place after SAJ Musa was buried, didn't
6 it?

7 A. No. It was the time we were trying to come to Freetown.
8 That was the time we went there.

9 Q. Now, after SAJ Musa's death, Tamba Brima assumed command of
10 the troops and led the attack on Freetown, didn't he?

11 A. No. Those men, we left them at Waterloo. After SAJ Musa's
12 death, it was FAT Sesay and Eddie who were commanding when we
13 were coming to Freetown.

14 Q. I say to you that Ibrahim Bazy Kamara and Santigie Kanu,
15 aka Five-Five, were also senior commanders during the attack on
16 Freetown. What do you have to say about that?

17 A. No, they did not come.

18 Q. And you say FAT Sesay became the commander on the attack on
19 Freetown; is that right?

20 A. Yes.

21 Q. So presumably, you were with him because you were carrying
22 his bags being his personal assistant, weren't you?

23 A. Yes, I was with him. But on the way, before we got to
24 Freetown, I had a broken leg. So there were others who were with
25 him. Until we got to Freetown.

26 Q. So when did you stop being with FAT Sesay?

27 A. Well, it was the time when we got to York, when I had this
28 broken leg.

29 Q. I say to you that you are an absolute liar when you say

1 that FAT Sesay and Colonel Eddie led the attack on Freetown?

2 What do you have to say about that?

3 A. They led it. I cannot lie.

4 Q. You say the troop moved from Masiaka to Waterloo, don't
5 you?

6 A. No. We did not go to Masiaka. We passed behind Masiaka by
7 the hydro poles, but we did not reach Masiaka.

8 Q. And you say there was no attack on Mile 38; is that right?

9 A. Yes, I don't know about Mile 38.

10 Q. I say you were a mission commander during the attack on
11 Mile 38. What do you have to say about that?

12 A. That's a lie. I've never been to Mile 38.

13 Q. It was during the attack on Mile 38 that you were accused
14 of killing Yellow Man, your fellow soldier, wasn't it?

15 A. That's a lie.

16 Q. I say to you that you were never FAT Sesay's bag carrier;
17 what do you have to say about that?

18 A. That's a lie. I was his bag carrier. I carried his bag.

19 Q. I say to you that you were never part of the headquarters
20 group and that you were battalion supervisor, a very senior
21 commander. What do you have to say about that?

22 A. That's a lie.

23 Q. And you were one of the senior commanders who went right
24 inside Freetown, who didn't hang around outside Ferry Junction,
25 aren't you?

26 A. That's a lie. In Freetown, when I came, I had a broken
27 leg. I was carried on the hammock to Freetown.

28 Q. So it was the other soldiers who attacked Freetown, was it?

29 A. Yes, sir.

1 Q. What about Franklyn Conteh, aka Woyoh, was he one of the
2 soldiers who attacked Freetown?

3 A. Well, I don't know that individual.

4 Q. You've never heard of him?

5 A. No.

6 Q. I say to you, you are lying and you know full well, who
7 Franklyn Conteh, aka Woyoh, is?

8 A. No, I don't know him.

9 Q. Now according to your evidence, which you gave last week,
10 you were in Freetown for ten days and thereafter were taken to
11 Makeni for treatment; do you remember that?

12 A. Yes.

13 Q. Well, I remind you again that you gave a statement, or at
14 least you told certain things to the people from the Special
15 Court, who recorded it for you, and one of the things, amongst
16 others, which apparently you said to that person was as follows.
17 Are you listening?

18 A. Yes, sir.

19 Q. He, was at Ferry Junction receiving treatment for about a
20 month until his transfer to Waterloo. So is that what you told
21 the investigators?

22 A. No. I said from Freetown they brought me to Waterloo and
23 then to Makeni but I did not stay in Waterloo.

24 Q. Did you tell them that you stayed there for one month or
25 ten days at Ferry Junction?

26 A. I did not say that, that I had been there for a month.

27 Q. I say to you that you are lying and that is exactly what
28 you told them. What do you have to say about that?

29 A. No, that was not what I told them.

1 Q. From Freetown, you firstly went to Waterloo and not Makeni,
2 didn't you?

3 A. Yes. I did not go alone.

4 Q. Who were the other members of the AFRC who you met at
5 Waterloo?

6 A. At Waterloo, I cannot remember the people I met there.

7 Q. You remember your interview with the investigator, again,
8 who recorded your statement? Again, I will read to you what you
9 allegedly said to him. You, were at Ferry Junction receiving
10 treatment for about a month until your transfer to Waterloo where
11 he joined other released political detainees, like ex-president
12 JS Momoh, Chief Dura, Victor Foe and others members of the AFRC.
13 Is that what you told the investigator?

14 A. When we got to Waterloo?

15 Q. What I've read to you, is that what you told the
16 investigator? You either did or you didn't?

17 A. Yes, yes.

18 Q. So you did tell the investigator that?

19 A. Yes.

20 Q. Right. Who were the other members of the AFRC who you met?

21 A. Well, there were other soldiers. I don't know. I can't
22 remember their names.

23 Q. You are calling them members of the AFRC. What do you mean
24 by members of the AFRC?

25 A. Well, we were all soldiers. We were not the SLA. They
26 called us AFRC soldiers.

27 Q. I say to you that you retreated from Freetown with other
28 SLAs after they were driven out of Freetown by ECOMOG. What do
29 you have to say about that?

1 A. Well, I don't know about that. When they were taking me
2 along, they had not yet been driven -- they had not yet been
3 driven from Freetown.

4 Q. I say to you, you are lying. I say you said in Freetown
5 until the SLA forces were driven out by ECOMOG. What do you have
6 to say about that?

7 A. No, I was not in Freetown.

8 Q. You also shot and killed abductees who you forced to carry
9 your stretcher during the retreat, didn't you?

10 A. No.

11 Q. Tamba Brima had to protect you from Ibrahim Bazy Kamara
12 and other soldiers after you killed Captain Bolo, didn't he?

13 A. No, it has never happened.

14 Q. I say to you that the other soldiers wanted to kill you
15 during the retreat because you shot one of your own men. What do
16 you have to say about that?

17 A. No, it has never happened.

18 Q. I say that you are lying and that you have come before this
19 Court to protect your fellow Kono, and relative, Tamba Brima who
20 also saved your life; what do you have to say about that?

21 A. I will not do that. That's why when I came here, I swore,
22 I had sworn on the Bible or the Koran. I am here to speak the
23 truth. I am not here to save anybody.

24 Q. Now, you were at Waterloo; right?

25 A. Yes.

26 Q. And I say to you that at Waterloo, the RUF and SLAs, after
27 being driven out of Freetown, again attacked jointly. What do
28 you have to say about that?

29 A. No, I was not at Waterloo during those times. I -- I will

1 not know about that.

2 Q. Didn't you see any RUF at Waterloo when you were taken
3 there?

4 A. Well, RUF was present.

5 Q. And they were ready to counter-attack Freetown with the
6 SLAs, weren't they?

7 A. Well, I did not know their plan because we were, I was
8 wounded. I did not know their plan, the original plan from
9 Waterloo.

10 Q. Now, you say you got to Makeni and there was an in-fight
11 between the RUF; right?

12 A. Yes.

13 Q. The in-fight was between Issa Sesay and Superman, wasn't
14 it?

15 A. Yes.

16 Q. You lied when you said that the RUF from Makeni were going
17 around killing soldiers, didn't you?

18 A. Well, it was later on, after they had signed the peace,
19 that was the time they told us the soldiers had been reinstated.
20 That was the time that happened but the first in-fight was
21 between the RUF.

22 Q. Thank you. So it was after 2000 they were killing the
23 soldiers. Now, I say to you that during the RUF in-fight Tamba
24 Brima joined Superman's side against Issa Sesay; what do you have
25 to say about that?

26 A. No, I don't know about that.

27 Q. Have you heard of the West Side Boys?

28 A. Well, when I was in Makeni, I heard that there were people
29 at the west side but I don't know exactly who and who were there.

1 Q. You didn't join them, did you?

2 A. I have never come down there, from Makeni I came down to
3 Port Loko to surrender. From there I came to Freetown. I never
4 went to the west side.

5 Q. You didn't join them because the people in the west side
6 wanted to kill you for killing Captain Bolo, didn't they?

7 A. No. The time they were at the west side, that was the time
8 they announced that they have reinstated the soldiers, so we
9 didn't come to the west side because they are from the jungle.
10 So we never want to continue suffering. That was why we never
11 come to the west side. All of us, we were in Makeni by then.

12 Q. You ran straight to Port Loko to surrender to avoid being
13 killed by your own men, didn't you?

14 A. No. It was because they've signed the peace, so I --

15 Q. Thank you, witness --

16 A. I never wanted to stay in the bush any more.

17 Q. -- "No, no," is sufficient. I say to you that Ibrahim
18 Bazy Kamara was commander of the West Side Boys; what do you
19 have to say about that?

20 A. No, I don't know about that.

21 Q. You never heard it?

22 A. No.

23 Q. I say to you that you are a liar and that most of your
24 evidence before this Court has been an absolute pack of lies;
25 what do you have to say about that?

26 A. I'm speaking the truth. All that I know is what I'm
27 testifying.

28 MR AGHA: I have no more questions, Your Honour.

29 PRESIDING JUDGE: Yes. Thank you, Mr Agha. Any

1 re-examination?

2 MR KNOOPS: A few questions, Your Honour.

3 RE-EXAMINED BY MR KNOOPS:

4 Q. Mr Witness, good morning. You've testified that on the
5 questions of my learned colleague from the Prosecution that you
6 were posted at the back of State House; is that correct?

7 PRESIDING JUDGE: Just before, I am sorry to interrupt, Mr
8 Knoops, but just one thing we should clear up: Was this witness
9 a common witness?

10 MR KNOOPS: Yes, Your Honour.

11 PRESIDING JUDGE: All right, go ahead. Thank you.

12 MR KNOOPS: You're welcome.

13 MR AGHA: Your Honour, I think he's individual, he has been
14 switched to the Brima individual list but I'd have to check on
15 that. My learned friend for Brima can perhaps help.

16 MS THOMPSON: He was a common witness. Mr Knoops actually
17 led him in evidence.

18 PRESIDING JUDGE: All right. Go ahead, Mr Knoops.

19 MR KNOOPS: Thank you, Your Honour.

20 Q. Mr Witness, can you recall saying on the questions of the
21 Prosecution that you were posted at the back of State House?

22 A. Yes.

23 Q. Can you recall whether there were other people posted
24 around State House in that particular time you spoke about?

25 A. Yes. There were various deployments around the State
26 House.

27 Q. When you were to make -- would have to make an estimation
28 about how big this deployment was, what would you say?

29 A. Well, let me say over five different guard posts were

1 Located around the State House.

2 Q. Thank you, Mr Witness. Mr Witness, the Prosecution
3 questioned you about the words "provost-marshal." Did you ever
4 hear the words "provost-marshal?"

5 A. No.

6 Q. Do you know whether ever one soldier had to report to a
7 provost-marshal?

8 A. No.

9 Q. Mr Witness, you also answered some questions of the
10 Prosecution with respect to the absence of a weapon on your part.
11 And I recall you testified that there was a shortage of weapons;
12 is that correct?

13 A. Yes.

14 Q. How did you know that there was a shortage of weapons?

15 A. Most of us, we were without weapons. That was how I came
16 to know that weapons were not sufficient.

17 Q. Mr Witness, can you recall whether this shortage of weapons
18 was existing during a certain time-frame?

19 A. Well, I don't understand the question.

20 Q. When you, from the moment you left Freetown, onwards to the
21 advance to Freetown, back, can you recall when, according to your
22 knowledge, in which period you recall a shortage -- a shortage of
23 weapons?

24 A. Well, throughout. I saw a lot of men without weapons. I
25 knew about that since we were pulling out of Freetown.

26 Q. When you refer to men, who are you referring to?

27 A. Both soldiers and the RUF.

28 MR KNOOPS: Thank you, Mr Witness. That concludes my
29 re-examination, Your Honour.

1 PRESIDING JUDGE: All right. Thank you. Yes, Mr Daniels?

2 RE-EXAMINED By MR DANIELS:

3 Q. Good afternoon, Mr Witness.

4 A. Good afternoon, sir.

5 Q. Mr Witness, this -- or some time this morning -- you were
6 asked some questions as regards the command structure from
7 Kurubonla to Eddie Town. For the sake of clarity, could you just
8 go over that? Could you tell us about the command structure from
9 Kurubonla to Eddie Town?

10 PRESIDING JUDGE: Well, look, I think that's a matter of
11 record, isn't it? Unless there is something you need to clarify
12 about his evidence, you are not entitled to get him to say it
13 again, Mr Daniels.

14 MR DANIELS: Very well. I think while my learned friend
15 was asking questions he was -- he was seeking clarification on
16 what the exact command structure was. I just wanted
17 clarification from the witness.

18 MR AGHA: I am not sure that I was actually.

19 PRESIDING JUDGE: The witness's answer stands unless you --

20 MR DANIELS: I will be specific. Very well.

21 Q. With regard to the advance team, who was the battalion
22 commander for the advance team?

23 A. Well, for the advance team, sometimes it was Tito, who
24 moved with the advance people.

25 Q. And other times?

26 A. Sometimes the advance team, they will send Junior Lion,
27 Tito, or other commanders that I can't recall their names.

28 Q. You were also asked about the west side. My learned friend
29 on the other side asked you whether or not Ibrahim Bazy Kamara

1 was the commander of the west side. You said you heard, you said
2 no, you do not know. Do you now know who was the commander of
3 the west side?

4 A. Well, the time I was in Makeni, it was Foday Kallay that I
5 heard that was the commander for the west side.

6 Q. Did you ever get to hear who was his deputy?

7 A. Well, I don't know his deputy.

8 MR DANIELS: That concludes my re-examination. Thank you
9 very much.

10 PRESIDING JUDGE: Thank you, Mr Daniels. Yes, Ms Thompson.
11 Did you wish to ask?

12 MS THOMPSON: I have no questions, Your Honour.

13 PRESIDING JUDGE: All right. Thank you.

14 QUESTIONED BY THE COURT:

15 JUDGE SEBUTINDE:

16 Q. Mr Witness, you said you were posted at State House as a
17 security. Who was the head of state during the time that you
18 were posted at State House?

19 A. The head of state? It was JP who was the head of state.

20 Q. I don't understand what the initials JP mean?

21 A. JP Koroma was the head of state.

22 Q. What were his full names, Mr Witness?

23 A. His full name?

24 Q. Yes.

25 A. His full? His full name is the one that I've called.

26 Q. Do you know his full names or don't you know?

27 A. His full name, the one I know is John Patrick Koroma. That
28 is what I know.

29 Q. Okay. You also stated in your evidence that while you were

1 at Eddie Town you attended a number of muster parades; is that
2 correct? Eddie Town; did you attend any muster parades?

3 A. Well, I attended one muster. The time we arrived at Eddie
4 Town.

5 Q. Now, during that muster parade, did you say the detainees
6 also attended that muster parade?

7 A. No. It was us who came from Kurubonla, the muster parade
8 was meant for us so they can introduce the other commanders, so
9 that we would be distributed. I never saw them at the muster.

10 Q. Are you saying they were not at the muster parade, the
11 detainees?

12 A. No. I never saw them.

13 Q. Now, a question regarding the death of SAJ Musa. Exactly
14 where were you when SAJ Musa died?

15 A. I was at Benguema barracks.

16 Q. Were you present when SAJ Musa died?

17 A. Yes. Yes. I was there.

18 Q. Did you actually hear the explosion that killed him?

19 A. Yes. Yes. In fact, we were all panic. We thought ECOMOG
20 has intervened again.

21 Q. And where were the detainees at this time, when SAJ Musa
22 died?

23 A. We left them at Waterloo.

24 Q. Is it your testimony that the detainees were not at
25 Benguema when SAJ Musa died?

26 A. No. I never saw them there. We left them at Waterloo.

27 JUDGE SEBUTINDE: Thank you. That will be all.

28 JUDGE DOHERTY:

29 Q. Mr Witness, when you were in Koidu area, did you know

1 whether mining took place?

2 A. No, I didn't see mining.

3 Q. So you did not go and look at any mining in Koi du area?

4 A. No.

5 Q. You mentioned the term "other ranks" when you were asked
6 about Mr Tamba Bri ma's rank. What do you mean "other ranks"?

7 A. By other ranks, I mean, from private soldier up to
8 sergeant. Between private soldier and sergeant is what we refer
9 to other ranks. In fact, up to sergeant major.

10 JUDGE DOHERTY: Thank you, Mr Witness. Those are my
11 questions.

12 PRESIDING JUDGE: Well, anything arising from those
13 questions by the Bench? All right. Mr Witness, thank you for
14 coming to Court. That completes your testimony. If you will
15 please just sit there for a moment, we will arrange for the
16 curtains to be drawn and you can leave the Court.

17 [The witness withdrew]

18 MR KNOOPS: Your Honours, please allow the third accused to
19 use the men's room?

20 PRESIDING JUDGE: Yes. He can leave the Court.

21 MR KNOOPS: Thank you, Your Honour.

22 PRESIDING JUDGE: Well, while we are waiting for this next
23 witness, it will be DAB-109, I believe. Is that correct?

24 MS THOMPSON: Yes, Your Honour.

25 WITNESS: DAB-109 [Sworn]

26 [The witness answered through interpreter]

27 PRESIDING JUDGE: For the record, this witness pseudonym is
28 DAB-109 and he is called an individual witness for the first
29 accused, Mr Bri ma.

1 MS THOMPSON: Your Honour, the language is Kono.

2 PRESIDING JUDGE: Go ahead, Ms Thompson.

3 MS THOMPSON: Thank you.

4 EXAMINED BY MS THOMPSON:

5 Q. Good afternoon, Mr Witness.

6 A. Good afternoon.

7 Q. Mr Witness, I'm going to ask you some questions. Listen
8 carefully to the questions. They will be very simple and short.
9 Okay? You are not going to be very long. When I finish, my
10 friends here might have some questions for you and my learned
11 friend on the other side might also have some questions for you
12 okay?

13 A. Okay.

14 Q. Take your time because whatever you say is being translated
15 and we have to write down your answers; all right?

16 A. It's not bad.

17 Q. Mr Witness, you were born in xxx?

18 A. Yes.

19 Q. You are married with children?

20 A. Yes.

21 Q. You didn't go to school?

22 A. At all not.

23 Q. In the past you've been a miner, but you are presently a
24 farmer?

25 A. Yes.

26 Q. And you are about xxx years of age?

27 A. That's it.

28 Q. Mr Witness, do you recall the year 1998?

29 A. Yes, I can remember that.

1 Q. Do you recall around about the month of February?

2 MR AGHA: Your Honour, I would object to thee questions on
3 the basis that usually one is entitled to lead, but on the basis
4 of yesterday, I would rather years and months not actually been
5 put to the witness so he has the ability to discern the dates
6 himself.

7 PRESIDING JUDGE: Well, within reason that's --

8 MR AGHA: Bearing in mind the nature --

9 PRESIDING JUDGE: -- a valid request -- just a moment. If
10 you don't allow counsel to refer his, the witness's mind to a
11 certain year, then she will have to go right back to the first
12 year he can ever remember in his life.

13 MR AGHA: I would, bearing in mind this is a particular
14 kind of witness, namely, an alibi witness, suggest the starting
15 point could perhaps be May 1997 with these witnesses and taken
16 from there.

17 PRESIDING JUDGE: Well, I will leave that to Ms Thompson,
18 but yes it is leading, Ms Thompson, if you can rephrase that
19 question.

20 MS THOMPSON: I will rephrase, Your Honour. Might I just
21 say that one of the things I am trying to do is, and we all know
22 what happened about May 1997, and this witness isn't here to give
23 evidence in 1997. That was the reason, but I will rephrase, Your
24 Honour.

25 Q. Mr Witness --

26 A. I am listening.

27 Q. -- how long have you lived in xxx?

28 A. Well, I was born there.

29 Q. I know you were born there, Mr Witness, we've already

1 established that. I'm asking how long have you lived there?

2 A. The time I took in xxx?

3 Q. [Overlapping speakers] have you lived anywhere else,
4 Mr Witness? Have you lived in any other place?

5 A. Except the time I went there to do mining. I was born
6 there. My father is dead, but still I'm there.

7 Q. Okay. Mr Witness, whilst you've been in xxx, do you
8 remember if anything happened in xxx?

9 A. Well, a time came when I was there. Then people left the
10 big town; that is, Kono central. A group of people went and met
11 us there. We were there. There was no place to go except to do
12 our farming when I left the mining work, so I was there. A lot
13 of people came. What happened, they said there is -- there is
14 not a good thing in Kono, so those of us that were there in the
15 town, what happened now, there were so many in the town with us.

16 Q. I stop you there, Mr Witness. This time that this group of
17 people came, do you know what year that was?

18 A. Well, that happened in 1998.

19 Q. Thank you. Mr Witness. Now, when this group of people
20 came, did you know anyone amongst this group of people?

21 A. Well, when I was there, the people left there when they met
22 us there. It's one of the lay people but he is dead now. He was
23 the person that I know at that time. When I was there. But at
24 that time, there was nothing good at that time in that place.

25 Q. Okay. Mr Witness. Let's keep this simple, this person
26 that you say you know, do you know this person's name?

27 A. He's called Kai Komba, the late man, who was dead.

28 Q. Does he have a surname?

29 A. No.

1 Q. Did he come with somebody else or did he -- sorry, I will
2 rephrase. Did he come on his own?

3 A. He came with his family and met us there.

4 Q. Do you know what month, in 1998, this person came?

5 A. Well, it happened during the raining season, when that
6 thing happened, because we were now harvesting our rice on the
7 farms.

8 Q. Mr Witness, after this person came, do you recall anything
9 happening?

10 A. A time came when we were there. They told us that he is
11 going to barb his head. We were there when a group of people
12 came in a truck.

13 Q. Mr Witness, can you stop there, please.

14 MS THOMPSON: Madam Interpreter, I am not sure that -- I
15 don't understand that you said "barb his head."

16 A. He was going to have a hair cut.

17 Q. Mr Witness, can you start your answer again, please?

18 A. He went to cut his head. His hair. I'm sorry.

19 Q. Sorry. After he went to have his hair cut, Mr Witness, can
20 you tell the Court what happened?

21 A. It was at this shop where he had gone to cut -- do his
22 hair, when some people came in a vehicle, and when they came
23 people started running away. They arrested me and they asked --
24 they stripped me naked and they asked me to sit on the ground.
25 That was a gentleman, there who also was arrested and we were all
26 placed on the ground but the other people ran away. We were
27 sitting on this ground. We thought that they were going to kill
28 us. When we were there, they came and asked him. They asked for
29 his relative, but since I came here from Koi du, I have not seen

1 that man.

2 Q. Mr Witness, this person that you said they told to sit on
3 the ground, on the floor with you, who was he?

4 A. Well, he too was an officer at that time but all of them
5 went, they were all wearing civilian clothing. His name was
6 Mr Tamba.

7 Q. You said they were asking for his relative. Do you know
8 the name of the relative they were asking for?

9 A. They called him Mr Tamba. They started threatening him.
10 They were shooting into the air and on the floor and I was
11 sitting down on the floor crying that oh, today, we are going to
12 die.

13 Q. Now, apart from asking for his relative, did they ask any
14 other -- did they say anything else?

15 A. They asked him for the money. They asked for the relative.
16 Where's the money? Where's the relative? And they took him and
17 they took him to a distance, like where the Judges are sitting
18 and we were sitting there on the floor, like where I am sitting
19 here and they were shooting in the air. I was still crying and I
20 asked why we were sitting down there. They took his bag, and
21 they stripped him of what he was wearing.

22 THE INTERPRETER: Your Honours, can the witness kindly
23 repeat and slowly.

24 MS THOMPSON:

25 Q. Mr Witness, can you stop please. The interpreter didn't
26 hear your last answer, so if you can repeat it, and take it
27 slowly, because you remember that I said what you say is being
28 translated; okay?

29 A. I'm not well. I'm not well, that's why.

1 PRESIDING JUDGE: All right. Mr Witness, just take things
2 easy. There's nothing to worry about. And as your counsel has
3 said, you shouldn't be in the witness box too long. Now, the
4 last answer the interpreter didn't get it all, but we have you
5 saying that they took his bag and stripped him. Can you go on
6 from there, please.

7 THE WITNESS: That bag, it's a bag that is normally around
8 the waist, that is tied around the waist. They call it waist
9 bag. So we saw and we ran away. So the man who was left to
10 guard us went further up and we, too, ran away. We went to the
11 edge of the town.

12 MS THOMPSON:

13 Q. Mr Witness, I might have missed this, but who did they
14 strip and whose bag did they take?

15 A. Mr Komba.

16 Q. When you ran away, do you remember what you did after that,
17 if you did anything?

18 JUDGE SEBUTINDE: Sorry, Ms Thompson, did I hear Mr Tamba
19 or Mr Komba. I think I've heard both from the interpreter.

20 MS THOMPSON: Your Honour, that's why I clarified, I asked
21 the question the man who they stripped and took his bag what was
22 his name and he said Mr Komba because the first time it came back
23 at Tamba. I am not sure whether it was an interpretation
24 problem, but I did get Tamba at the very beginning.

25 JUDGE SEBUTINDE: In fact, I think the lady who was
26 interpreting said Kai Komba [phon], as if Kai was a name.

27 MS THOMPSON: Yes. It appears that, in fact, it's mister,
28 from the second interpretation. Perhaps I ought to ask.

29 Q. Mr Witness, let me just clarify. Who was the person -- you

1 remember the very beginning, when you were telling us about this,
2 you said that they made you all sit on the floor, you and this
3 other man. Do you remember that?

4 A. Yes.

5 Q. They were asking this man for money and this man for his
6 relative. Now what was that man's name, the man who was sitting
7 on the floor?

8 A. The two of us the man with whom I was sitting on the floor
9 he was called Mr Tamba, the person with whom I was sitting on the
10 floor.

11 Q. Where was Mr Komba?

12 A. Mr Komba, he was taken away from amongst us and they took
13 him from a distance, like where the Judges are sitting down and
14 we were sitting on the floor, at the other end.

15 MS THOMPSON: I think, Your Honours, that clarifies it.

16 Q. Now, Mr Witness, after you ran away, did you do anything
17 else?

18 A. I went to the edge of the town because at that time they
19 were shooting and I was sitting on the floor. I thought they
20 were going to kill me. We went into the bush at the edge of the
21 town.

22 Q. Okay. After this incident, did you see Mr Komba again?

23 A. They went in their vehicle and at that time Mr Komba was
24 shouting "Eh Junior Lion, eh Junior Lion you've shot me. Eh,
25 Junior Lion, you've shot me." That was when they had gone. He
26 was shouting. By that time we couldn't come out. It took some
27 time before we could come and we met him and he said -- he was
28 just saying "Junior Lion, Junior Lion." Then we -- we took him
29 to the chief because at that time there was a chief. Everybody

1 was crying at the time. So we took him to the chief.

2 Q. After you took him to the chief did anything else happened?

3 JUDGE SEBUTINDE: Sorry, I didn't understand. Who did they
4 take to the chief?

5 MS THOMPSON: Sorry.

6 Q. Mr Witness, who did you take to the chief?

7 A. That, the person who was shot.

8 Q. And the name of this person, please refer to him by name?

9 A. The person who was shot?

10 Q. Yes.

11 A. His name was Komba.

12 Q. Mr Witness, after you took him to the chief, did anything
13 else happen?

14 A. Well, because at that time, we were unable to stay in the
15 town, so the chief said we should do something. We should get
16 away into the bush, because things were not well in the town any
17 more. So we went into the bush.

18 Q. When you say "we," you and who went that the bush?

19 A. I, the man himself who was shot, all of us, four of us at
20 that time, we went into the bush. We took him along.

21 Q. Mr Witness, I'm going to ask you this: Do you know the
22 first accused in this case, Tamba Bri ma?

23 A. Tamba Bri ma? I know him.

24 Q. Can you tell the Court the last time you saw him?

25 A. When the war started, the time I saw him, I can say what I
26 can remember. One has to speak the truth.

27 Q. Yes, Mr Witness, I want you to tell us when you saw him?

28 A. Well, when they shot that man and we went into that bush,
29 we went into the bush during the rainy season.

1 Q. Mr Witness, the question I asked was: When was the last
2 time you saw Tamba Brima?

3 A. He went there in the rainy season. June to July.

4 Q. When you say he went there in the rainy season, where did
5 he go?

6 A. Well, he went because we, too, were in the bush. The
7 chief, this gentleman who has been shot, he was sick, so he went
8 and met us, and the chief summoned us. We met him to the chief.
9 Then the chief said this man -- now they've shot your relative.
10 And it was at that time because it was during the rainy season.

11 Q. Okay. Mr Witness, who did you meet -- when you say "We met
12 him at the chief's," who did you meet at the chief's?

13 A. Tamba.

14 Q. After you met him at the chief's -- after you met him at
15 the chief's, did anything happen?

16 A. Well, the chief said that they've shot your relative. And
17 the chief said again that these people were the ones who were
18 taking care of him.

19 Q. And after the chief had said that, did anything else
20 happen?

21 A. Well, we went into the bush. We went into the bush. And
22 he went and met his relative and he told them sat down crying and
23 this relative explained to him.

24 Q. Mr Witness, just to be precise; who went into the bush to
25 meet his relative?

26 A. Tamba.

27 Q. Mr Witness, I asked you about Tamba Brima; is that the same
28 person we are talking about?

29 A. The same Tamba. The elder one is there and the younger one

1 is there but I'm talking about the younger one.

2 Q. All right. Mr Witness, now, this -- when you went into the
3 bush to meet this relative, after that meeting, do you recall
4 anything happening?

5 A. Well, we were there. The two of them were crying. From
6 there, we would never stayed in one place, so we would be here
7 today and there tomorrow. That is how we lived, because we were
8 not staying in the same place any more.

9 Q. When you say "we," who was not staying in the same place
10 with you?

11 A. That person who was shot.

12 Q. What about Tamba Bri ma?

13 A. He went at the time, where he met us and where we had
14 taken -- where we had left Komba, that is where they were sitting
15 down. The two of them sat down there crying, so I would go out
16 and uproot yam and cassava and we would come and boil that and
17 eat it together with the patient that we had, because that was in
18 our farm.

19 Q. Okay. Mr Witness, do you know how long Tamba Bri ma was
20 there for?

21 A. Well, we were there in that bush, it was one month. One
22 month, well into the second month we saw some people come, and
23 they came into the bush and they said they had come for Tamba.
24 But all of us, we were frightened because at that time, we were
25 worried. Every day you would be worried, so we were sleeping in
26 the bush. So they came for him there. But to say I know the
27 names of those people, I will be telling lies.

28 Q. Mr Witness, these people that came, do you know how they
29 were dressed?

1 A. Those who went?

2 Q. Yes, those who went, you said had come for Tamba.

3 A. I saw only two people who had on uniform. The others were
4 wearing civilian clothing.

5 Q. Now, this uniform, what sort of uniform was it?

6 A. Government clothing. But I did not see them carrying guns.

7 Q. When you said "government clothing," can you describe what
8 you mean by "government clothing"?

9 A. Combat. The one worn by the military but they hadn't any
10 gun when they went into that bush.

11 Q. Mr Witness, can you recall, you said some had -- two had
12 uniforms, the others were not wearing uniforms. Altogether, can
13 you recall how many men -- how many people went for Tamba, how
14 many altogether?

15 A. In -- in truth as I'm sitting here, if I die today, I will
16 be buried alone. There were four in number.

17 Q. Mr Witness, when they came and they -- you said "they came
18 for Tamba," do you know if Tamba did anything?

19 A. I was there at the edge of the town. What he did, you
20 know, you are not in town. You are in the bush and you see some
21 people come to collect somebody. Whatever you ask them, they
22 only say "we have come for this man." When you ask them, they
23 say "we have come for this man," so you see.

24 Q. Yes, Mr Witness, we understand that, but when they came for
25 him, did he -- did Tamba do anything?

26 A. In the bush? If they did anything there?

27 Q. Mr Witness, Tamba himself, did he do anything?

28 A. They did not do anything to us there. Except the rice that
29 we had, so he pleaded with them to let them let go of the rice,

1 because at that time the rice was not enough for us. Because we
2 were eating it, one cup after the other. When we took a bit for
3 the patient and he would eat some and we would eat some. So they
4 said they were taking this man along.

5 Q. After this incident, did you see this Tamba again?

6 A. When they brought him -- when they took him along, I did
7 not know whether they brought him here or whether they took him
8 along. I did not know.

9 Q. And the question is: Did you see him again?

10 A. When they went into that bush, I never saw him again.

11 Q. What about Komba. After that day, did you see him again?

12 A. Komba, too. The chief said Komba should come. Komba, too,
13 said he was coming here in town, but we only heard that he had
14 died. Never saw him.

15 Q. Mr Witness, this month -- this time that these people came
16 to take Tamba away, do you know what month it was?

17 A. Because it was in the rainy season. It was in the raining
18 season at that time, when they went. I can say between June and
19 July. It was at that time that he went. But it was in the rainy
20 season because it rained persistently. Even in the hut, where we
21 were, the rain used to come and we had nowhere to go then.

22 Q. Okay. Mr Witness, you had earlier said that he came in
23 June, July and you said he was with you for about a month and
24 into the second month. I'm just asking you whether you know what
25 month he came?

26 MR AGHA: I object to that question, Your Honour. The
27 witness has been asked point blank and he has given his reply.
28 These comments can be made in submissions.

29 PRESIDING JUDGE: What do you say to that, Ms Thompson?

1 MS THOMPSON: Your Honour, I will rephrase it.

2 Q. Mr Witness --

3 A. I'm listening to you.

4 Q. -- after Tamba had gone away, do you know how long it was
5 before the dry season came?

6 A. Who? There?

7 Q. Yes?

8 A. He did not go in the dry season. He went in the rainy
9 season.

10 Q. Yes. Mr Witness. How long after he went did the dry
11 season come?

12 THE INTERPRETER: Your Honours, the witness has used an
13 expression that is ambiguous. Can he be asked to repeat.

14 MS THOMPSON:

15 Q. Mr Witness, stop please. Can you give your answer again,
16 please. Start again.

17 PRESIDING JUDGE: I think you will have to ask the question
18 again, Ms Thompson. We will make that the last and then we will
19 have a break.

20 MS THOMPSON: Your Honour, it is my final question.

21 A. I'm not really well.

22 Q. Mr Witness, can you take one more question and then we will
23 go for lunch?

24 A. Okay. I'm listening to you.

25 Q. After Tamba left, do you know how long it was before we
26 went into the dry season?

27 A. He went in the rainy season. In the rainy season and he
28 left there in the rainy season.

29 Q. Thank you, Mr Witness.

1 A. If I say he left there in the dry season, whatever I'm
2 looking at from this world, let me not have.

3 Q. Thank you, Mr Witness.

4 MS THOMPSON: I will leave it at that.

5 PRESIDING JUDGE: Thank you, Ms Thompson. I presume there
6 is going to be further evidence? Further questions from the
7 Defence; is that right?

8 MR KNOOPS: I have no cross-examination, Your Honour.

9 PRESIDING JUDGE: All right. Well, Mr Agha, if you could
10 give us some indication. The reason I'm asking this is because
11 the witness says he's not feeling well. If you are going to be
12 some time, we will have a lunch break; otherwise we may be able
13 to let him go now.

14 MR AGHA: The answer at this point, Your Honour, is I don't
15 know. Might I suggest we have the lunch break and then I will
16 try and be as quick as I can after lunch.

17 PRESIDING JUDGE: All right, thank you. Mr Witness, we are
18 going to have a break for lunch now. I have to caution you that
19 you must not talk about this evidence or the case with anybody
20 else; is that clear?

21 THE WITNESS: Okay.

22 PRESIDING JUDGE: We will adjourn until 2.15 p.m.

23 [Luncheon recess taken at 12.50 p.m.]

24 [Upon resuming at 2.19 p.m.]

25 PRESIDING JUDGE: Sorry. Go ahead, Mr Agha.

26 CROSS-EXAMINED BY MR AGHA:

27 Q. Yes, witness, I have a few questions to ask you and the
28 majority of these questions could be answered with a --

29 A. I am listening.

- 1 Q. -- most of my questions you can answer with a "yes," or a
2 "no," or "I don't know" answer; so if you could kindly do that?
3 A. Okay.
4 Q. The faster the process will be; do you understand?
5 A. Okay.
6 Q. Now, you mentioned earlier the chief, in your evidence.
7 You are related to the chief, aren't you?
8 A. We are in the same town, because when you are living in a
9 town, if you happen to commit a crime, they will carry a
10 complaint to him because we are living in the same town.
11 Q. So you are saying you are not his nephew; is that what you
12 are saying?
13 A. The one in town? The chief in town?
14 Q. Yes. The chief has also come before the Special Court;
15 that chief?
16 A. Yes, I heard that he came here but we did not see as yet.
17 Q. So are you his nephew, "yes" or "no"?
18 A. The chief? I'm not his nephew. When you are in a town
19 except you are subjected to the chief but I'm not his nephew.
20 Even my father who was born there --
21 Q. If you keep to answering to "yes" or "no" or "I don't know"
22 then, the sooner you can get away. Now whilst you have been
23 staying in Freetown --
24 A. No.
25 Q. -- have you been staying in the same house with the chief?
26 A. Me?
27 THE INTERPRETER: Your Honours, can the witness repeat his
28 statement?
29 PRESIDING JUDGE: Can you repeat your answer, please, Mr

1 Witness? The interpreter did not understand what you said.

2 THE WITNESS: That chief, he is my authority, but I am not
3 his nephew.

4 MR AGHA:

5 Q. Are you staying in Freetown in the same house where he is
6 staying in the last couple of days; "yes" or "no"?

7 A. Well, we are living in the same house, because since I came
8 we are in the same hotel.

9 Q. And you've been talking to him, haven't you?

10 A. No. Myself and the chief, we never had any discussion and
11 we are not living in the same room, because I am in the upstairs,
12 because since I came, I was lodged there. Even when I am sick, I
13 was still lying there. Even this morning they went there and
14 collected me from there.

15 Q. Witness, I say to you that you are lying and that you have
16 discussed your evidence, which you have given today, with the
17 chief in the house; what do you have to say about that?

18 A. Even if I die today, I will be buried alone. There is no
19 discussion between me and the chief.

20 Q. So you say you are not lying; is that what you say?

21 A. Even if I die today, I'm going to be buried alone.

22 Q. Now, these events involving Komba and Tamba you mentioned,
23 they happened in 1997, didn't they?

24 A. It took place in 1998.

25 Q. How do you know it was 1998?

26 A. Well, I'm not educated, but people used to tell me, because
27 when the war broke out we were all confused, but, except the acts
28 of comrades, because is -- when you are coming in an event like
29 this, you would be worried because you don't want to come and

1 tell lies. If you die today, you will be buried alone.

2 Q. Now, was there a war also in 1997?

3 A. Well, this is what I can recall. Even when I'm die in my
4 village, that is what I can recall.

5 Q. I say to you, you do not know whether it was 1997 or 1998
6 when you say these events took place in Yarya. What do you have
7 to say about that, witness?

8 A. What you saw is what you have to explain. But if you did
9 not see an event, then you explain something about it, I have
10 taken an oath from the Bible. Even if I die today I will be
11 buried alone. What I saw is what I have to explain.

12 Q. Yes. And I'm saying to you, you are not sure, or cannot be
13 sure whether these events took place in 1997 or 1998 because the
14 war was going on in both of those years; what do you say about
15 that?

16 A. As for me, I was not -- I'm not educated. Even at that
17 time I did not go to school. I don't want to lie -- tell lies.
18 What you can recall is what you'll explain. At the time they met
19 us there, that is what I can recall, because one could be
20 confused.

21 Q. I'm not asking about your education, or where you will be
22 buried or who you will be buried with. What I'm saying is, to
23 you, you're not -- can't be certain whether it was 1997 or 1998,
24 can you?

25 A. 1998. Honestly speaking, that is what I can remember.

26 Q. Now, you say that you were sitting on the ground with Komba
27 and Tamba; is that right?

28 A. I was sitting together with elder Tamba, the elder Tamba,
29 on the ground.

1 Q. And Komba; is that right?

2 A. Komba was taken from our midst. They carried him like
3 where those people are sitting down there and we were sitting on
4 the ground undressed.

5 Q. Just answer the question. It's very simple. Just listen
6 and then please answer. When you were sitting on the ground with
7 Tamba, was Komba also sitting on the ground with you at that
8 time?

9 A. The three of us were sitting down when he was taken from
10 our midst. He left two of us there.

11 Q. Sitting down, we have got that. Good. Now, you were
12 stripped naked, you say; right?

13 A. I was undressed and the other man, too, was undressed and
14 he was taken from our midst and carried him like where those
15 people are sitting over there. Because I don't want to tell
16 lies.

17 Q. So, Mr Witness, pause. As I've mentioned, I will ask the
18 question and please don't ramble on. If you can make it as
19 shortly as you can; do you understand? Now, were Komba and
20 Tamba, who were sitting with you, also made to undress? "Yes" or
21 "no"?

22 PRESIDING JUDGE: Well, I would rephrase that -- just a
23 minute, just a minute, please, Mr Witness.

24 THE WITNESS: We were all undressed.

25 PRESIDING JUDGE: I think that could be a confusing
26 question because I understood him to say that Komba was not --

27 THE WITNESS: We are all undressed.

28 PRESIDING JUDGE: I understood him to say that Komba was
29 not stripped naked until he was taken away from them. Whereas

1 your question was they were -- the other two were stripped naked
2 as they were sitting with you.

3 MR AGHA: I can clarify that, Your Honour.

4 PRESIDING JUDGE: I would, yes.

5 MR AGHA:

6 Q. So, when you were sitting with Tamba and Komba, were they
7 also stripped naked at that time, before Komba was taken away?

8 A. All three of us were undressed and he was taken away from
9 our midst. We were, the two of us were sitting down on the
10 ground, and he was now with the guys.

11 Q. Okay. So Komba was undressed when he was taken away with
12 these guys; that's right, isn't it?

13 JUDGE SEBUTINDE: Mr Kanu, your questions are really
14 confusing.

15 MR AGHA: I will make it easy.

16 JUDGE SEBUTINDE: Do you mean was Komba naked when he was
17 taken away; is that what you mean?

18 MR AGHA:

19 Q. Was Komba naked when he was taken away?

20 A. Yes, he was undressed. Yes, he was undressed before he was
21 taken into that other part. I was sitting worried that I'm going
22 to be killed.

23 Q. So, if Komba was taken away undressed, how did they take
24 the waistband from him?

25 A. Because the -- the sack was tied in his middle and it was
26 taken from -- from him. So I was also sitting there, worried.

27 Q. So when he left you, he was taken out of the group, he had
28 his waistband still on him, did he?

29 A. He had the bag on his waistband and he was taken away. So

1 when they took that one away I saw him shouting. I heard him
2 shouting.

3 JUDGE SEBUTINDE: Mr Agha, I wish to apologise to you. It
4 was a total slip of the tongue. I called you another name. I
5 meant to say Mr Agha.

6 MR AGHA: That's fine.

7 JUDGE SEBUTINDE: I didn't even realise I said another
8 name. I apologise.

9 MR AGHA:

10 Q. Now, those people who came and took Komba out, they were
11 rebels, weren't they?

12 A. Well, yes.

13 Q. And did you personally hear the people asking Komba where
14 the money was?

15 A. My very self I was sitting there naked. They asked me. He
16 said "Where is your elder brother, Tamba?" I said "I don't know
17 his whereabouts."

18 Q. They were asking that to Komba, right?

19 A. Komba.

20 MS THOMPSON: Your Honour, I don't wish to interrupt my
21 friend. Perhaps I ought to raise it now just in case it
22 happened. I don't understand Kono, but I've got a note from the
23 first accused to say that there has been a misinterpretation in
24 relation to the taking of the clothes, the piece of evidence in
25 relation to the taking the clothes off Komba. I'm not sure
26 whether that is something I can deal with it in re-examination
27 but I raise it now in case it is something that the witness has
28 said and the interpreter missed or something of the sort.
29 Perhaps my learned friend might be able to just go through that

1 little piece of the evidence and then clarify it.

2 PRESIDING JUDGE: Well, perhaps it's a matter for
3 re-examination. I thought his answer was quite clear; that he
4 was asked, in fact more than once, and the witness said that
5 Komba was stripped naked while the whole three of them were
6 sitting together.

7 MS THOMPSON: Your Honour, as I said, I raised it purely
8 because, as I said, it's not a language that I understand. The
9 one who is behind me and understands it has raised a concern and,
10 well, if it's something that might happen again, perhaps the
11 interpreter might take note. If at the end of the evidence, if I
12 think that there is some clarification that needs to be made, of
13 course I'll deal with it in re-examination but I thought it best
14 that I flag it up now.

15 PRESIDING JUDGE: All right. Well, thanks, Ms Thompson.
16 Mr Interpreter, I'm not quite sure what aspect of the translation
17 is being questioned but did you hear Ms Thompson's comments?

18 THE INTERPRETER: Yes, Your Honour.

19 PRESIDING JUDGE: Go ahead, Mr Agha.

20 MR AGHA:

21 Q. So, witness, did you personally see Komba be shot?

22 A. I turned, they were shooting Komba. I was standing at the
23 edge of the town because they released us at that moment so I
24 fled into the bush. I did not stand there again.

25 Q. So you did not see Komba personally be shot; right?

26 A. I was in the bush at that time. I was standing at the edge
27 of the town in the bush because I was stripped naked. The person
28 has left me already.

29 JUDGE SEBUTINDE: Mr Witness, please help us and answer the

1 questions that you are asked. Don't answer what you are not
2 asked. Please answer the question that the lawyer has asked you
3 which is: Did you see Komba shot?

4 THE WITNESS: No. No.

5 MR AGHA:

6 Q. Where were you when Komba was shot?

7 A. In the bush. At the edge of the town.

8 Q. So how far away is that, roughly, from where Komba was
9 shot?

10 A. Well, where I was there, in the office, where I came from
11 to this place, the distance was like that because it's a village.

12 Q. So how far will it take you to walk, roughly?

13 PRESIDING JUDGE: You mean how long?

14 MR AGHA:

15 Q. How long? Yes. How long would it take you to walk,
16 roughly?

17 A. Where he was shot?

18 Q. From where he was shot and from where you were, on the edge
19 of the village?

20 A. Look at the distance, where the offices. Where I was
21 looking the video screen, to this place, because I don't know the
22 time. I don't -- I cannot remember the time but that was the
23 distance.

24 Q. But how long?

25 A. Because it's a village. I went into a banana plantation.

26 Q. How long would it take you to walk that distance? Five
27 minutes, ten minutes, a day, an hour?

28 A. It did not take an hour. The distance is not up to an
29 hour.

1 Q. More than half-an-hour?

2 A. Okay. It can take 30 minutes.

3 Q. So if you were 30 minutes away, how could you hear Komba
4 say "Junior Lion, you've shot me"?

5 A. I was standing under the banana plantation while -- when he
6 was screaming. He was screaming with the name of that
7 individual, because I don't know the time, because the distance,
8 I don't know it. That was why I said where I was sitting there,
9 in the office, the distance is just like this.

10 Q. I say to you that you did not hear Komba say "Junior Lion,
11 you've shot me." You are lying, aren't you?

12 A. Well, I cannot say that, because, if I say that, God is
13 there, because I've taken an oath from the Bible not to tell lies
14 in here. I'm also a God-fearing man.

15 Q. Well, did you know that there was no such person with a
16 nickname of Junior Lion in 1998? Did you know that?

17 A. Well, except when I heard it from that man, when he said
18 "You have shot me. You have shot me." And I am also living in
19 that village. But if I say I know him, it will be a lie. I
20 don't want to tell lies here. I've observed the juration here
21 because I am going to be buried alone.

22 Q. I say to you that the nickname Junior Lion only came about
23 in 1999 when the person named Lion spoke to Foday Sankoh?

24 THE INTERPRETER: Your Honours, can the learned counsel
25 please repeat the question.

26 MR AGHA:

27 Q. I say to you that the nickname that you refer to, Junior
28 Lion, only came about after Komba was shot; what do you have to
29 say about that?

1 A. As for me, I don't know him. I cannot say he was the one
2 or he was not the one. I don't want to tell lies because I've
3 also taken a solemn declaration here.

4 Q. I say to you that someone has specifically told you to come
5 to this Court today and say Junior Lion shot Komba, haven't they?

6 THE INTERPRETER: Your Honours, the interpreter did not
7 understand the question.

8 MR AGHA:

9 Q. I say to you, witness, that someone has told you to come to
10 this Court today and say that Junior Lion shot Komba, haven't
11 they?

12 A. As for me, nobody told me. No one told me.

13 Q. How well do you know Tamba Brima, the first accused in this
14 case?

15 A. He used to visit our village. He used to visit our village
16 there. That was where I knew him.

17 Q. And how often did he used to visit your village?

18 A. Because it came a time, we saw him visiting his father, and
19 his father had some relatives there. So -- so he went there at
20 one time. That was the time I saw him. Since then, since then,
21 I only saw him when that man was shot. That was the time I know
22 him.

23 Q. So you've seen him only one time before Komba was shot; is
24 that right?

25 A. Yes. What I know here. With my conscience and when I die,
26 I'm going to be buried alone.

27 Q. Well, did you hear that Tamba Brima, the first accused,
28 played football?

29 A. I did not hear that one.

1 Q. Did you learn that his nickname was Gullit?

2 A. I, I don't know him for that name. I don't want to lie.

3 Q. Did you personally see Tamba Brima, the first accused, when
4 he arrived in Yarya?

5 A. I saw him with my eyes.

6 Q. Who did he arrive with?

7 A. He went together with an individual, but that particular
8 individual's name is not known.

9 Q. So he came with one other person, and you don't know that
10 other person's name; is that right?

11 A. I don't know his name. I don't want to tell lies.

12 Q. Now, you say that Tamba Brima, the first accused, was
13 arrested. Did you personally see Tamba Brima being arrested?

14 A. Arrested? Here? I did not see it because I don't want to
15 lie. Since that day, up-to-date.

16 Q. You say that Tamba Brima stayed at least a
17 month-and-a-half, don't you?

18 A. Yes.

19 Q. I say that you are lying and Tamba Brima only passed
20 through Yarya for one day; what do you have to say about that?

21 A. As for that one, what I know is what I have explained.
22 There is a town chief there who is the town chief. But, as for
23 me, what I know at that time, since that day, up-to-date, we have
24 not seen each other. As a religious man, because I've taken an
25 oath here. As for me, that is what I saw.

26 Q. I say to you that you have come to this Court to lie at the
27 request of the chief; what do you have to say about that?

28 A. If you say that I'm telling lies, I will not hold this
29 Bible in my hand and take an oath, just to tell lies, because

1 even if today I went to church, I'm sitting on this Bible -- I
2 still believe this Bible, so if you say I'll come here and take
3 an oath from the Bible and tell lies, as for me I'm not telling
4 lies.

5 MR AGHA: That concludes my cross-examination, Your Honour.

6 PRESIDING JUDGE: Thank you, Mr Agha. Is there any
7 re-examination, Ms Thompson?

8 MS THOMPSON: Yes, Your Honour, just two matters I want to
9 clear up.

10 RE-EXAMINED BY MS THOMPSON:

11 Q. Mr Witness, you said that when you saw -- when these men
12 came and they took Komba away, you then ran away. Do you
13 remember that?

14 A. I was -- we were stripped naked, sitting down. We were
15 harassed, threatened before Komba was taken away. In fact, I
16 fled and left my shirt there.

17 Q. That's what I'm asking Mr Witness. You said you fled.
18 Okay, when you were fleeing, did you run, or did you walk?

19 A. I ran away from there.

20 Q. Okay.

21 A. Because you have survived.

22 Q. Mr Witness, you then said the distance was like from here
23 to the office where you were watching the video.

24 A. Yes.

25 Q. Office where you were watching the video, can you point in
26 which direction that office is?

27 A. I might point my finger there?

28 Q. Yes.

29 A. [Witness complies]. Over here.

1 MS THOMPSON: Your Honours, he's pointing towards the exit,
2 the Court exit, for the record.

3 Q. Is that office in this building?

4 A. Yes. The office is within this building. Even when I was
5 shivering with cold, that was the place where I went and rested.

6 Q. Okay. Thank you, Mr Witness. Mr Witness, I want to ask
7 you about how much you know about distance. Do you know anything
8 about miles?

9 A. As for me, I don't know time. I don't want to tell lies
10 because I'm not educated.

11 Q. Okay. I'm going to ask you about time in a minute, but I
12 asked you about miles. Do you know anything about miles, or
13 feet?

14 A. Well, that was why I said except when you go to our farms,
15 the farm that is too far, except we calculate in our minds, but
16 I'm not educated. I don't know mileage.

17 Q. Okay. Do you know anything -- do you know how long 30
18 minutes is?

19 A. I don't know. I don't want to lie to you, mother.

20 Q. Okay. Now, you also -- you described Komba was stripped
21 naked. When you say "stripped naked," what items of clothing was
22 taken off Komba?

23 A. Civilian clothe, like the type I'm wearing. Like the type
24 I'm wearing here.

25 Q. Pointing to an under shirt, an under vest, I think, for the
26 record. I want you to tell me what they took off his body. That
27 is what I want. What clothes did they take off his body?

28 A. This type of shirts and his bag and his wallet. They
29 carried it. So when I came and asked him -- asked for that

1 shirt, it was taken away from him in our presence.

2 THE INTERPRETER: Your Honours, let the witness go very
3 slow.

4 MS THOMPSON:

5 Q. Mr Witness, take it slowly please. They took his shirt.
6 You said they took his wallet and I think you said they took his
7 waist bag, is that it?

8 PRESIDING JUDGE: He said bag, "bag and wallet and they
9 carried it."

10 MS THOMPSON: I beg your pardon.

11 Q. Was he wearing --

12 A. It is a bag that is tied around the waist.

13 Q. Okay. Mr Witness, was Komba wearing trousers?

14 A. He had a trousers.

15 Q. What happened to his trousers?

16 A. It was us, he had trousers.

17 Q. Yes, I know you said he had trousers, but I'm asking what
18 happened to it when these people took the vest, and wallet and --

19 A. He was shot on the leg. He had short pair after he was
20 shot on the leg.

21 Q. All right. I'll move on, Mr Witness. Now, Mr Witness, you
22 were asked by my learned friend over there as to whether you saw
23 the arrest of Tamba Bri ma. Do you remember that?

24 A. Tamba? If he was arrested? Well --

25 Q. No, no, Mr Interpreter. Please hold it. You remember just
26 a few minutes ago you were asked whether you saw Tamba Bri ma
27 being arrested. The word "arrested" was used. Do you remember
28 being asked that?

29 A. Yes, I can recall.

1 Q. Okay. Now, I'm going to ask you the same question, but I'm
2 going to ask you if you saw Tamba Brima captured?

3 A. Well, whilst we were there in the bush, that was the place
4 he was arrested.

5 Q. Did you see it?

6 A. Whilst I was there, taking care of Komba, at that time we
7 were four in number. His wife was there. So they came to say --
8 they physically arrested him, no. They said, "We have come for
9 you."

10 Q. Mr Witness, did "yes" or "no." Were you there? Okay, were
11 you there? "Yes" or "no"?

12 A. I was there.

13 MS THOMPSON: Thank you very much, Mr Witness.

14 QUESTIONED BY THE COURT:

15 JUDGE DOHERTY:

16 Q. Mr Witness, I would like to clarify one answer you gave
17 when Mr Prosecutor asked you the question: Did Tamba Brima only
18 passed through for one day, and you referred to "he." Are you
19 talking about the older Tamba Brima, or the younger?

20 A. I'm talking about the younger one.

21 JUDGE DOHERTY: Thank you.

22 JUDGE SEBUTINDE:

23 Q. Mr Witness, you said that you were present when people came
24 in the bush to take away Tamba, Tamba Brima. Now, did they just
25 take him away or did they arrest him?

26 A. While we were in the bush, they came there. They took him
27 from our midst. They said, "We have not come for anyone. Only
28 you."

29 Q. I asked him: Did they just take him away as his friends,

1 or did they arrest him like he was a prisoner?

2 A. Well, he was taken away from there and carried away. When
3 we asked what was the matter, they said it is not our business.

4 PRESIDING JUDGE: All right. Thank you. Yes, Mr Agha.

5 MR AGHA: Your Honour, I'm not quite sure how to do this or
6 whether its appropriate or not.

7 PRESIDING JUDGE: I'm not going to let you ask anymore
8 questions.

9 MR AGHA: No, no. I myself don't want to ask any more
10 questions, but it occurred to me the witness mentioned he had
11 been watching a video. I'm hoping he's not watching videos of
12 other witnesses giving evidence when he is next door. If that is
13 something the Bench is minded to inquire, that would be quite
14 helpful.

15 MS THOMPSON: Your Honour, it is the room where the
16 witnesses are before they come in. It's a little room, as you
17 would have a green room in a television studio. In fact, it's
18 not a video. It's television, it's the satellite link, the DSTV
19 that everybody gets. He referred to it as video. That is why I
20 specifically asked the question, which office and which
21 direction. It's just also room out there.

22 PRESIDING JUDGE: Thank you, Ms Thompson. I'm not
23 surprised there is TV for the witnesses. There is free medical
24 care and three meals a day as well. All right. Thank you,
25 Mr Witness. Your testimony is over. If you will just sit there
26 for a few moments, we will draw the curtain and you will be able
27 to leave.

28 THE WITNESS: Okay.

29 [The witness withdrew]

1 PRESIDING JUDGE: I take it the next witness coming is
2 DAB-100; is that correct?

3 MS THOMPSON: That is correct, Your Honour. Your Honour, I
4 am -- before this witness comes in, might I just mention this to
5 the Court, and I have spoken to my learned friend on the other
6 side, most of this witness's evidence is derived from information
7 received by virtue of the position he held. I would ask, when,
8 after the preliminaries, we go into a short closed session under
9 Rule 79A(i), I think it is. And, as I say, my learned friends
10 have been informed and they have no objections. At least they
11 had no objections before.

12 PRESIDING JUDGE: That is so, Mr Hardaway?

13 MR HARDAWAY: That's correct, Your Honour.

14 MR DANIELS: Your Honours, could the second accused
15 be excused?

16 PRESIDING JUDGE: Yes, he can leave the Court. This of
17 course, for the record, is another individual witness called on
18 behalf of the accused, Mr Brima.

19 MS THOMPSON: Yes, Your Honour.

20 WITNESS: DAB-100 [Sworn]

21 [The witness answered through interpreter]

22 PRESIDING JUDGE: Go ahead, Ms Thompson.

23 MS THOMPSON: Thank you, Your Honour.

24 EXAMINED BY MS THOMPSON:

25 Q. Good afternoon, Mr Witness.

26 A. Good afternoon.

27 Q. Now, Mr Witness, I'm going to ask you some questions.

28 Listen carefully to the questions and then answer as best as you
29 can. Make sure that when you answer you don't answer in very

1 Long sentences because what you say is being interpreted and we
2 have to write it down. When I finish, my friends here might have
3 some questions, and then my friend on the other side might also
4 have some questions for you; okay?

5 A. Yes.

6 Q. Now, Mr Witness, it's right to say that you were born in
7 1959; is that correct?

8 A. Yes.

9 Q. And you were born in xxx Chiefdom.

10 MS THOMPSON: xxx is xxx. [Si c]

11 THE WITNESS: Yes.

12 MS THOMPSON:

13 Q. That's in the Kono District?

14 A. Yes.

15 Q. You are educated?

16 A. Yes.

17 Q. And you have three wives and nine children?

18 A. Yes.

19 Q. You presently live in the Kono District?

20 A. Yes.

21 Q. You hold an important position within that district?

22 A. Yes.

23 MS THOMPSON: At this stage, Your Honour, we make the
24 application for the Court to go into closed session pursuant to
25 Rule 79(A). And that is to protect this witness's identity.
26 79A(ii), Your Honour. Your Honour, I would be asking questions,
27 as I mentioned earlier, but I would be asking questions which
28 would necessarily reveal the identification of this witness and
29 this witness is a protected witness.

1 PRESIDING JUDGE: All right. Well, with the exception of
2 Court monitors, the present public will be asked to leave this
3 courtroom for a short time; the reason being that certain
4 questions are now going to be asked of this witness that could
5 affect the security of his identity, and he is a protected
6 witness whose identity is to be kept confidential. That is the
7 reason we need to close the Court. So we will order that the
8 Court be closed now. Present public must leave. Court monitors
9 can remain.

10 [At this point in the proceedings, a portion of the
11 transcript, pages 109 to 112, was extracted and sealed under
12 separate cover, as the proceeding was heard in a closed session]

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1 [open session]

2 MS THOMPSON: Sorry, Your Honour, the first accused would
3 like to make use of the convenience.

4 PRESIDING JUDGE: Yes, Mr Brima can leave the courtroom.
5 Yes, go ahead, Ms Thompson.

6 MS THOMPSON: Thank you, Your Honour.

7 Q. Mr Witness, I'm going to ask you about May 1997. Do you
8 recall that month and year?

9 A. Yes, yes. I can recall.

10 Q. Do you recall if anything happened in Sierra Leone?

11 A. Yes. It was during the time when the AFRC overthrew His
12 Excellency, the President.

13 Q. At that time, Mr Witness, do you know if there was a
14 contingent of SLA soldiers in Kono District?

15 A. Yes. At that time they were there.

16 Q. Do you know if they were referred to -- do you know how
17 many soldiers there were in Kono?-

18 A. No, I do not know the number.

19 Q. After the coup, do you know if those soldiers continued to
20 be there?

21 A. After the coup, they continued to be there until the
22 intervention; February intervention.

23 Q. That intervention, do you know who intervened?

24 A. Nigerian led ECOMOG.

25 Q. And do you know what year that was?

26 A. 1998.

27 Q. Mr Witness, at the time of that intervention, do you know
28 where you -- can you recall where you were?

29 A. Yes. I was in Yengema Town.

1 Q. From Yengema, how far is it to Koidu Town?

2 A. It's about eight-and-a-half miles.

3 Q. Do you know from where you were who was in control of Koidu
4 Town? Sorry, I rephrase that. Do you know whether there was any
5 faction in control of Koidu Town, in February 98?

6 A. February 1998, still it was the -- it was the SLA that were
7 there. It was they that they were. February 98, when the
8 intervention took place, it was after when they had moved, when
9 the AFRC had moved to Makeni, one day, we left one morning, when
10 the Alpha Jets went and dropped one bomb outside the headquarters
11 of the military. Then at Ngai a Junction it dropped one again,
12 there. That brought serious panic, both for the SLAs and the
13 civilians. They started to pull out. They started to pull out.

14 Q. Mr Witness, if you could just pause there for a minutes.
15 Your Honours, Ngai a Junction is N-G-A-I-Y-A [sic]. Ngai a
16 Junction. Mr Witness, you said that a bomb dropped on the SLA
17 headquarters. Do you know where the SLA headquarters were
18 situated?

19 A. Yes. It is at the old NDMC security headquarters, Ngai a,
20 Yengema Town.

21 Q. NDMC as the initials NDMC. Mr Witness, how do you know,
22 living in Yengema as you were at the time, how do you know who
23 was in control of Koidu Town?

24 A. When? When?

25 Q. February 98, we are still in February 98, Mr Witness.

26 A. February 98, I was at -- after the -- when I had explained
27 about the bomb, that was the time that the SLA moved. Everybody
28 moved. Koidu Town was peaceful. After the intervention for some
29 time there was no problem. The SLA, they were still in control

1 of Kono, but the headquarters was at Ngai a. But when they
2 dropped that bomb that was the time that everybody dispersed.

3 Q. I think the question I asked, Mr Witness, how do you know
4 what happened in Koi du Town?

5 A. People would leave Koi du Town and they would come and give
6 us information about what had been happening there.

7 Q. Thank you, Mr Witness. After February 1998, did anything
8 happen in Koi du Town?

9 A. Well, just like what I have said, when everybody had moved,
10 we, the civilians, after two, three days, we also tried to move,
11 so we moved. We went to one village. There we were when we
12 heard information that the Kamajors had come. They had taken
13 over part of Kono. That's Mortema, Yengema, Koakoyi ma and Koi du
14 Town. So we also came.

15 Q. Sorry, Mr Witness, I don't mean to interrupt you, but
16 Koakoyi ma is K-O-K-U-I-M-A [sic]. I think it's a spelling we've
17 had before. Yes, Mr Witness, you said you also came. And can
18 you carry on from there, please? Or was that the end of your
19 answer? I beg your pardon.

20 JUDGE SEBUTINDE: Ms Thompson, the witness named three
21 places Yengema, Koakoyi ma and?

22 MS THOMPSON: And Mortema.

23 THE WITNESS: Yengema, Mortema, Kaokoyi ma and Koi du, yes.
24 There the Kamajors were. There they were based when they came.
25 After the SLA had pulled out, the Kamajors came in.

26 MS THOMPSON:

27 Q. Mr Witness, you said you came back. When you came back,
28 where did you go?

29 A. I went to one village that was called Gbakiyor. There I

1 went to seek refuge. When we had heard that the Kamajors had
2 come and that they had taken part of Kono, the four towns that I
3 called, so, we had to return from the bush. I and my family, we
4 came and settled at Simbakoro, because there I was born.

5 Q. Your Honours, Simbakoro is S-I-M-B-A-K-O-R-O?

6 A. Yes.

7 Q. Mr Witness, after you came back and settled at Simbakoro,
8 do you recall anything happening?

9 A. Yes, we were there. One, early in the morning, around 2,
10 2.30, we started hearing firing, from afar. So up to 3, 4, 4.30,
11 the thing had come very close, so we had to run away. From
12 there, we all, and the Kamajors, we ran away and hid in the bush.

13 Q. How long were you in the bush for?

14 A. We were there for one month.

15 Q. After that month, where did you go?

16 A. After the one month, we came back. We came back to
17 Mortema, because we were there. There, we heard over BBC that
18 ECOMOG had taken over part of Kono, and that where they were
19 based at Mortema, so we moved from the bush. I and other
20 civilians, my family and other civilians, we moved, we came to
21 Mortema, because it was a safe place. There the 5th Battalion of
22 ECOMOG was. There we came.

23 Q. Mr Witness, can you recall what month this was?

24 A. It was March, April.

25 Q. Thank you. Can you recall what areas ECOMOG were
26 controlling when they came back in that March, April?

27 A. ECOMOG controlled from Sewafe bridge, that Kono Masingbi
28 Highway. There it occupied up to Koakoyima. There it stopped.
29 Not until when the 5th Battalion advanced to go to Koidu, to go

1 and capture Koi du, but it was along that, that main road. There
2 ECOMOG was based.

3 Q. Do you know who was in control of the other areas of Kono
4 District?

5 A. It was the RUF.

6 Q. Mr Witness, can you tell this Court how you know it was the
7 RUF?

8 A. People used to come from various places when they had heard
9 that ECOMOG had come and based at Mortema, people came from all
10 over, to come to a safe place. So when they came we would ask
11 them. They would disclose it to me, to us, that it was the RUF
12 and that the place where they came from was occupied by the RUF.

13 Q. Mr Witness, after this next place that ECOMOG came and they
14 were controlling, do you recall anything else happening?

15 A. Well, when we came from the bush, we met ECOMOG, because
16 ECOMOG had just entered barely three days when we came, so, they
17 were at Mortema Town. When we had come, two days, the third day,
18 they asked so that we could give some civilians, so as to show
19 them the surrounding villages, so that they could scatter around
20 to make a mopping up operation, because they had been getting
21 information that there are some people who were citizens of the
22 locality, like Yengema, that they also joined off -- on and off
23 they would come. So ECOMOG decided to go and do a mopping
24 operation in those places.

25 Q. Mr Witness, I'm going to ask you specifically about Koi du
26 at this time, in that March, April. First of all, let's clarify
27 which year are we talking about, for the record, please?

28 A. 1998.

29 Q. Thank you. In that period, that March, April 1998, do you

1 recall anything happening in Koi du?

2 A. Just like I'd explained, that we had been [indiscernible]
3 had been getting report from Koi du, the civilians that came would
4 tell us about the burning of Koi du Town. Just like I had spoken,
5 I spoke to the colonel. After that, when my application had been
6 gone through, the colonel came one Sunday and decided to move, to
7 go to Koi du Town and we moved. The troops moved. We went to
8 Koi du. Around Five-Five spot, there was a little resistance.
9 See, there was some heavy fighting. After that the troop entered
10 as far as the central mosque. Near Opera. There the troops
11 stopped because at that time it was in the evening. So, there,
12 the troops spent the night.

13 Q. Mr Witness, can you tell us who you -- who put up the
14 resistance on your way to enter Koi du?

15 A. It was the RUF.

16 Q. And can you describe what you saw when you arrived in
17 Koi du?

18 A. When we arrived in Koi du, I saw a lot of houses were burnt.
19 Then, at the same time, there were some houses that were on fire.

20 Q. Do you know what areas of Koi du were burnt?

21 A. From the Masingbi Highway, from Five-Five spot, up to
22 upwards -- Koi du Town was completely burnt.

23 Q. Mr Witness, do you know who was responsible for this?

24 A. The -- the RUF were responsible. Then, at the time when we
25 were coming with ECOMOG, ECOMOG, again, had been using some heavy
26 artillery, when they had been bombarding into the town.

27 Q. Mr Witness, how do you know the RUF were there in Koi du
28 Town before you entered with ECOMOG?

29 A. When we entered we captured some -- we -- they killed some

1 and they captured two who explained themselves to us.

2 Q. Mr Witness, in this encounter, did you see any soldiers who
3 said they were part of SLA?

4 A. During that time when we went there we did not see any
5 soldier.

6 Q. Did you see anyone who said they were part of the AFRC?

7 A. No.

8 Q. After this encounter, Mr Witness, do you recall anything
9 else happening?

10 A. Well, after that, when they had finished, when they had
11 captured Koidu Town, I had to return. The next day, I went there
12 again to check for the civilians. The 50 people whom we sent,
13 who -- from there, I came back. From there, I did not go to
14 Koidu again.

15 Q. Mr Witness, when you entered Koidu the first time, on the
16 day that you entered with ECOMOG, were there civilians there?

17 A. No, no. We did not see -- we did not see any civilians.

18 Q. In that time, Mr Witness, did you know whether the RUF had
19 commanders in Koidu?

20 A. The ones, yes. The ones, they told us.

21 Q. And what -- did they tell you who those commanders were?

22 A. Yes. They called Superman; they called Issa; Vandi; and
23 others.

24 Q. Mr Witness, at any time during up to this period, had you
25 heard the name Tamba Brima as being a commander in Kono District?

26 A. I've never heard that name. Nobody told me anything
27 connected with that name.

28 Q. And up to that time, around April, May 1998, do you know
29 whether the AFRC, or the RUF, were conducting joint operations in

1 Kono District?

2 A. No.

3 Q. Mr Witness, you told us now that ECOMOG had entered Koi du
4 Town. Do you know if ECOMOG continued to hold Koi du Town?

5 A. ECOMOG continued, but they did not hold the entire
6 township. It was part of the township that ECOMOG held.

7 Q. Mr Witness, who held the other part of the township?

8 A. It was the RUF.

9 Q. Do you know if the SLA had headquarters in Koi du Town
10 itself?

11 A. No. The headquarters of the SLA was at Ngai a.

12 Q. After what -- I think a question or two ago you said that
13 RUF controlled part of Koi du and ECOMOG controlled the other. Do
14 you know what part of Koi du Town RUF controlled?

15 MR HARDAWAY: Objection, Your Honour. I thought it was
16 parts of Kono, not Koi du Town.

17 MS THOMPSON: No, I asked a specific question, Your Honour,
18 about Koi du Town. Whether ECOMOG continued to hold Koi du Town
19 and he said they could never capture the entire township.

20 MR HARDAWAY: Very well.

21 PRESIDING JUDGE: I think that's right, Mr Hardaway.

22 MS THOMPSON: Yes, Mr Witness, I will ask the question
23 again.

24 Q. Do you know what parts of Koi du Town RUF controlled?

25 A. From Hill Station, from Hill Station, up to -- upwards to
26 Cania to -- that was an RUF zone.

27 Q. Can you help us with the spelling there, please? Cania, I
28 think the name was?

29 A. C-A-N-I-A.

1 Q. Mr Witness, in Koidu Town, do you know whether this balance
2 ever changed? The balance of control in Koidu Town, did you know
3 whether it changed at any time?

4 A. I don't understand what you mean by balance of control.

5 Q. You told us that ECOMOG controlled part of Koidu Town and
6 RUF controlled another part from Hill Station up to Cania, I
7 think you said. Did that ever change?

8 A. Yes, at the end. So it was until finally when the RUF
9 ousted ECOMOG finally from the Kono District.

10 Q. When was that?

11 A. 15 December 1998.

12 Q. Mr Witness, in the capacity which you told us about, please
13 don't mention it, do you know where the mining areas are in Kono
14 District?

15 A. Yes.

16 Q. Do you know if there was any forced mining by SLA soldiers
17 in Kono District?

18 A. No, I did not -- I did not know the forced mining that the
19 SLA had been doing. SLA were not there. It was RUF that was in
20 control of Kono.

21 Q. Mr Witness, when you were in there -- in the attack or the
22 battle to take Koidu Town, did you see any children fighting?

23 A. No, I did not see little children but from the ages 15 and
24 above.

25 Q. Mr Witness, do you know of any atrocities in Kono District
26 committed by the soldiers who belonged to SLA or AFRC?

27 A. No.

28 Q. Mr Witness, that's all the questions I have for you. Thank
29 you very much for your time?

1 A. Thank you.

2 PRESIDING JUDGE: Thank you, Ms Thompson. Is there any
3 cross-examination from other Defence counsel?

4 MR KNOOPS: A few questions, Your Honour.

5 CROSS-EXAMINED BY MR KNOOPS:

6 Q. Good afternoon, Mr Witness.

7 A. Good afternoon, sir.

8 Q. Mr Witness, you just testified that you did not know about
9 any joint operations between the soldiers, the SLAs and the RUF;
10 is that correct?

11 A. Yes, it's correct.

12 Q. Were you familiar, at that time, with any alliance between
13 the SLA and the RUF, referring to April 1998 in Kono District?

14 A. No, I was not familiar with that.

15 Q. Mr Witness, do you know whether at that time, April 1998, a
16 common plan existed between the AFRC and the RUF to gain
17 political power over the territory of Sierra Leone, as a whole?

18 A. In the Kono District, no. Kono District, purely, just like
19 I said, it was RUF that was in control.

20 Q. Mr Witness, were you familiar with any unlawful killings in
21 Kono District, in the period of February 1998, to June 1998,
22 committed by the AFRC?

23 A. June 1998, I was familiar with an incident which took place
24 in Mortema where -- when 22 civilians died. I knew about that.

25 Q. Are you familiar with whom these killings were committed
26 by?

27 A. Yes, because according to, after the attack, we went there.
28 All of us went there. All the civilians. The ECOMOG, they
29 called us, all of us went, so that we could search in the houses,

1 so that we would be able, those that had died would be able to
2 take them out. So, when we were there, we were able to get 21.
3 We took them outside. We laid them. During that time, we did
4 not know that one of them was very close to us, so we just heard
5 a gunshot, so the person that was very close to that area, he was
6 struck by the bullet, so all of us ran and we dispersed. So he
7 dropped.

8 Q. Mr Witness, excuse me to interrupt you, but my question was
9 really, do you know who was --

10 A. Okay.

11 Q. -- do you know who was responsible for the death of these
12 individuals you are referring to?

13 A. Yes, yes. It was the RUF.

14 Q. Mr Witness, are you familiar with any acts of sexual
15 violence committed against civilian women and girls in Kono
16 District, in the period of February, June 1998 committed by SLAs?

17 A. No.

18 Q. Mr Witness, did you hear about the person with the name of
19 Santigie Borbor Kanu, as being one of the senior commanders of
20 the AFRC and RUF, in Kono District, in February, April 1998?

21 A. Not at all.

22 MR KNOOPS: Thank you. That concludes my
23 cross-examination, Your Honour. Thank you, Mr Witness.

24 PRESIDING JUDGE: Yes, thank you, Mr Knoops. Mr Daniels.

25 MR DANIELS: Just a couple of questions.

26 CROSS-EXAMINED BY MR DANIELS:

27 Q. Good afternoon, Mr Witness.

28 A. Good afternoon, sir.

29 Q. Mr Witness, you just told this Court about a bombing at the

1 SLA headquarters by some Alpha Jets. Was there any damage
2 caused, apart from the headquarters, was damage caused to any
3 other buildings?

4 A. Well, they just dropped it. They just dropped it in the
5 open field.

6 Q. Mr Witness, are you familiar with Tombudu?

7 A. Yes, I am familiar with Tombudu but -- but I don't -- I
8 didn't concentrate more on that particular area. I only
9 concentrated on my own chiefdom.

10 Q. Very well. Mr Witness, did you ever hear of one Ibrahim
11 Bazzy Kamara as being second in command to Superman, in Koidu,
12 around February to April 1998?

13 A. Not at all.

14 Q. Did you ever hear of one Ibrahim Bazzy Kamara, as being a
15 commander of SLA forces based in Koidu, around the same February
16 to March 1998?

17 A. Not at all.

18 MR DANIELS: Thank you very much. That will be all.

19 PRESIDING JUDGE: Thank you, Mr Daniels. Mr Hardaway.

20 CROSS-EXAMINED BY MR HARDAWAY:

21 MR HARDAWAY: Thank you, Your Honours.

22 Q. Mr Witness, good afternoon, sir.

23 A. Good afternoon to you.

24 Q. I have some questions for you, sir. I just want you to
25 listen to them carefully and answer them concisely. A lot of the
26 times the answers can be "yes," "no" or "I don't know". Do you
27 understand?

28 A. Yes, I understand.

29 Q. If there is -- if I need you to clarify something, or to go

1 into detail, I will ask you to do so; all right?

2 A. Yes.

3 Q. Now, Mr Witness, you had testified that it was in May of
4 '97 that the AFRC overthrew the government in power at that time;
5 is that correct?

6 A. That is not what I said.

7 Q. What exactly did you say, sir?

8 A. I said 1997 was when AFRC overthrew the government.

9 Q. Which government did they overthrow?

10 A. President Kabbah's government.

11 Q. And how did you hear about this, sir?

12 A. We heard it through BBC.

13 Q. Now, Mr Witness, based upon the position you have in the
14 community, you would agree with me that you have access to
15 information from a variety of sources; would you agree with that?

16 A. Yes.

17 Q. And you would also agree with me, sir, that based upon the
18 position in your community, that it is important to keep
19 up-to-date on all the latest news and information, so that you
20 can keep the people under your responsibility well-informed and
21 to be able to make sure that their needs are taken care of; would
22 you also agree with that?

23 A. I think that I used to get correct information from the
24 people.

25 Q. Mr Witness, the question was, you would feel that it is
26 important that you get the information, that you keep up-to-date
27 with all the news that is going on so that you can better, so you
28 can best fulfil your functions and duties to the people; would
29 you agree with that?

1 A. Yes.

2 Q. So, in that vein, sir, other than the overthrow of the
3 Kabbah government, you kept up-to-date with all of the functions
4 and all of the goings on of the AFRC government because that
5 would have an impact on the people under your charge, wouldn't
6 it?

7 A. What was happening, I -- I didn't know what was happening
8 in other areas in the country, but I'm talking specifically about
9 the Kono District. That's exactly what I'm talking about.

10 Q. What I'm asking you, please, listen to the question, sir,
11 is that, did you consider it important to know what was going on
12 with the AFRC government, in Freetown, because what happens in
13 Freetown affects Kono?

14 A. Yes.

15 Q. Thank you. And you had, you mentioned you heard on the
16 radio, and that there were people who came to you. You got your
17 information about the AFRC government from other sources as well,
18 didn't you, sir?

19 A. I said I got it from the radio.

20 Q. I know that, sir. Perhaps I'm not being clear. I will try
21 and make it clearer for you. Other than the radio, you got
22 information about the AFRC government from other sources, didn't
23 you?

24 A. Yes, yes.

25 Q. And you would keep up, would you agree with me, that you
26 kept up-to-date with the functions of the AFRC government from
27 the coup to the intervention?

28 A. Yes, yes. We were in Kono and we would get information.

29 Q. Mr Witness, my friends across the way have asked you

1 specifically about the accused. I also want to ask you about
2 them. Did you hear or see Alex Tamba Brima, the first accused,
3 also known as Gullit, as being a senior member of the AFRC
4 government?

5 A. Not at all.

6 Q. Did you see, or hear, of Ibrahim Bazy Kamara as being a
7 senior member of the AFRC government?

8 A. No.

9 Q. Did you see or hear of Santiage Borbor Kanu, also known as
10 Five-Five, as being a senior member of the AFRC government?

11 A. No.

12 Q. Let me ask you this, Mr Witness: Based upon the position
13 you hold, and the information that you were able to achieve from
14 different sources, were you able to find out who exactly
15 overthrew the Kabbah government?

16 A. The person that I knew that overthrew Kabbah's government
17 was Gborie, Tamba Gborie, because it was him who went over the
18 air and announced.

19 Q. At any other point after that announcement, did you hear of
20 any other people responsible for the overthrow of the Kabbah
21 government?

22 A. No.

23 Q. Did you hear that Alex Tamba Brima, also known as Gullit,
24 was one of those responsible for the overthrow of the AFRC
25 government?

26 A. I don't know.

27 Q. Did you hear the name of Ibrahim Bazy Kamara, as being one
28 of those responsible for overthrowing the Kabbah government?

29 A. No.

1 Q. Did you hear the name Santigie Borbor Kanu, as being one of
2 those responsible for overthrowing the Kabbah government?

3 A. No.

4 Q. Mr Witness, based on your position in the community and
5 your access to all of the information that you have testified to,
6 and keeping up-to-date with everything in Freetown, did you ever
7 hear Alex Tamba Brima, also known as Gullit, being referred to as
8 an honourable?

9 A. I don't know him. I don't have any idea about them. I
10 don't know them. I don't know any of them.

11 Q. Mr Witness, did you ever hear Santigie Borbor Kanu, also
12 known as Five-Five, being referred to as an honourable?

13 A. I'm not familiar with that. I don't understand.

14 Q. Mr Witness, did you ever hear, or see, Ibrahim Bazzy
15 Kamara, referred to as an honourable?

16 A. No, no. I don't -- I have no idea about that.

17 Q. Mr Witness, you would agree with me that the AFRC
18 government consisted of SLA soldiers and the RUF, wouldn't you?

19 A. Yes.

20 Q. So during the AFRC government, there were SLAs and RUF
21 working together in Kono, weren't they?

22 A. Yes, they were together.

23 Q. And you would be working with these groups, the SLA and RUF
24 working together, based on your position in the community,
25 wouldn't you?

26 A. I was working with the colonel, the colonel who was there
27 because, at that time, the military, the military itself was
28 based there. Before the military --

29 Q. Mr Witness, let me ask again. It can than be answered

1 either with a "yes," "no" or "I don't know". I will ask you the
2 question again.

3 A. Okay.

4 Q. During the AFRC government, which you agreed had both SLA
5 and RUF, did you work with the SLA and RUF during the AFRC
6 government; "yes," "no" or "I don't know"?

7 MS THOMPSON: Your Honour, my learned friend has to make --
8 he's used the conjunctive "and" which means there are two
9 questions: Did he work with the SLA, or did he work with the
10 RUF; not both.

11 MR HARDAWAY: I will clarify. I will clarify.

12 THE WITNESS: It was with the SLA. It was with the SLA.

13 MR HARDAWAY:

14 Q. Let me ask the question; I haven't asked you yet. While
15 the SLA and RUF were working together in Kono, did you work with
16 them as a group; "yes" or "no"?

17 A. I didn't work with them as a group; I worked with SLA.

18 Q. Now, my friend had asked you about diamond mining; do you
19 remember that, sir?

20 A. Yes. In Kono District, we would mine diamonds.

21 Q. And you know where the diamond areas were in Kono District;
22 is that correct?

23 A. Yes, yes. Although diamond affair, it's only God that
24 knows, but the areas where the mining was taking place, I know
25 about it.

26 Q. And that was because you used to work for a diamond mining
27 company, wasn't it?

28 A. Yes, I worked at the National Diamond Mining Company.

29 Q. And during the AFRC period you were still engaged in

1 di amond mi ni ng, weren' t you?

2 A. No. During the AFRC period, everybody was scared.

3 MR HARDAWAY: Your Honour, I noticed the time and I am
4 about to go into a new area. Perhaps this might be an
5 appropriate time for --

6 PRESIDING JUDGE: Yes. All right, Mr Hardaway.
7 Mr Witness, we are going to adjourn until tomorrow morning. I
8 will just caution you that you are in the process of giving
9 evidence now, so you are not permitted to discuss the evidence,
10 or the case, with any other person; is that clear?

11 THE WITNESS: It's clear, sir.

12 PRESIDING JUDGE: We will then adjourn the Court until 9.15
13 tomorrow morning. Mr Knoops, did you -- you wanted to say
14 something?

15 MR KNOOPS: Yes, Your Honour, if I may. Just to inform the
16 Court that from tomorrow on Mr Spain will be conducting the
17 Defence for Mr Kanu. I will be travelling tonight to be next
18 week to prepare some experts and returning Sunday, 8 October.

19 PRESIDING JUDGE: You return 8 October?

20 MR KNOOPS: Yes, sir.

21 PRESIDING JUDGE: All right. Bon voyage.

22 MR KNOOPS: Thank you very much, Your Honour.

23 PRESIDING JUDGE: We will adjourn to 9.15 a.m.

24 [Whereupon the hearing adjourned at 4.00 p.m.,
25 to be reconvened on Friday, the 29th day of
26 September 2006, at 9.15 a.m.]

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