

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

THURSDAY, 29 SEPTEMBER 2005
9.25 A.M.
TRIAL

TRIAL CHAMBER II

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

1 [AFRC29SEP05A - CR]
2 Thursday, 29 September 2005
3 [Open session]
4 [The accused present]
09:12:01 5 [Upon commencing at 9.25 a.m.]
6 WITNESS: TFI-184 [Continued]
7 PRESIDING JUDGE: And what is the cause of the delay this
8 morning, please? Madam Court Attendant, is there any
9 explanation?
09:23:11 10 MS GUNSTONE: The accused refused to come into Court, Your
11 Honour.
12 PRESIDING JUDGE: I note they are present here now and
13 that's sufficient. Unless there is some other matter, I will
14 remind the witness of his oath. Mr witness, you recall some days
09:23:30 15 ago when you started your evidence you took the oath and promised
16 to tell the truth. Do you remember that?
17 THE WITNESS: Yes, ma'am.
18 PRESIDING JUDGE: That promise is still binding on you and
19 you are obliged to answer questions truthfully. Do you
09:23:47 20 understand?
21 THE WITNESS: Yes, ma'am.
22 PRESIDING JUDGE: Thank you, please proceed.
23 Cross-examination was to open. Counsel, you are starting your
24 opening cross-examination?
09:24:01 25 MS THOMPSON: Yes, Your Honour. Your Honour, as I
26 indicated on the last occasion, I would ask for a brief closed
27 session. The reason is that I would like to put some questions
28 to this witness and some of those would necessarily reveal his
29 identity. And there are other questions in which I will be

1 asking him about other people who are subject to protective
2 measures by this court. Therefore, I think it is prudent that
3 those questions be done in closed session pursuant to
4 Rule 79(A)(ii).

09:24:39 5 PRESIDING JUDGE: Are you making the application now,
6 Ms Thompson?

7 MS THOMPSON: I am indeed, Your Honour, yes.

8 PRESIDING JUDGE: So you want to commence with those
9 questions?

09:24:46 10 MS THOMPSON: Yes, Your Honour.

11 PRESIDING JUDGE: Have you discussed this with counsel for
12 the Prosecution?

13 MS THOMPSON: Your Honour, I did inform them on Tuesday
14 when we were last here, yes.

09:24:56 15 PRESIDING JUDGE: Mr Hodes, you have heard the application
16 by Ms Thompson. Have you anything to say on that application?

17 MR HODES: We have no objection. We appreciate Defence
18 counsel considering the interests of the witnesses.

19 PRESIDING JUDGE: Thank you. We note the application is
09:25:17 20 unopposed and, for the protection of the witness himself and for
21 the protection of the identity of other possible witnesses or
22 victims, we will allow this matter to go into closed session.
23 Madam Court Attendant, please implement that closed session.

24 [At this point in the proceedings, a portion of the
09:25:27 25 transcript, pages 4 to 17, was extracted and sealed under
26 separate cover, as the session was heard in camera.]

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29

1 [Open session]

2 PRESIDING JUDGE: Ms Thompson, please proceed with
3 cross-examination.

4 MS THOMPSON:

10:00:08 5 Q. Mr witness, you have given evidence in this Court that you
6 were a xxxxxxxx. Let me ask you some things about the Sierra
7 Leone xxxxxxx in particular. When a number is assigned to a
8 xxxxxxx, is that number given for life?

9 A. Yes.

10:00:25 10 Q. In the Sierra Leone xxxxxxx, are xxxxxxx different from
11 xxxxxxx?

12 A. Yes. It is a company that made -- a company, yes. Do you
13 mean --

14 Q. Is a xxxxxxx different from a xxxxxxx?

10:01:00 15 A. You mean a xxxxxxx, or you are asking about the total
16 number of xxxxxxx that constitute a xxxxxxx?

17 Q. Okay. How many xxxxxxx make a xxxxxxx?

18 A. Three xxxxxxx.

19 Q. Was there a time when the xxxxxxx trained
10:01:30 20 members of the xxxxxxx xxxxxxx?

21 A. I did not get you clearly.

22 Q. Are you aware of any time when xxxxxxx trained
23 xxxxxxx?

24 A. Yes.

10:01:51 25 Q. Can you tell us what year that was, please?

26 A. I cannot recall the year.

27 Q. If you can't recall the year, perhaps you might be able to
28 recall how long xxxxxxx trained xxxxxxx for.

29 A. No.

1 Q. Now I'm going to ask you one question about Tamba Brima for
2 now. Have you ever met Tamba Brima?
3 A. Yes.
4 Q. Can you recall the first time you met Tamba Brima?
10:02:35 5 A. It was during the NPRC.
6 Q. Exactly when during the NPRC -- are you talking about the
7 NPRC period, are you?
8 A. Yes.
9 Q. Exactly when during that period did you meet Tamba Brima?
10:02:55 10 A. It was from 1992.
11 Q. Where exactly in 1992 did you meet Tamba Brima?
12 A. At lodge -- PK Lodge. No, it was at Kabassa Lodge.
13 MS THOMPSON: Kabassa is spelt, Your Honours,
14 K-A-B-A-S-S-A.
10:03:36 15 Q. Kabassa Lodge was the residence of whom?
16 A. It was where the chairman resided.
17 Q. Chairman of what?
18 A. The chairman for the NPRC; that was Valentine Strasser.
19 Q. Now, you told this Court that when the intervention came in
10:04:04 20 February 1998, you met ~~xxxxxx~~ at Spur Road and he told you
21 to come with him -- to go with him because civilians were
22 lynching military people; not so?
23 A. Yes.
24 Q. Are you sure it was Spur Road you met him?
10:04:26 25 A. Well, except if I made a mistake, or I cannot precisely
26 tell you, but we met.
27 Q. I asked you earlier about statements you made to the
28 special court.
29 A. Yes.

1 MS THOMPSON: Your Honours, I'm looking at page 9794,
2 second to last paragraph. It starts with the sentence,
3 "witness":

4 Q. "witness said on that day he heard the military men were
10:05:45 5 set on fire by civilians. Because of that he decided to join the
6 xxxxxx at the xxxxxx to save his life. On arriving
7 at wilberforce Barracks at -- arriving at Aberdeen Road Ferry
8 Junction, the witness noticed xxxxxx, together with the
9 securities, coming towards him on board xxxxxx's vehicle."

10:06:09 10 Do you remember saying that? I think that, in fact, should
11 be Aberdeen Ferry Road Junction. Do you remember telling them
12 about Aberdeen Road?

13 A. I can recall that I told them. I recall that I told them
14 that the place where I and xxxxxx met.

10:06:35 15 Q. Now, did you also tell them --

16 Your Honours, I'm looking at page 9774. In fact, this one
17 is your earlier interview, not the one to the Special Court, but
18 the earlier interview. On page 9774, Your Honours. I will start
19 reading 11 lines from the bottom, the sentence beginning, "whilst
10:07:41 20 at wilkinson Road":

21 "whilst at wilkinson Road, I again gained another
22 information that the civilians were searching for soldiers and,
23 furthermore, they are killing soldiers and burning soldiers
24 alive. On hearing this information, I did not return home. I
10:08:04 25 straightaway went xxxxxx to meet my xxxxxx
26 xxxxxx, reason being, I was afraid of the information I gained.
27 On this same day, in the afternoon hours, I decided to get stroll
28 at wilkinson Road to get more information. On my way going, I
29 have to come across xxxxxx at wilkinson. At his juncture,

1 xxxxxx called me and asked me where I am going. I then told
2 him of the information that I have got, that I heard people
3 saying that civilians are burning soldiers alive and also killing
4 them."

10:08:47 5 Did you meet xxxxxx at Wilkinson Road?

6 A. Yes.

7 Q. So, Mr witness, please tell this Court where exactly you
8 met xxxxxx. You said Spur Road earlier on this week,

9 Aberdeen Road in another interview and Wilkinson Road. You are
10:09:09 10 agreeing with me now you met him at wilkinson Road. what is the
11 truth?

12 A. Well, it was between wilkinson Road, that when you walk
13 down Spur Road, just at the roundabout. So he was between there;
14 between Spur Road and the Lumley end. So I don't know exactly

10:09:41 15 how you describe those area.

16 Q. Mr witness, you will perhaps agree with me that Aberdeen
17 Road is nowhere near the junction you are now describing, is it?

18 A. Aberdeen Road, it was when I came down -- I came out from
19 the place where I was, that was why I came to Aberdeen Road, from

10:10:11 20 my location to Aberdeen Road. You heard that, and I told you
21 that I came to find out. That was why I came to Aberdeen Road.

22 From there, I went up to wilberforce. Based on the information
23 that I got, I came down. As I came down, that was the time I and
24 xxxxxx met. So if you heard about Aberdeen Road, that was

10:10:44 25 the time I left my location and came down to Aberdeen Road.

26 Q. Okay, so let's get one thing clear. You did not meet
27 xxxxxx at Aberdeen Road.

28 A. Yes, I did not meet him there. I did not meet him there,
29 but it was between -- around Wilkinson Road.

1 Q. Where exactly, Mr witness, were you going when you met him?
2 A. When I had investigated and went up Wilberforce, from there
3 I came down. So when I came down, that was the time we met.
4 Q. Mr witness, the question was: where were you going?
10:11:50 5 A. I was coming down because during that time I was afraid
6 and, during that time, the soldiers were withdrawing. They
7 walked past us by Lumley, so I was also withdrawing, coming down.
8 Q. Going down where?
9 A. I was trying to pull out to go towards Tombo in order for
10:12:19 10 me to find my escape route.
11 Q. But wasn't it xxxxxx who told you about going to
12 Tombo? Before that you knew nothing about going Tombo, isn't
13 that the case?
14 A. How would you tell me that I did not know anything about
10:12:36 15 Tombo? People were withdrawing, going to Tombo before that time,
16 everybody, every soldiers -- all the soldiers. All the ones that
17 withdrew went to Lumley. Nobody was in the eastern area, so you
18 cannot tell me that I had no idea about Tombo.
19 Q. Okay. Everybody was withdrawing to Lumley, but you were
10:12:56 20 heading to Tombo. You will agree with me that Tombo is a long
21 way off from Lumley; is it not?
22 A. After we had joined, we had joined with xxxxxx. That
23 was the time he led us to that area that is Tombo.
24 Q. So it was xxxxxx who mentioned Tombo, not you?
10:13:24 25 A. Not -- the route, he did not talk about the route. Ask
26 your men behind you if it was not that route all of them used.
27 Q. Mr witness, this is a small point, okay, so please be
28 truthful with the court.
29 A. I wouldn't lie.

1 MR HODES: Your Honour, I'm going to object that, whether
2 it was a statement. It clearly wasn't a question being posed and
3 commenting on the veracity of the witness's testimony, I think,
4 is completely improper.

10:14:04 5 PRESIDING JUDGE: You challenge him by putting questions,
6 Ms Thompson, please refrain from comment.

7 MS THOMPSON: Yes, Your Honour.

8 Q. Now, Junior Lion. When was the first time you met Junior
9 Lion?

10:14:19 10 A. It was at Camp Rosos.

11 Q. When you met him, was he called Junior Lion?

12 A. Yes.

13 Q. Can you tell this Court --

14 A. No, no, sorry. Sorry, I knew him as Junior, but not Lion.

10:14:51 15 I never knew him called Lion. He was not called Lion at that
16 time.

17 Q. Okay. When was the first time you heard the name Junior
18 Lion?

19 A. That was after the peace talks, including the ones behind
10:15:12 20 you.

21 Q. Now, when you met Junior Lion, what was his role, or did he
22 have a role?

23 A. At that time he was with Bazzy, so I never knew his role.
24 It was just a like a stranger. When you enter a town you not
10:15:53 25 know the areas where people live, so I never knew what he was
26 doing.

27 Q. Was he with you when you were coming down to Freetown?

28 A. Yes.

29 Q. What was he doing when you came to Freetown?

1 A. He was with his Commander, Bazy. I don't know actually
2 what he was doing.
3 Q. Since around 2004 have you seen Junior Lion?
4 A. Till now, I don't know if you can do me a favour for me to
10:16:37 5 set eyes on him, but till now, I have not seen him.
6 Q. Before 2000, did you see Junior Lion? From 1999 to 2000,
7 did you see Junior Lion?
8 A. Yes.
9 Q. Where?
10:16:59 10 A. At JP's lodge.
11 Q. How many times did you see him there?
12 A. Twice.
13 Q. Now, I'm going to ask you about his name again. You say at
14 the time you met him, he was called Junior. Who introduced you
10:17:22 15 to him as Junior?
16 A. He himself.
17 Q. Did you hear people calling him?
18 A. That's another one. I called him that name and he answered
19 to the name.
10:17:49 20 Q. Did you hear people calling him any other name?
21 A. I cannot recall. It is only Junior that I can recall now.
22 Q. You told us that after the coup in May 1997, you were
23 working with xxxxxx? Now, it is right that some RUF
24 commanders came to Freetown; not so?
10:18:30 25 A. Yes.
26 Q. Did each commander come with his own troops?
27 A. Any commander you saw, you must see men around him.
28 Q. During the period from May 1997 to February 1998, were
29 there disagreements between members of the AFRC and members of

1 the RUF?

2 PRESIDING JUDGE: Mrs Thompson, can I have those dates
3 again, please?

4 MS THOMPSON: Between May 1997 to February 1998, Your
10:19:16 5 Honour, were there disagreements between members of the RUF and
6 members of the AFRC.

7 PRESIDING JUDGE: Thank you.

8 THE WITNESS: Well, I cannot say much regarding that
9 because I wasn't a council member during that period.

10:19:36 10 MS THOMPSON:
11 Q. Okay. So did you hear about JP Koroma ordering the arrest
12 of Issa Sesay?

13 MR HODES: Your Honour, I'm going to object to the
14 relevance.

10:19:51 15 THE WITNESS: No.

16 PRESIDING JUDGE: Mrs Thompson, there's an objection on the
17 grounds of relevance on this line of questioning.

18 MS THOMPSON: I'm not sure what my learned friend's
19 objection is based on. This is a witness who has given evidence
10:20:06 20 of him being around members of the AFRC. The indictment is a
21 joint enterprise in some respects, so acting in concert and in
22 common with members of the RUF. This is a line of questioning
23 that we have used, in my opinion, not exhaustively, with all
24 witnesses who have come who have been either affiliated or part
10:20:27 25 of or in some way associated with that regime between May 1997
26 and February 1998. Therefore, Your Honour, I think, in my
27 respectful opinion, this line of questioning is very, very
28 relevant and very relevant, in fact, to the Defence's case, which
29 my learned friend knows, that there is nothing between -- there

1 was no acting in common between the AFRC and the RUF.

2 PRESIDING JUDGE: We overrule the objection and allow the
3 question. Please put the question again, Mrs Thompson.

4 MR HODES: I rise again. I was very unclear. I thought
10:21:20 5 the line of questioning had moved into a period post-1999.
6 Perhaps if we can get the time period.

7 PRESIDING JUDGE: Mr Hodes, I did ask counsel to clarify
8 the time period because I hadn't heard it properly. I have made
9 a note as follows May 1997 to February 1998. Are you saying the
10:21:39 10 questioning has moved on from there?

11 MR HODES: That is all I was looking for, Your Honour. She
12 responded just now to a time period. Prior to that I was very
13 unclear. I thought we were dealing with a time period in 1999.

14 PRESIDING JUDGE: I will seek clarification from counsel.
10:21:53 15 Counsel, are we still within the period you mentioned, May
16 1997/February 1998, or does this line of questioning relate to a
17 different period?

18 MS THOMPSON: No, Your Honour, it does relate to the
19 period Your Honour asked about. I had mentioned the time frame
10:22:08 20 to the witness; Your Honour asked me to clear about it; I asked
21 the witness a question about it and he said, "I don't know
22 because I wasn't a council member." I am asking him about things
23 now he knew about or may have heard as a result of his
24 association with the council.

10:22:22 25 PRESIDING JUDGE: Thank you, does that clarify the
26 situation, Mr Hodes?

27 MR HODES: Thank you, Your Honour.

28 PRESIDING JUDGE: Please proceed, Mrs Thompson.

29 MS THOMPSON:

1 Q. Mr witness, I can't remember exactly what question I asked
2 you, but I think the question was: did you hear, during this
3 period, about Johnny Paul Koroma ordering the arrest of Issa
4 Sesay?

10:22:47 5 A. I've never heard about it.

6 Q. Are you aware that there was an allegation of Issa Sesay
7 being involved in the looting of the Iranian Embassy?

8 A. No, no, no.

9 Q. Were you aware that Gibril Massaquoi was arrested because
10:23:18 10 there was an allegation that he was planning a coup?

11 A. No, no, no.

12 Q. Are you aware that Steve Bio was arrested because they said
13 he was planning a coup?

14 A. No, no, no.

10:23:48 15 Q. During this period, did you have any discussions with
16 ~~xxxxxx~~ regarding relations between the AFRC and the RUF?

17 A. While we are in town?

18 Q. Yes.

19 A. The AFRC and the RUF were working together without any
10:24:14 20 problem during that period. Even when Mosquito came from Kono
21 with diamonds, he came to my boss and they worked in harmony. I
22 think Mosquito was JP's best man. So I'm in doubt as you are
23 saying there was a misunderstanding that would have brought a
24 division between them. They were in harmony. As far as I
10:24:48 25 understood the situation, that is what I can tell you now.

26 Q. All right. Are you aware that Mosquito, at some stage
27 during that period, retreated to the Eastern Province?

28 A. Yes, and in order for me to assist you --

29 Q. No, no, don't assist me.

1 A. Okay, okay.

2 Q. I'm asking the questions and, please, just answer. Were
3 you also aware that there were disagreements between Johnny Paul
4 Koroma and Mosquito around that time?

10:25:37 5 A. If there was any disagreement between them, I would have
6 not thought that JP would have gone as far as Kailahun.

7 Q. Mr witness, don't speculate, please. It is whether you are
8 aware or not. Yes, I was aware; no, I was not.

9 A. Say what?

10:26:05 10 Q. About this agreement between JP Koroma and Mosquito. Were
11 you aware or not?

12 A. Not to my knowledge.

13 Q. Now, when you retreated from Freetown in February 1998 and
14 you went to Masiaka, were any xxxxxx, in terms of xxxxxx
10:26:36 15 xxxxxx made in Masiaka?

16 A. I am not aware of that.

17 Q. In Mongo Bendugu -- that's a name, Your Honour, we have
18 heard in this Court before, unless Your Honour wishes me to spell
19 it.

10:26:53 20 PRESIDING JUDGE: No, thank you.

21 MS THOMPSON:

22 Q. Mongo Bendugu, is it the case that there were SLAs, RUFs
23 and STFs?

24 A. Say what?

10:27:18 25 Q. Were there three different factions: SLAs; RUFs; STFs?

26 A. Yes, they were different units, but all of them were
27 working towards a single goal.

28 Q. Did they all wear the same uniform?

29 A. Yes.

1 Q. The RUFs and the STFs wore the same uniforms as the SLAs?
2 A. As I'm telling you, you cannot differentiate, except when
3 you tell somebody, "This is an RUF". In so far as the uniforms
4 were concerned, you cannot tell that this one is an RUF, this one
10:28:17 5 is an STF, except to tell somebody. There was no difference.
6 [AFRC29SEP05B - SV]
7 Q. Thank you, Mr witness. xxxxxx, you mentioned that he
8 had a meeting. Now, first of all, let me ask you this: The
9 person you refer to as "Gullit", do you know any other name for
10:28:34 10 him?
11 A. He was called Black Jar.
12 Q. Is there any other name apart from those two?
13 A. Alex, Alex.
14 Q. That person and xxxxxx, did they have -- you say they
10:29:05 15 had a meeting at Kabala.
16 A. Not at Kabala.
17 Q. Where did they have this meeting?
18 A. It was Kurubonla.
19 Q. And was it at Kurubonla that xxxxxx ordered him to
10:29:22 20 find a base?
21 A. Yes.
22 Q. And when xxxxxx gave that order, did he also give him
23 signalmen to go with him?
24 A. He had already got a signaller named Alfred. He was an
10:29:46 25 RUF.
26 Q. Did Alfred not come from xxxxxx?
27 A. No.
28 Q. Did xxxxxx send 0-Five to go in search of this person?
29 A. Yes.

1 Q. Did xxxxxx give xxxxxxsignalmen to go with him when
2 he sent him to go in search of this person?
3 JUDGE SEBUTINDE: I'm not sure if --
4 THE WITNESS: He had radiomen.
10:30:21 5 JUDGE SEBUTINDE: When you say "in search of this person",
6 are you referring to Gullit or to Alfred?
7 MS THOMPSON: Yes, Your Honour. Not Alfred, Gullit. I beg
8 your pardon. I think I will ask the question again so I get a
9 clear answer.
10:30:36 10 Q. Did xxxxxx, when he sent xxxxxx, did he send xxxxxx
11 with a signalman to go in search of this person you refer to as
12 Gullit?
13 A. Say what?
14 Q. Did he send a signalman with xxxxxx?
10:31:00 15 A. There was no troop that would go to any distant area
16 without having a radioman.
17 Q. Mr witness, please, it's a yes or no answer that we're
18 looking for. Yes or no, did he send a signalman with xxxxxx?
19 A. Yes.
10:31:20 20 Q. Do you recall ever there being a meeting at Mongo, a
21 meeting of soldiers with xxxxxx presiding at Mongo?
22 A. At Mongo?
23 Q. Yes.
24 A. Yes.
10:31:40 25 Q. Were you present at that meeting?
26 A. I was not with them because at any time they summon a
27 meeting we were always outside serving as security.
28 Q. Now this meeting, if you as xxxxxx were sent out, is it
29 right that this meeting was a closed-door meeting?

1 A. what do you mean when you say "closed-door"?

2 Q. Was it a meeting only for the commanders?

3 A. Yes.

4 Q. What was your xxxxx at this time when you were at Mongo?

10:32:37 5 what was your rank?

6 A. I was a xxxxx.

7 Q. And throughout the period in the xxxxx, from February '98

8 up to coming to Freetown in January '99, were you a xxxxx

9 xxxxx?

10:33:04 10 A. No.

11 Q. Can you tell us how many times you were xxxxx?

12 A. I want you to ask me -- I cannot tell now. I want you to

13 ask me what was my xxxxx.

14 Q. well, what was your xxxxx throughout the period -- okay,

10:33:31 15 throughout the period what xxxxx did you hold?

16 A. I went as far as xxxxx. Gullit at Masiaka,

17 rather Lunsar, he xxxxx me to a xxxxx, rather xxxxx.

18 Q. Who gave you those xxxxx right up to

19 xxxxx?

10:34:01 20 A. well, my xxxxx xxxxxx.

21 Q. Do you remember where you were when you -- I'm assuming --

22 let me start by saying this: I'm assuming that there were

23 several xxxxx before you got to xxxxx; not so?

24 A. Yes.

10:34:21 25 Q. Do you remember where you were when you got each xxxxx?

26 A. If I cannot recall on all areas, but I think I can recall

27 on certain areas.

28 Q. well, please help us with the few that you can remember.

29 A. After Mongo, in the presence of Five-Five they sat together

1 and made xxxxx. Junior was there. When we arrived at
2 kurubonla, they themselves said that why should I remain in this
3 situation. That was the time they xxxxx me to a xxxxx.
4 I was a xxxxx. We came to Kabala and I became a xxxxx.
10:35:32 5 That was after we've attacked Kabala. From there, when we --
6 after the infight between us and the RUF we decided to go to Camp
7 Rosos.

8 THE INTERPRETER: The interpreter is sorry. In this
9 situation the witness is not clear. His expressions are not
10:36:09 10 clear to the interpreter. Could he be asked to repeat so that he
11 can be interpreted accordingly?

12 PRESIDING JUDGE: How far back do we need to go,
13 Mr Interpreter? When he became xxxxx, can we start from there?

14 THE INTERPRETER: Yes, Your Honour.

10:36:26 15 PRESIDING JUDGE: Mr Witness, the interpreter was unclear
16 on some points and I would like you to repeat part of your
17 answer. If you go back to the part where you said you became a
18 xxxxx after the attack at Kabala.

19 THE WITNESS: Kabala.

10:36:39 20 PRESIDING JUDGE: Go on from there, please, Mr Witness.

21 THE WITNESS: From there, after the infight we divided. So
22 we decided to go to Camp Rosos. Before our arrival to Camp Rosos
23 I became a xxxxx. We crossed Lunsar. After we had crossed
24 Lunsar we came to Masiaka. After we attacked Masiaka, I became a
10:37:29 25 xxxxx.

26 MS THOMPSON:

27 Q. Okay. Thank you, Mr Witness. Would you agree with me that
28 these xxxxx were because you had performed very well in xxxxx
29 xxxxx?

1 A. Yes, yes.

2 Q. And, not yesterday, the day before yesterday you were
3 giving evidence about xxxxx before you went to
4 Rosos at Koinadugu; not so?

10:38:09 5 A. We did not xxxxx. I was -- I acted as an xxxxx.

6 Q. Okay. And this was with people you were xxxxx to be
7 xxxxx?

8 A. Not the people. It was only -- it was those people that
9 did some --

10:38:37 10 THE INTERPRETER: Sorry, can the witness go over again this
11 part of his testimony?

12 PRESIDING JUDGE: Mr Witness, could you stop, please, and
13 then start again so the interpreter can hear you properly?
14 Please start your answer again.

10:38:53 15 THE WITNESS: After the casualties the civilians inflicted
16 on the soldiers, they decided if the civilians were to continue
17 to stay with the RUF then they should be trained on arms so that
18 they will avert casualties and there was -- we were xxxxx with
19 one xxxxx. I was only an xxxxx.

10:39:39 20 MS THOMPSON:

21 Q. As an xxxxx, these xxxxx, were they not people who
22 had been abducted by xxxxxx and his troops?

23 A. We met them with the RUF. It was not xxxxxx that
24 captured them.

10:39:57 25 Q. Okay. Now I'm going to put again to you --

26 MS THOMPSON: Your Honours, I'm looking at page 9806,
27 fourth paragraph.

28 Q. Before I go on to do that, as an xxxxx did you ever
29 oversee any xxxxx of people that you or xxxxxx had

1 abducted?

2 A. I will repeat --

3 Q. Yes or no?

4 A. I will repeat that to you again: No, no.

10:40:51 5 MS THOMPSON: Page 9806, Your Honours.

6 Q. Mr witness, I'm going to read to you again something that
7 you told those people who were interviewing you on behalf of the
8 Special Court.

9 MS THOMPSON: It's the first paragraph, Your Honour. In
10:41:13 10 fact it's under the rubric " xxxxx of abductees in Koinadugu";
11 under that rubric.

12 "He said the total number of new recruits were about 150.
13 The xxxxx went on for about two months before a major
14 disagreement before the RUF and the SLA took place. witness said
10:41:32 15 those being trained included some hundred civilians they'd
16 captured during the attacks on Mongo and Kabala. Some 40 people
17 the RUF had brought from Kono and others witness said had
18 followed the SLA after their February '98 retreat from Freetown."

19 Mr witness, do you recall telling the people interviewing
10:42:10 20 you this?

21 A. Yes, yes, yes.

22 Q. So, is it the case that amongst the people that were being
23 xxxxx when you were xxxxx, about 100 of them were
24 civilians that you had captured during attacks on Mongo and
10:42:23 25 kabala?

26 A. We did not capture any civilian. We were heading strictly
27 for military targets.

28 Q. Mr witness, did you tell those interviewing you this? What
29 I read to you, did you tell them that?

1 A. What you've read, yes.

2 MS THOMPSON: Your Honour, I look at the time. I'm about
3 to move on to a different area.

4 PRESIDING JUDGE: I was just about to ask you that,
10:43:06 5 Ms Thompson. If you have completed this line of questioning we
6 will adjourn for 15 minutes. Madam Court Attendant, please
7 adjourn court.

8 [Break taken at 10.45 a.m.]

9 [Upon resuming at 11.05 a.m.]

11:01:42 10 PRESIDING JUDGE: Ms Thompson, please proceed on with your
11 cross-examination.

12 MS THOMPSON: Thank you, Your Honour.

13 Q. Mr Witness, when you arrived in Rosos with xxxxxx, did
14 you have any children with you?

11:02:10 15 A. Yes.

16 Q. Did you have civilian men with you?

17 A. Yes.

18 Q. Did you have civilian women with you?

19 A. Yes.

11:02:23 20 Q. Did you have your relatives with you?

21 A. Yes, yes.

22 Q. On the way to Rosos were there any other abductions on the
23 way?

24 A. No.

11:02:43 25 Q. Father Mario, was he a willing member of your convoy?

26 A. You are saying when we arrived at Camp Rosos or when we
27 left?

28 Q. When you were going to Camp Rosos from when you left
29 kurubonla. You left kurubonla to Tumania and from Tumania you

1 made your way to Rosos. I'm right in saying that; not so?
2 A. Yes.
3 Q. Now Father Mario was with you when you were going; not so?
4 A. Yes, yes.
11:03:31 5 Q. Was Father Mario free to leave any time he wanted to whilst
6 he was with you?
7 A. Later on, yes.
8 Q. Later when?
9 A. After when we left Camp Rosos.
11:03:54 10 Q. After you left Camp Rosos. My question was: On the way to
11 Camp Rosos was he free to go if he had wanted to?
12 A. No, no.
13 Q. It's right to say that Father Mario was abducted by
14 xxxxxx and his troops; not so?
11:04:16 15 A. Yes.
16 Q. Was that on the way from Tumania to Rosos?
17 A. Yes.
18 Q. Where exactly was he abducted?
19 A. I cannot recall the place.
11:04:34 20 Q. If I mentioned Kumalu does that ring a bell?
21 A. He was captured somewhere but I cannot recall the name.
22 MS THOMPSON: Your Honours, that's spelt K-U-M-A-L-U.
23 Q. Apart from Father Mario who else did you take, did you
24 abduct, from Tumania to Rosos?
11:05:16 25 A. It was only Father Mario that I'm aware of.
26 Q. Those young boys who were with you, were they free to go if
27 they wanted to?
28 A. Yes.
29 Q. The women who were with you, were they free to go if they

1 wanted to?
2 A. Yes.
3 Q. Those who you asked to carry your loads, were they free to
4 go if they wanted to?
11:05:48 5 A. Yes.
6 Q. They could put the load down and say, "Sorry, I've had
7 enough, I'm going"; is that what you're saying?
8 A. No. ~~xxxxxx~~ -- to assist you further, ~~xxxxxx~~
9 asked them that whosoever wants to go, he should go. He gave
11:06:19 10 that order when we were -- I don't know the place, when we were
11 by Kabala. That was the time he gave that order. When most of
12 them left, unless those that had contact with the soldiers that
13 were willing to go.
14 Q. Okay, so they were given one opportunity to go. If they
11:06:39 15 didn't go when they were in Kabala, were they given any other
16 opportunity to leave before you got to Rosos?
17 A. Yes. Before we left he gave order that no soldiers should
18 beat a civilian and they too would prove me right if they can say
19 the truth. If a soldier beats a civilian they will in turn beat
11:07:10 20 you more than 36 --
21 THE INTERPRETER: Your Honours, can the witness go over his
22 last bit?
23 PRESIDING JUDGE: Mr Witness, you've been a little bit
24 fast. Could you please repeat the last part of your answer for
11:07:25 25 the interpreter and for the court.
26 THE WITNESS: From [translation interrupted].
27 PRESIDING JUDGE: I think start at the bit about if a
28 civilian was beaten by a soldier.
29 THE WITNESS: If a soldier beats a civilian an order will

1 be given to beat the soldier again. That was the reason he told
2 them that everybody should go. If somebody was to stay, then he
3 automatically becomes a family. He will get the same rights as
4 the soldier. So that was the reason why when a soldier
11:08:08 5 mistakenly tampers with a civilian, xxxxxx will ensure that
6 the soldier will be put down and lashed about five dozen.

7 MS THOMPSON:

8 Q. Okay, that's the beating of a soldier for a civilian. Were
9 any of those civilians -- sorry. Your evidence is that they were
11:08:33 10 free to go at any time. Was there a fear in the camp that if any
11 of them left they would go to the RUF and reveal your movements?

12 A. No. As you are asking me, to make it clear to you, even
13 when we left Koinadugu he released all those that said they were
14 going over to the RUF. Even including those that were RUF that
11:09:11 15 were against him, he released all of them. They were free to go.
16 Even some of them were --

17 THE INTERPRETER: Your Honours, can he go over the last bit
18 again?

19 PRESIDING JUDGE: Which bit, Mr Interpreter?

11:09:29 20 THE INTERPRETER: The very last statement he made,
21 Your Honours.

22 PRESIDING JUDGE: Mr Witness, I have to ask you again to
23 speak more slowly so that will allow the interpreter to keep up
24 with you. You have speeded up a bit and we want you to say the
11:09:44 25 last sentence that you gave us, that when they were released they
26 were all free to go. Please repeat that again.

27 THE WITNESS: Yes, they were all free to go. After that
28 sometimes we met loads on the ground that they had carried. We
29 only saw the loads but did not see any other person. They leave

1 it there and then go.

2 MS THOMPSON:

3 Q. So they were free to go after they had been released?

4 A. Yes.

11:10:24 5 Q. Thank you. Now when you got to Rosos you said you were met
6 by 0-Five and Junior Lion.

7 A. Yes.

8 Q. And that Tito presented a rifle to **xxxxxx**.

9 A. Yes.

11:10:45 10 Q. Was this rifle a gift?

11 A. To **xxxxxx**.

12 Q. Now when you were giving evidence, I think it was on

13 Monday, you said that Tito handed the sniper over to C.

14 Alex Brima became annoyed because he wanted it and Tito did not

11:11:23 15 give him and in fact he demoted Tito. That was your evidence in
16 this Court. Do you recall that?

17 A. Yes.

18 Q. Now the person you refer to as Alex Brima, where was he

19 when Tito handed over this rifle to **xxxxxx**?

11:11:47 20 A. It was a long distance. He was far away.

21 Q. Do you know how Alex Brima - the person you have called

22 Alex Brima - found out that Tito had handed over this rifle to

23 **xxxxxx**?

24 A. It was when we arrived at the base where Alex Brima was,

11:12:17 25 when we arrived at the headquarters.

26 Q. So, what happened when you arrived at the headquarters?

27 A. When we arrived at the headquarters, Alex Brima, who is

28 Gullit, saw this rifle.

29 Q. And what happened when he saw this rifle?

1 A. Later on, Tito brought Alex -- talks about Alex Brima, that
2 Alex Brima was after him.

3 Q. Mr Witness, sorry, I can hear what you are saying and I can
4 also hear the interpreter. You are going slightly too fast for
11:13:13 5 the interpreter. So, if you start again with your answer,
6 because it's also causing me some difficulties because I tend to
7 ask you the questions before the interpreter finishes. So,
8 please, take it slowly. Can you start again, please?

9 A. When Tito arrived, he said the rifle he gave to xxxxxx
11:13:47 10 xxxxxx, he said it is quite some time Gullit is after him for that
11 weapon, but he refused to give it to him. He said so Gullit had
12 demoted him. He confirmed that problem after we had crossed a
13 swamp.

14 Q. Okay. Now, how long after you arrived at Rosos did Tito
11:14:29 15 come to xxxxxx with this information?

16 A. I arrived like today, slept, the other day. It was the
17 time Tito came with the complaint.

18 Q. You mean the next day?

19 A. We arrived today, we slept. A day, the next day.

11:15:08 20 Q. Okay. So, for 24 hours the person you say is Alex Brima
21 was able -- was still able to promote and demote people as he
22 wished at Rosos?

23 A. He was the commander at that time.

24 Q. All right, I'll come to that later. Now, you said -- you
11:15:44 25 remember - and I've asked you several times about this and you've
26 given various statements - now, I'm going to read what you told
27 persons representing the Special Court?

28 MS THOMPSON: Your Honours, I'm looking at page 9810. The
29 fourth paragraph, Your Honours. I shall start from "Witness

1 said". It's the fourth paragraph, seven lines down. "Witness
2 said," Your Honours.

3 Q. Mr witness, like what happened before, I'll read it to you
4 and then I'll ask you questions about it later. "Witness said
11:16:58 5 xxxxxx was also annoyed at and suspicious about Gullit for
6 refusing to hand over to him, xxxxxx, weapons he believed
7 Gullit had obtained during the raid on --"

8 THE INTERPRETER: Your Honour, let counsel take it slowly.
9 We are doing interpretations here.

11:17:15 10 MS THOMPSON: I do apologise, Mr Interpreter. I'll start
11 again.

12 Q. "Witness said xxxxxx was also annoyed at and
13 suspicious about Gullit's refusing to hand over to him, xxxxxx
14 xxxxxx, weapons he believed Gullit had obtained during the raid on
11:17:45 15 Karina and other places. Witness said xxxxxx began to
16 suspect weapons hadn't been handed over to him when a soldier
17 named Tito gave him, xxxxxx, a sniper weapon captured during
18 one of Gullit's attacks and which Gullit had said nothing about."
19 Mr witness, do you recall saying that to investigators?

11:18:32 20 A. Yes.

21 Q. So which version -- first of all, let me get it right.
22 what I read out to you, are we talking about the same incident as
23 the one you told the Court on Tuesday?

24 A. Concerning to what?

11:18:51 25 Q. Concerning the sniper weapon which Tito gave to xxxxxx
26 xxxxxx?

27 A. Yes.

28 Q. Which of the two versions that this Court has heard about
29 is the correct version?

1 A. The sniper rifle.
2 Q. So the only truth here is that a sniper rifle was handed
3 over to xxxxxx. Everything else is a lie; is that not so?
4 A. What other things?
11:19:29 5 Q. Shall I remind you of what you told the Court on Tuesday?
6 A. Yes.
7 Q. You told this Court that Tito handed a sniper over to
8 xxxxxx.
9 MR HODES: Your Honours, is there a page number that's
11:19:49 10 being referenced in the draft transcripts?
11 MS THOMPSON: Sorry, your Honour. I am looking at my
12 notes. I haven't actually got the transcript with me. I'm
13 looking at my notes. Perhaps I should have got the transcript,
14 but it would have been -- it was evidence given before lunch, if
11:20:13 15 that's any help.
16 PRESIDING JUDGE: Just pause, Ms Thompson, and I'll see if
17 we can get that.
18 MS THOMPSON: Your Honour, my colleague has kindly handed
19 over the transcript to me. Your Honour, it's on page 29 starting
11:21:21 20 from line -- it's in answer to a question at line 6 and the
21 answer starts at line 10 to 18. Your Honour, I'll read directly
22 from the transcript what was said.
23 Q. The question:
24 "Q. Again to clarify your testimony, you indicated that
11:21:52 25 you met xxxxxx as you were coming into or coming near
26 to Camp Rosos or Colonel Eddie Town. Go ahead and tell us
27 what happened when you met Colonel Tito.
28 "A. When we met him he took off a sniper rifle and he
29 handed it over to xxxxxx. If I recollect properly, as

1 I'm seeing Alex Brima, he was annoyed. I think it was a
2 rifle he wanted from xxxxxx which xxxxxx did not give him, so
3 he was offended to see that particular rifle with xxxxxx. I
4 saw it. There was a time when he demoted xxxxxx. When xxxxxx
11:22:34 5 was a colonel, he returned him to major. It was due to
6 this complaint that I was able to understand that xxxxxx told
7 me that he himself was -- had no zeal to go on and I told
8 xxxxxx. I said he --"

9 Mr Witness, that was what you told this Court on Tuesday.
11:22:53 10 MR HODES: Your Honours, I rise because I don't know that
11 there's anything in conflict with anything that he has answered
12 from the questions being put by defence counsel. The way I
13 understand his testimony right now with regards to this incident,
14 Colonel Tito handed over to xxxxxx a sniper rifle. Defence
11:23:15 15 counsel has read another paragraph from page 9810 that talks
16 about conversations between xxxxxx and the witness. I'm not
17 sure I'm seeing any conflict between his response to her
18 cross-examination questions to anything that's being put to him
19 in either page 9810 or the transcript.

11:23:42 20 PRESIDING JUDGE: Ms Thompson, your question actually was
21 "So it was only that the sniper rifle was handed over, the rest
22 is lies." And at the time I thought it was a very broad type of
23 question because there were several questions of fact within the
24 amount of reading you had done from the statement. So, which
11:24:02 25 part in particular were lies and, as Mr Hodes said, where is the
26 conflict? If you could put that directly to him and clarify that
27 for the witness, please.

28 MS THOMPSON: I will, Your Honour, yes.

29 Q. Now, you recall I've just read out to you what you said on

1 Tuesday. Now, I'm going to read out to you what you told
2 investigators earlier.

3 MS THOMPSON: Your Honour, I'll read the particular portion
4 which I have quarrel with.

11:24:32 5 PRESIDING JUDGE: If that's the same portion you've already
6 read, Ms Thompson, we have that on record. So if you could just
7 go to the part in particular.

8 MS THOMPSON: Yes, I'll put it to the witness, that
9 particular sentence. It's the sentence starting "Witness said".

11:24:45 10 Q. "Witness said xxxxxx began to suspect weapons hadn't
11 been handed over to him when a soldier named Tito gave him,
12 xxxxxx, a sniper weapon captured during one of Gullit's
13 attacks which Gullit had said nothing about." You recall that?

14 A. Say he had --

11:25:18 15 Q. [Overlapping speakers] the investigators.

16 A. It was, say, the rifle Tito handed over to xxxxxx. I
17 could remember that.

18 Q. Okay, well let me ask you this question: How long after
19 you arrived at Rosos did xxxxxx hand over this rifle to xxxxxx

11:25:39 20 xxxxxx?

21 A. The very day we arrived, before we entered Camp Rosos.

22 Q. When did you see the person you called Alex Brima? On the
23 day you arrived, when did you see him?

24 A. When we entered Camp Rosos. By then we had left where xxxxxx
11:26:03 25 was.

26 Q. So, at the time you'd met xxxxxx you had not seen Alex Brima?

27 A. Yes.

28 Q. And at the time you met Tito this person, Alex Brima, had
29 not spoken to xxxxxx?

1 A. Which person that I will not spoke --
2 Q. Alex Brima?
3 A. By then we have just arrived.
4 Q. So, he had not spoken to xxxxxx?
11:26:34 5 A. Gullit?
6 Q. Yes.
7 A. Yes.
8 Q. Okay. So, how is it then that xxxxxx expected -
9 because I'm taking it from what you told the investigators
11:26:52 10 earlier - that the person Gullit would have told him about
11 weapons -- about this weapon xxxxxx had handed over to him, when he
12 hadn't seen him yet?
13 A. He saw it when we entered the camp.
14 MR HODES: I'm going to object to that question. I'm
11:27:12 15 absolutely unclear as to who is being asked about what actually
16 at this point, or what conversation transpired between who. So
17 I'm not sure what that question was.
18 PRESIDING JUDGE: I'm not very sure either. Could you
19 repeat that question or clarify who's speaking to who, or
11:27:40 20 [overlapping speakers].
21 MS THOMPSON: I'll clarify it, Your Honour. I'll take it
22 in stages.
23 Q. Your evidence is that xxxxxx was annoyed because there
24 was a rifle which had been given to him which Gullit had not told
11:27:54 25 him about?
26 MR HODES: Your Honours, I'm going to rise and object again
27 to the line of questioning with regards to the sniper rifle at
28 this point. If you'll recall, and if you look at the transcript,
29 further on Defence counsel actually objects to the witness as

1 having speculated about Gullit's state of mind at the time that
2 the sniper rifle was passed on, and I believe the objection was
3 sustained and I moved on. So now it appears that the witness is
4 being cross-examined based on something that Defence counsel
11:28:29 5 objected to and Your Honours sustained said objection.

6 MS THOMPSON: Your Honour, I'm not asking the witness about
7 Gullit's state of mind. I'm not asking about anybody's state of
8 mind. What I'm asking is -- the witness said that he said what
9 is in the statement. There's also another version, a deviated
11:28:56 10 version, if I might put it that way, in the evidence he gave on
11 Tuesday. All I'm seeking from this witness is when this
12 conversation between Gullit and xxxxxx took place.

13 PRESIDING JUDGE: Have we established that there was a
14 conversation between xxxxxx and Gullit concerning weapons?
11:29:17 15 Have we established that?

16 MS THOMPSON: He agreed, Your Honour, that that was what he
17 said. He has agreed that that was what he said in interview and
18 in the version he gave on Tuesday.

19 PRESIDING JUDGE: I'm not questioning what he said in the
11:29:33 20 interview or what was said on Tuesday. You're saying to the
21 witness that Gullit had said nothing about it. Has it been
22 established that somewhere in the course of this xxxxxx
23 confronted Gullit concerning weapons, or is this some form of
24 common gossip that was going around? That is what has never been
11:30:03 25 clear, what I have not clarified in my mind.

26 MS THOMPSON: I'll clarify it, Your Honour, because I
27 thought he had when he said they met him once they entered Rosos.

28 PRESIDING JUDGE: They met him. Where?

29 MS THOMPSON: I should go a little bit further than that,

1 yes.

2 PRESIDING JUDGE: I'm not telling you how to do your
3 cross-examination, Ms Thompson, that would be improper. But I'm
4 not clear in how this knowledge came about.

11:30:27 5 MS THOMPSON: I shall clarify it, Your Honour. At least
6 I'll seek to clarify it.

7 Q. Mr witness, let's go over this one more time. Now, you
8 said that after the rifle was handed over by xxxxxx to xxxxxx,
9 when you came into Rosos you met this person Gullit?

11:30:50 10 A. Yes.

11 Q. Did xxxxxx speak to him at that stage? Did he speak
12 to Gullit at that stage?

13 A. Concerning what?

14 Q. Forget about what -- we'll come to that. Was there a
11:31:10 15 conversation at that stage between those two men?

16 A. When we entered, xxxxxx went to where Gullit was.
17 when he went there we were outside. It was from there they
18 pointed to the house where xxxxxx was to go. Then we went
19 where xxxxxx was. We placed our bags down, we were seated
11:31:45 20 whilst they were still there.

21 Q. Mr witness, please, just answer the question. Did they
22 talk?

23 A. Yes, yes, yes, yes.

24 Q. Were you present when this conversation took place?

11:32:03 25 A. No.

26 Q. Earlier I put a statement which you made to the
27 Prosecution. Not the one that you made in court, the one that I
28 read out to you earlier. And in that statement you said
29 xxxxxx felt that Gullit was keeping weapons from him. Now

1 can you tell us how you know that xxxxxx thought Gullit was
2 keeping weapons from him?

3 A. I don't think I recalled that. The only weapon that is
4 between them is that sniper weapon. If there was any other
11:32:48 5 weapon, I don't know. It was only the sniper weapon.

6 Q. Do you know when Gullit found out about the sniper weapon?

7 A. Yes.

8 Q. When was that?

9 A. It was the next day.

11:33:04 10 Q. Did you -- I read out something to you earlier and you had
11 agreed with me that that was what you said. Now, did xxxxxx
12 xxxxxx, or do you know whether xxxxxx thought that this sniper
13 weapon came from the stacks of weapons Gullit was supposed to
14 have? Do you know that?

11:33:34 15 MR HODES: I'm going to object, Your Honours. There's
16 nothing to indicate that xxxxxx ever indicated to the
17 witness that he believed Gullit had somehow hidden stacks of
18 weapons. If you look at the language in the statement itself,
19 there's reference to weapons, but weapons by itself can mean just
11:33:54 20 more than one. And so later on, the last sentence of the
21 statement that has been read back to the witness really specifies
22 the one weapon that is being talked about, which is this sniper
23 weapon. So I think Defence counsel is making a leap to the idea
24 that stacks of weapons are being hidden from this one statement
11:34:19 25 concerning xxxxxx having this one sniper weapon and thinking
26 or being suspicious that weapons becomes stacks of weapons. I
27 think it's unfair to the witness.

28 PRESIDING JUDGE: well, the term "weapons" in the plural is
29 used but "stacks of weapons" is not used. But the plural is

1 certainly used and I consider counsel for the Defence is entitled
2 to put the plural. But hyperbole should be avoided, Ms Thompson.

3 MS THOMPSON: Your Honour, thanks.

4 Q. Do you know why --

11:35:00 5 MS THOMPSON: Sorry, Your Honour, can you remind me of my
6 last question.

7 PRESIDING JUDGE: Do you know if xxxxxx, something
8 about stacks of weapons -- and then stacks of weapons and it was
9 the term "stacks of weapons" that counsel for the Prosecution has
11:35:15 10 objected to.

11 MS THOMPSON: Yes, Your Honour. Thanks.

12 Q. Do you know why xxxxxx thought that Gullit was hiding
13 weapons from him?

14 A. I don't know about weapons. I only know about a weapon,
11:35:32 15 which was the sniper rifle. So if you tell me about weapons, I
16 am not -- I don't have knowledge about that.

17 Q. Mr Witness, I'm taking these questions from what you told
18 the investigators -- what you said you told the investigators.
19 That's where these questions are coming from; okay. Now you said
11:35:55 20 in evidence-in-chief that when you arrived at the camp people
21 told you what had gone on in Rosos. Did they tell you whether
22 there had been any military operations from Rosos?

23 A. They did not tell me, but before we arrived at Camp Rosos
24 they had military operations.

11:36:29 25 Q. Whilst you were, when you arrived with xxxxxx, were
26 there any military operations?

27 A. At the time when we were at Camp Rosos, if military
28 operations took place? No.

29 Q. Do you recall an operation to Kukuna?

1 A. No.

2 Q. What about to Pendembu?

3 A. No.

4 Q. Is it your evidence that from the time you arrived at Camp
11:37:04 5 Rosos to when you left on the campaign to Freetown, you went --
6 sorry, I'll rephrase that. From the time you arrived at Camp
7 Rosos to when you left on the campaign to Freetown, ~~xxxxxx~~
8 ordered no military operations?

9 A. He did say to carry on with military operations. We were
11:37:32 10 heading for Freetown. It was to reinstate the army. That was
11 the operation.

12 Q. There were no operations to nearby villages or towns?

13 A. Before we could cross we fought with the Gbethis that were
14 on the other side.

11:37:55 15 Q. I'm not asking about when you left Rosos. I'm talking
16 about the period you were in Rosos, whether there were any
17 military operations launched from Rosos and then you came back.
18 That's what I'm asking.

19 A. No.

11:38:13 20 Q. Now you said that when you arrived at Rosos that some
21 people were in detention?

22 A. Yes.

23 JUDGE SEBUTINDE: Sorry, Ms Thompson, if I may just take
24 you to that question, that immediate last question that you
11:38:29 25 asked. When the witness said no, was he in fact confirming the
26 fact that there were no operations done or carried out in
27 neighbouring villages while he and ~~xxxxxx~~ were at Rosos? Is
28 this what he's confirming.

29 MS THOMPSON: That's what I understood it to mean but I

1 think perhaps I should clarify it for the records.

2 Q. Mr witness, let me ask you that last question again. From
3 the time xxxxxx and xxxxxx, and all the people you came with
4 arrived at Camp Rosos, to the time when you left to come to
11:39:05 5 Freetown, were there any military operations ordered by xxxxxx
6 xxxxxx from Rosos, which were launched from Rosos?

7 A. No, the only time when we left when we were about to cross
8 -- when all of us decided to leave Camp Rosos to come to
9 Freetown.

11:39:31 10 Q. We'll come to that. But before I come to that, you said
11 that when you arrived at Rosos that there were people in
12 detention, and you gave us -- you said that Bomb Blast and Bio
13 were in detention, accused of being witches?

14 A. Yes.

11:39:59 15 Q. You recall that? Now, again, I'm going to put your
16 statement to you.

17 MS THOMPSON: I'll start first, Your Honours, with page
18 9800, second paragraph. Shall I carry on, Your Honour?

19 PRESIDING JUDGE: Yes, we have that before us. Thank you,
11:40:50 20 Ms Thompson.

21 MS THOMPSON: I'm reading from the second paragraph.

22 Q. "Arriving at Rosos it was Junior Lion who was sent to
23 welcome us. They met many AFRC" --

24 A. Sorry.

11:41:02 25 Q. I'll carry on. "Arriving at Rosos it was Junior Lion who
26 was sent to welcome them. They met many AFRC senior members like
27 xxxxxx and xxxxxx, those he can remember. xxxxxx was not
28 amongst them". Do you recall saying that to the people
29 interviewing you?

1 A. Yes.

2 [AFRC29SEP05C - AD]

3 Q. Yes. And in that two sentences which I have read, there is
4 nothing there that says, "xxxxxx and xxxxxx were in detention
11:41:42 5 accused of being witches" now, is there?

6 A. That was the reason why they were held; that they were
7 witches, they had not wanted the movement to carry on ahead.

8 Q. Okay, I will put another one to you.

9 MS THOMPSON: Your Honours, page 9810:

11:42:25 10 Q. Starting from the second paragraph, "witness said he
11 estimated Gullit's troop strength to be about 250 men. He said
12 xxxxxx ordered witness to make a nominal roll of all senior
13 officers, including their rank and SLA number, which witness did.
14 He said he met with and took this information from many officers,
11:42:59 15 including Gullit, Bazzy, xxxxxx, Five-Five; xxxxxx, xxxxxx,
16 xxxxxx, xxxxxx; Jr Lion; xxxxxx alias xxxxxx
17 xxxxxx.

18 "The next day, xxxxxx called all the aforementioned to
19 a meeting in which he asked them for a situation report. At this
11:43:28 20 meeting, Gullit talked about the women he identified as witches
21 and who were accused of undermining their success. Witness
22 claims the women were eventually let go."

23 Do you recall saying that?

24 A. I can recall.

11:43:43 25 Q. Now you told the interviewers about witches but you did not
26 tell them that either xxxxxx or xxxxxx had been in detention
27 identified as witches, did you?

28 A. I named xxxxxx and xxxxxx. So if you talk about the witch
29 women, you make me remember it. It is only that you made me

1 remember then it came out of my memory. Out of three, I've
2 called two.

3 Q. Okay. So when you were making your statement in 2003 they
4 were out of your head; not so? You couldn't remember them, about
11:44:42 5 xxxxxx and xxxxxx being in detention and being called witches?
6 A. I remember them.

7 Q. I shall move on. Now, how long after xxxxxx arrived
8 at Rosos did he take over command?
9 A. After when he had given me a paper to pass it around. He
11:45:17 10 had to summon them.
11 Q. Mr witness, how long after, please?
12 A. I would say after the first day, the second day.

13 Q. Was there an official handover? Was there a parade with
14 official handover of command?
11:45:44 15 A. To make it clear to you, the official parade that went on,
16 that was the paper situation so that to know the various ranks
17 because, during that time, Gullit had said that he was the
18 brigadier. While xxxxxx said was the brigadier. If we went
19 around, Gullit was not a brigadier.

11:46:11 20 THE INTERPRETER: Sorry, would the witness come back to the
21 tail end of his testimony?
22 THE WITNESS: Because --
23 PRESIDING JUDGE: Just pause, Mr witness. Did you hear the
24 interpreter wants you to go back to your evidence and repeat the
11:46:34 25 last part? Did you understand that?
26 THE WITNESS: Yes ma'am. Would you tell me where, the
27 part?
28 PRESIDING JUDGE: [Microphone not activated]
29 THE WITNESS: Gullit said he was a brigadier. Then

1 xxxxxx also claimed that he was a brigadier, that was the
2 area.

3 PRESIDING JUDGE: You had said that Gullit was not a
4 brigadier, at one point claimed came to be a brigadier. Please
11:47:04 5 go back to that part of your reply and start again.

6 THE WITNESS: Before ever we went out with the paper, we
7 gathered information that Gullit was the brigadier because that
8 was all over there that when xxxxxx came, he should take
9 orders or command under him. Based on this, xxxxxx said let
11:47:34 10 us try to find out who was the senior man. So he gave me the
11 paper to get right around to get the ranks of the individuals
12 present. I did it, I went round. After I went round, the
13 highest rank amongst them was the colonel rank, and Gullit was
14 the colonel. Then xxxxxx ordered brigadier. After he had
11:48:13 15 read the register, so they sat together and discussed while we
16 were outside. whether he hated him inwardly, but outwardly we
17 knew that he was the commander.

18 MS THOMPSON:

19 Q. So you did not see any resistance to hand over command to
11:48:48 20 xxxxxx; that is the case, not so?

21 A. No, even before the witch --

22 Q. No, no, please. I will ask the next question. Now did
23 xxxxxx restructure the troops at Rosos?

24 A. Yes, he summoned them and divided them into -- because they
11:49:26 25 had already had battalions. So xxxxxx got into the existing
26 xxxxxx. Well, he left them the way he met them. The only
27 thing xxxxxx used to do was to know the commander at the
28 point section.

29 Q. Did he create any more battalions?

1 A. Yes, including the man power that we came with, which we
2 added to the existing one.
3 Q. How many battalions did he create?
4 A. It was four battalions.
11:50:15 5 Q. How many battalions did you meet at Rosos?
6 A. It was about two battalions.
7 Q. And he brought four, so you were now six battalions?
8 A. No. Two, plus two, that sum up to four. It is not four
9 plus two.
11:50:38 10 Q. okay. So he brought two. There were already two, equal to
11 four?
12 A. Yes.
13 Q. Did he give any promotions at Rosos?
14 A. No.
11:50:51 15 Q. Now, you told us that --
16 A. Sorry.
17 Q. People had told you - I think you said xxxxxx, xxxxxx and
18 Issa - that the person they identified as Gullit had sacrificed
19 two children at Rosos.
11:51:39 20 PRESIDING JUDGE: Was the word "sacrificed" used?
21 MS THOMPSON: That was the interpretation I got, Your
22 Honour.
23 PRESIDING JUDGE: I recall the word "sacrifice" in relation
24 to the --
11:51:50 25 MS THOMPSON: The seven cows.
26 PRESIDING JUDGE: -- the cows. I think there were 14 in
27 the end, weren't there? I thought two children were buried. I
28 just want to be clear on the terminology.
29 MS THOMPSON: Sorry, Your Honour, I've got sacrifice so far

1 as the cows are concerned. Okay. Yes, it was a sacrifice to
2 have coveted power in relation to the cows. Yes, Your Honour.
3 Q. You said that they told you, these three people: xxxxx
4 xxxxxx; xxxxxx; and Issa, told you that Gullit had buried two
11:52:28 5 children alive?
6 A. Yes.
7 Q. Did they show you where it was?
8 A. No.
9 Q. Did you ask to see this grave?
11:52:40 10 A. No.
11 Q. Now let me turn to xxxxxx. It is your belief that the
12 person you call Gullit killed xxxxxx; not so?
13 A. 100 per cent, yes.
14 Q. And in that camp, there were two -- correct me if I am
11:53:14 15 wrong, I am getting this from your evidence, but there were
16 people there who were loyal to Gullit and people there who were
17 loyal to xxxxxx; not so?
18 A. At that time?
19 Q. Yes.
11:53:29 20 A. That time you are trying to tell me. Gullit, yes, yes,
21 yes.
22 Q. Did you discuss xxxxxx's death with those people who
23 were loyal to him?
24 A. Concerning his death?
11:53:48 25 Q. Yes.
26 A. I only said that to those that were present when the
27 incident happened, including Gullit.
28 Q. Okay. You were xxxxx xxxxx xxxxxx; not so?
29 A. I don't know if that question has any protection towards

1 me.

2 Q. I am not trying to do anything to reveal your identity,
3 okay, but if you are uncertain about that question I will put it
4 another way. You were working closely with xxxxxx; not so?

11:54:45 5 A. The question I am trying to make, if the question that you
6 put to me, if that question if it is not going to reveal my
7 identity.

8 Q. I think we have it on record, Mr Witness, that xxxxx
9 xxxxx xxxxx and I think that was in open Court.

11:55:09 10 MR HODES: Yes, but xxxxx versus
11 describing his work detail. I assume that is the concern that
12 the witness is presenting.

13 PRESIDING JUDGE: Yes. Perhaps, Mr Witness, can you
14 clarify to us what your concern is?

11:55:29 15 THE WITNESS: Presently, as I am talking now, this is
16 something that you want the citizens to know and most of those
17 people, they know exactly what I'm saying as I'm answering the
18 woman's question. And those that were in the scene, they will
19 say, "Yes, this is such and such a person that is speaking". So
11:55:55 20 that is why I have asked if I am to answer her questions, if that
21 will not affect me.

22 PRESIDING JUDGE: Just pause, Mr Witness. The witness
23 obviously has got concerns, counsel.

24 MS THOMPSON: I appreciate the concern, Your Honour. I
11:56:13 25 will rephrase the question.

26 PRESIDING JUDGE: Let me inform him of that and if there is
27 still a concern we will again deal with it. Mr Witness, the
28 counsel is going to ask in a different way. If you are still
29 worried you must tell us again. Do you understand?

1 THE WITNESS: Yes.
2 PRESIDING JUDGE: Please proceed, Ms Thompson.
3 MS THOMPSON:
4 Q. In that particular area where xxxxxx dies, were there
11:56:48 5 other people who had worked or who were working with xxxxxx
6 as well?
7 A. xxxxx there, including those three men. xxxxx of xxxxx
8 were xxxxx with him. But one cannot speak on behalf
9 of one's way of thinking. But outwardly all of us were working
11:57:11 10 together with him.
11 Q. Mr witness, I think you misunderstand my question. Perhaps
12 I'll rephrase it. When this happened were there people who had
13 come with you and xxxxxx to Rosos and were not people you
14 met at Rosos but people you came with and people you left Rosos
11:57:34 15 with. Do you understand?
16 A. The people that we left at Rosos -- I don't understand, I
17 don't understand, I don't understand.
18 Q. Was Junior Lion present at the time of xxxxxx's death?
19 A. Before he died, they were all there. When he fell down,
11:58:03 20 that was the time all of them scattered about.
21 Q. Okay. Did you see fire nearby?
22 A. Near where?
23 Q. Near where xxxxxx had died?
24 A. No fire.
11:58:23 25 Q. You did not see an ammunition dump near where xxxxxx
26 died?
27 A. If I can assist you, the ammunition dump that they told you
28 about was far away, far off.
29 Q. It is right to say that you were very xxxxx;

1 not so?
2 A. Yes.
3 Q. And you are also xxxxx?
4 A. Yes.
11:58:57 5 Q. And you are xxxxx because he
6 said he was going to restore the xxxxx and you were loyal to that?
7 A. Yes.
8 Q. You believed in what he wanted to do; not so?
9 A. Yes.
11:59:15 10 Q. And it is also right that you always felt that this person
11 Gullit did not like xxxxxx?
12 A. Yes.
13 Q. And you have never trusted this person Gullit?
14 A. Yes.
11:59:33 15 Q. Isn't it the case therefore that you have come to court
16 because you want to punish Brima once and for all for what you
17 believe he did?
18 A. I have not just come here in order for me to punish him.
19 You were not there, neither any other person present in this
12:00:04 20 Court was there. As I believe that --
21 THE INTERPRETER: The witness's testimony was not clear.
22 would he please --
23 PRESIDING JUDGE: [Microphone not activated]
24 THE INTERPRETER: where he said you were not there and
12:00:23 25 neither any other person in this Court was present there. From
26 there.
27 PRESIDING JUDGE: Mr witness, did you hear the interpreter?
28 THE WITNESS: No.
29 PRESIDING JUDGE: Presently the interpreter would like you

1 to repeat that part of your evidence after the part where you
2 said you were not there to counsel and no one else here was
3 there. Continue from that point, please.

4 THE WITNESS: None of them were there. So at least if they
12:00:55 5 were there they would have known the truth and I don't believe
6 that I'm here to lie against anybody, but what I saw and how they
7 plan and how it was implemented and who made the plan, that's why
8 I'm here. I'm not here to point fingers at individuals or
9 neither to punish a person here.

12:01:25 10 MS THOMPSON:
11 Q. You said - if I get the interpretation correctly - you were
12 there and you were there how they planned. Were you there when
13 this plan to kill xxxxxx was made?

14 PRESIDING JUDGE: Which plan is that, Ms Thompson, because
12:01:43 15 we've heard of --

16 MS THOMPSON: The interpretation I got was, "You were not
17 there. I was there when they planned".

18 PRESIDING JUDGE: I didn't actually hear that. Excuse me,
19 Mr Interpreter [overlapping speakers].

12:02:02 20 MS THOMPSON: Sorry, Your Honour, I shouldn't talk over
21 you.

22 Q. Were you there when the plan -- when they planned to kill
23 xxxxxx?

24 A. I wasn't there.

12:02:13 25 Q. You also said that you were a xxxxx and it's right that
26 you consider the person Gullit to be disloyal to the military;
27 not so?

28 A. What do you mean by disloyal? I don't know that area. I
29 want you to make it clear.

1 Q. He was not loyal to the military. You thought he was more
2 of a politician than a soldier?
3 A. 100 per cent it's the truth about what he used to say. And
4 even Five-Five met me and asked me concerning him. It is
12:03:02 5 according to the way the questions are put, that if I am lying.
6 That's why I'm saying that I'm not saying lies. Gullit was not
7 loyal.
8 Q. And that is also something you have against him; not so?
9 A. I would not just take it like that because --
12:03:22 10 Q. Please, yes or no; that is also something you have against
11 him?
12 A. No.
13 MS THOMPSON: Your Honours, turn to page 9785, which is a
14 statement given by the witness before he spoke to the members of
12:03:51 15 the OTP. I'll read from 11 lines up from the bottom, the
16 sentence starting, "Whilst in Freetown."
17 PRESIDING JUDGE: Yes, we have that before us, thank you.
18 JUDGE THOMPSON:
19 Q. I will read to you, Mr Witness. "Whilst in Freetown we
12:04:38 20 xxxxx requested for xxxxx. On our request the, xxxxx
21 xxxxx has to send Gullit, Five-Five and Abdul
22 Sesay to come and talk to us. When xxxxx became annoyed about that,
23 xxxxx then made the remarks that let the xxxxx with xxxxx talk
24 to us and not those with civilian cloth, that is Gullit and
12:05:04 25 others. They take my remarks as fun. They have to send the
26 three men to address. When they came xxxxx had to xxxxx of
27 Five-Five and xxxxx to my colleagues. xxxxx also tried to
28 get Gullit and Abdul Sesay, they xxxxx to the xxxxx at
29 xxxxx. xxxxx was asked by the xxxxx why. xxxxx replied them

1 that is a xxxxx matter and not a xxxxx matter. If they want
2 to talk to us, let them send men in uniform'."

3 Do you recall saying that?

4 A. That question again I would answer, but I'm afraid again
12:05:51 5 concerning my security; I don't know whether that can identify
6 me.

7 MS THOMPSON: Perhaps with Your Honours' help -- let me see
8 if we can get around this problem.

9 Q. You can write, can you not? You can write words like yes
12:06:10 10 or no?

11 A. Yes, I can write.

12 Q. With Their Honours' leave, if I were to ask you the
13 question again and you write on a piece of paper the answer yes,
14 if the answer is yes, or N-O if the answer is no, would that help
12:06:30 15 you?

16 A. Yes.

17 MR HODES: I object only because I'm not sure again what
18 the relevance is of this particular paragraph, if it has to do
19 with whether or not this witness has some sort of personal bias
12:06:45 20 against Gullit as a result of this incident. There is nothing in
21 the statement that indicates that and counsel has already asked
22 him specifically whether or not he has any personal bias, based
23 on anything that occurred, towards Gullit. So I am not sure
24 where this paragraph is going to help or lead the Court to any
12:07:06 25 further understanding of this particular issue.

26 JUDGE LUSSICK: well, I think I can see where Ms Thompson
27 son is going but if I explain what I see in the question it will
28 give the answer to the witness. So we will allow the question.

29 MS THOMPSON: I'm grateful, Your Honour. Perhaps, Your

1 Honour, we can -- I'm not sure whether Your Honour is agreeable
2 to a piece of paper being passed on to the witness with a pen.

3 PRESIDING JUDGE: Yes, that should be done. Madam Court
4 Attendant, please assist.

12:07:49 5 MS THOMPSON:

6 Q. Mr witness, you have now got a piece of paper in front of
7 you and a pen. Would you like me to read it out again and ask
8 you the question or do you still remember the question?

9 A. Ask the question again.

12:08:05 10 Q. Shall I read the paragraph again to you?

11 A. Ask the question.

12 Q. Did you say that when you were being interviewed? Did you
13 say what I read out to you -- did you say that when you were
14 being interviewed; yes or no?

12:08:34 15 A. [Witness complied]

16 PRESIDING JUDGE: Madam Court Attendant, please show the
17 reply first to the counsel for the Defence and then counsel for
18 the Prosecution and then pass it up to us, please.

19 MR HODES: Your Honours, I guess if this is going to be
12:09:16 20 part of the evidence it needs to be marked accordingly.

21 PRESIDING JUDGE: Exercising my mind on that very point,
22 Mr Hodes.

23 MS THOMPSON: That was going to be my next question, Your
24 Honour. Because we could record it in our individual notebooks,
12:09:31 25 but I'm not sure how it's going to work as far as the transcript
26 is concerned.

27 PRESIDING JUDGE: The witness is obviously concerned. It
28 will have to be under seal. I think it will have to be under
29 seal.

1 MS THOMPSON: Perhaps the transcript can be marked answer
2 is Exhibit X or whatever under seal.

3 PRESIDING JUDGE: Ms Thompson, please have a seat for a
4 moment.

12:12:47 5 [Trial Chamber conferred]

6 PRESIDING JUDGE: Mr Witness, we wish to clarify something.
7 Counsel read you out some words, a long passage that you were
8 supposed to have said to the investigators. That was read out in
9 public court. What is the problem that you are -- what is your
12:13:09 10 problem in answering the question, "Did you say that?"

11 THE WITNESS: Yes, ma'am. The incident that took place, it
12 occurred before xxxxx where a lot of people were present
13 there. And when it occurred, many people knew that xxxxx was xxxxx of
14 the people involved in it. So if xxxxx am asked here and this is
12:13:52 15 something that is had to be presented to the public, that is why
16 xxxxx concerned. Because when this thing happened it was not
17 hidden, because it happened xxxxx where everybody was on
18 their lot. So if you ask me concerning my security, this is the
19 only thing I can say to you.

12:14:16 20 JUDGE SEBUTINDE: But Mr Witness, the lawyer has not asked
21 you whether this statement is true or false. She has simply
22 asked you did you state this to the investigators. That is all
23 she has asked. She hasn't asked you to go into the details and
24 confirm the truth of the content of the statements. How is it if
12:14:35 25 you answered yes or no, how is that supposed to affect your
26 security? Yes or no, did you state this before the
27 investigators, how does that affect your security and safety?

28 THE WITNESS: Well, if it has not problem, it creates no
29 problem on me, let us forge ahead.

1 MR HODES: Your Honour, if I may. If the witness is
2 concerned that this is some particular incident that is well
3 known either within the xxxxx or within any other community that is
4 one that places him at risk, I think by all means we should
12:15:17 5 respect that. The disclosure itself is not public, disclosure is
6 limited to those of us who are part of the Tribunal. And so this
7 whole statement being read out loud at this is point does bring
8 that into the public record. So his response either confirming
9 or denying xxxxx in this particular incident is I
12:15:35 10 believe what it is that is troubling him. So if it is an
11 incident, that -- I believe what he is suggesting is that it is
12 an xxxxx well known either within the xxxxx or the former xxxxx
13 community, then that is something that the Court should respect.

14 JUDGE SEBUTINDE: Ms Thompson, do you think you could
12:16:04 15 rephrase this question in a way that takes concerns out of it, as
16 a compromise?

17 [Trial Chamber conferred]

18 PRESIDING JUDGE: This is a ruling concerning this answer
19 and matters raised by counsel for the Prosecution.

12:20:58 20 The Defence had only asked the witness for confirmation
21 that what the witness said about what the witness said to the
22 investigators. The witness when asked his concern said, "Forge
23 ahead, it's all right by me." We will put the answer to this
24 question asked by counsel for the Defence, "Did you say what I
12:21:27 25 read?" - that answer will be put on record. However, the
26 witness must raise any concerns, if he has any, on any further
27 questions that are asked of him.

28 Mr witness, did you understand what I said?

29 THE WITNESS: Yes, ma'am.

1 PRESIDING JUDGE: The answer written by the witness was,
2 "Yes." To the question -- the question asked by counsel for the
3 Defence "Did you say what I read" was answered in the
4 affirmative. Ms Thompson, continue.

12:22:18 5 MS THOMPSON: Thank you.

6 Q. Mr witness, Tuesday when you were describing xxxxxx's
7 death, you told this Court that when you got back you saw Gullit
8 putting his finger in xxxxxx's nose, do you recall that?

9 A. Yes.

12:22:42 10 Q. I am going to refer again to something which you said
11 earlier.

12 MS THOMPSON: Your Honours, page 9778, the last paragraph,
13 seven lines up. In fact, I will go further up, nine lines up,
14 starting from the sentence, "On my way after delivering the
12:23:37 15 message."

16 Q. Mr witness, like we've done before, I will read out and
17 then I will ask you the question. "On my way after delivering
18 the message to these xxxxx for Benuma, xxxxx heard a huge sound
19 out of Benguma Training Centre. No sooner xxxxx saw one soldier
12:24:02 20 lifting xxxxxx on his soldier and Gullit and xxxxxx were
21 behind him coming towards my direction. I then saw xxxxxx trying
22 to put finger into the nostril of xxxxxx and I had to stop
23 woyoh and ask him why he is doing such to xxxxxx. He told
24 me it was to stop the bleeding coming from xxxxxx's nose."

12:24:27 25 Do you recall saying that?

26 A. xxxxx remember that xxxxx uttered such a word. xxxxx don't know
27 whether it was a mistake, but it was Gullit.

28 Q. Mr witness, isn't this the case: That you have told this
29 Court that it was this person you call Gullit who put his finger

1 into the nose of xxxxxx because it is part of your campaign
2 to punish him for the death of xxxxxx? Isn't that the case?

3 A. May God forbid that.

4 Q. Also, whilst you were still at this place, it is the case,
12:25:22 5 is it not, that Gullit knew that you were xxxxxx;
6 not so? He knew that?

7 A. He knew that from the NPRC time.

8 Q. So I put it to you that the conversation you told us about
9 on Tuesday, when you said that you were xxxxxx when Alex Brima
12:25:56 10 called his men and said xxxxxx was not in their favour
11 because xxxxxx was talking about SLA instead of AFRC, I put
12 it to you that that conversation never took place and you have
13 made it up as part of your campaign to punish this person you
14 refer to as Gullit.

12:26:22 15 MR HODES: Again, Your Honours, if counsel is going to
16 impeach based on information that is available in transcript
17 form, I ask for the specific place. Just impeaching out of notes
18 leaves me at a loss.

19 PRESIDING JUDGE: Ms Thompson, it would help to have the
12:26:43 20 exact quotation.

21 MS THOMPSON: Yes, Your Honour, I shall -- just a minute.

22 PRESIDING JUDGE: Can we start with the date?

23 MS THOMPSON: It was the evidence given on the 27th and it
24 was before lunch time. What I will do, Your Honour, I will ask
12:27:00 25 my colleagues to find it in the transcript. I will come back to
26 that question later. I shall move on so as not to waste time.

27 Q. Now, you said also on Tuesday that you had heard Gullit say
28 that they should burn the town. I have moved on. I will just
29 give you a time frame; we are now in Freetown, and your evidence

1 was that you heard Gullit say, "Burn the town." Were you present
2 when he gave those orders?

3 A. Yes.

4 MS THOMPSON: Your Honours, I will turn to page 9823.

12:28:03 5 JUDGE SEBUTINDE: Sorry. Kindly repeat the page number,
6 please.

7 MS THOMPSON: 9823, Your Honours.

8 Q. Mr Witness, before I put that to you, your evidence -- I
9 will pause a minute. Before I put it to you, your evidence was
12:28:43 10 that it was as a result of this order that Gullit made that
11 Five-Five distributed petrol to everybody. That was your
12 evidence; not so?

13 A. Yes. Anything that Five-Five did, the order came from
14 Gullit.

12:29:02 15 Q. okay. I will read to you page 9823.

16 MS THOMPSON: Your Honours, I am looking at the eighth
17 paragraph, beginning on 11th January 1999.

18 Q. "On the 11 January 1999, there was a meeting for all the
19 council members, including Gibril Massaquoi (RUF) at State House.
12:29:29 20 At this meeting, they decided they should burn the town. I saw
21 Five-Five distributing petrol to the soldiers and I heard him
22 giving specific instructions to burn the Parliament, the Police
23 CID headquarters and Immigration. Later I saw smoke."

24 Do you recall saying that to the people taking down your
12:29:59 25 statement?

26 A. Yes.

27 Q. What I have read out to you, there is nothing in there that
28 Gullit, on his own, gave an order to burn the town now, is there?

29 A. He said it first before Mosquito spoke over there.

1 Q. Your answer was that he said that before Mosquito came on
2 the air?
3 A. He said that, Gullit, said that we shall burn down
4 Freetown. He said that before Mosquito came over the air.
12:30:44 5 Q. And you were present when he said that?
6 A. It was xxxxxx with him. xxxxxx heard -- a xxxxxx, while he had a
7 white one. He was before xxxxxx and xxxxxx was behind him until xxxxxx
8 reached State House.
9 Q. Okay, a different house?
12:31:08 10 A. Yes, yes.
11 MS THOMPSON: Your Honours, I am looking at page 9830, now,
12 paragraph five. Shall I move on?
13 PRESIDING JUDGE: We have that before us, thank you.
14 MS THOMPSON: Thank you, Your Honour.
12:31:57 15 Q. "Around the 11th January 1999, there was a xxxxxx
16 xxxxxx. xxxxxx was not present, but Gullit, Bazy, Five-Five, Gibril
17 Massaquoi, xxxxxx, xxxxxx, all the AFRC council members
18 took part in that xxxxxx. After the meeting, xxxxxx aka xxxxxx
19 xxxxxx, the G5 Commander, told me that Gullit gave the order to
12:32:25 20 burn the town and that Bazy and Five-Five were burning the CID
21 headquarters. xxxxxx also saw Five-Five at State House distributing
22 petrol to the soldiers."
23 Do you remember saying that to the investigators?
24 A. Yes.
12:32:45 25 Q. Mr witness, you will agree with me that we have three
26 different versions of the order for burning of Freetown; not so?
27 A. Three orders?
28 Q. One xxxxxx told you. You have the one which you say the
29 council members took, and you have the one which you told this

1 Court that you were present when Gullit gave the order. Is that
2 not the case? There are three different versions now.

3 A. Yes. The one that I'm telling you, if you want me to make
4 it clear, the one that xxxxxx came and told xxxxxx, it was the one
12:33:32 5 concerning the CID. The one that xxxxxx came and told xxxxxx
6 concerned the CID. This one that I'm telling you, when we
7 arrived at the xxxxxx, he went in. When they entered the
8 State House, after the meeting, Gullit came out. He met xxxxxx at
9 the gate, and during that time he did nothing that he will not
12:34:00 10 tell xxxxxx. There is where he told xxxxxx again.

11 Q. Mr Witness, I am putting it to you that you have lied to
12 this Court. You are making it up. There are three different
13 versions of that one event; is that not the case?

14 MR HODES: Your Honours, I'm going to object to the
12:34:15 15 question. It is counsel's opinion that these three versions are
16 different. If you look at them, there are consistencies
17 throughout. xxxxxx told him what happened inside the State
18 House meeting. There is no indication of any real significant
19 difference that somehow it was Bazzy who ordered the burning of
12:34:37 20 the city, not Gullit. There is consistency throughout that
21 Gullit ordered it. So this idea that there are three different
22 versions because maybe an investigator did not ask who told him
23 what, I think it is unfair to the witness to pose the question in
24 that fashion.

12:34:57 25 MS THOMPSON: Your Honour, the difference is that the
26 evidence before this Court is that this witness was present when
27 this order was given. Presence actually denotes first-hand
28 knowledge of an event. What we have is two different versions
29 that appear in the statement. One was that he was told by

1 someone else and the other was, in fact, this order was not the
2 single act of one man, but a decision which everybody else came
3 to. It is so significant, it is omitted in both of these
4 versions of the statement that this person, this one man, gave
12:35:37 5 this order. Whether it was an order from a meeting or not, but
6 there is nothing in this statement which says that this one man
7 gave this order. In fact, in one of them, it goes further to say
8 that I was not there, or the implication -- [Microphone not
9 activated] --

12:35:49 10 THE INTERPRETER: Your Honour, counsel is going too fast
11 for the interpreters to pick out.

12 MS THOMPSON: Sorry. In the last statement, not only was
13 he not present, someone else told him. Your Honour, as far as
14 the Defence is concerned, that is a very, very significant
12:36:10 15 difference.

16 MR HODES: If I may respond, basically, there is no
17 difference. If you look at it, if you look at these statements
18 and if you listen to what he has testified to, there is
19 absolutely no difference. On January 11th, 1999, there was a
12:36:33 20 meeting before council members, including Gibril Massaquoi at
21 State House. At this meeting they decided they should burn the
22 town. There is no statement in there that indicates he was
23 present during that meeting. He hasn't indicated during his
24 testimony that he was present at that meeting at State House,
12:36:48 25 simply, that he heard Gullit give the order to burn. That does
26 not mean that Gullit only gave the one order to burn during the
27 course of that meeting. If counsel wants to clarify where he
28 heard Gullit give the order that he is referring to, then, by all
29 means. But to suggest that he is lying to the Court because of

1 things that are not said in these other paragraphs she is citing
2 to, I think, is completely inappropriate.

3 PRESIDING JUDGE: We allow the question; I overrule the
4 objection. For the purposes of record and to refresh the
12:38:00 5 witness's memory, please put the question again.

6 MS THOMPSON: Thank you, Your Honour.

7 Q. Mr witness, what you said in this Court and the two
8 passages I read out to you are three different versions of the
9 one event; not so?

12:38:18 10 A. Which ones?

11 Q. Okay, let me put it this way to you: You have told this
12 Court that you were present when Gullit gave this order. It is
13 another part of your campaign to punish Gullit; is that not the
14 case?

12:38:42 15 A. No.

16 Q. Because I am putting it to you, Mr witness, no such order
17 was given, nor did you hear any such order being given.

18 A. How would you tell me that while you were not present?

19 Q. Mr witness, it is a yes or no answer.

12:39:03 20 PRESIDING JUDGE: You actually have two questions in there,
21 Ms Thompson. Do them one at a time, please.

22 MS THOMPSON:

23 Q. No such order was given?

24 A. He gave.

12:39:14 25 Q. And you were never present when any such order was given.

26 A. I was present.

27 Q. I will ask you two quick questions about xxxxxx. Did
28 xxxxxx tell you about negotiating safe passage to Freetown
29 with diplomats; did xxxxxx tell you that?

1 A. Which of the diplomats?
2 Q. I take it he didn't tell you then. Did xxxxxx tell
3 you that he was planning to surrender to UNOMSIL, if I can put it
4 that way; did xxxxxx tell you that he was planning to
12:40:15 5 surrender to UNOMSIL?
6 A. No, no.
7 Q. Did xxxxxx tell you that he intended to use xxxxxx
8 xxxxxx as his bargaining tool to surrender to UNOMSIL?
9 A. No.
12:40:33 10 MS THOMPSON: Your Honour, I am going into a long area.
11 PRESIDING JUDGE: It would appropriate in that case if that
12 particular line of questioning is finished, Ms Thompson, we will
13 adjourn for the lunch break. Madam Court Attendant, please
14 adjourn Court to 2.15.
12:40:48 15 [Luncheon break taken at 12.42 p.m.]
16 [AFRC29SEPT05-SGH]
17 [On resuming at 2.20 p.m.]
18 PRESIDING JUDGE: Ms Thompson, you had indicated you were
19 moving on to a new aspect of your cross-examination. If you
14:16:39 20 would continue, please.
21 MS THOMPSON: Thank you.
22 Q. Good afternoon, Mr Witness.
23 A. Good afternoon.
24 Q. Now, Mr Witness, do you recall xxxxxx telling you and
14:17:04 25 his followers that the government of Sierra Leone was killing
26 your brothers?
27 A. Yes.
28 Q. Did he also tell you that that was the reason why you
29 should march to Freetown?

1 A. No.

2 Q. You gave evidence that xxxxxx said you should not
3 overthrow an elected government. That's right; not so? You said
4 that's what he told you.

14:17:50 5 A. Yes.

6 Q. Is it right that xxxxxx had been involved in two
7 military governments?

8 A. Yes.

9 Q. Now, at Benguema, after the death of xxxxxx, was there
14:18:18 10 a meeting to discuss who should take over the troops?

11 A. Well, I was not in the meeting. But to assist you a bit
12 again, Bazzy met xxxxxx and xxxxxx that let xxxxxx under Gullit.

13 Q. Okay, Mr Witness, were you aware if there was a meeting,
14 any such meeting?

14:18:51 15 A. Yes.

16 Q. Now, were you aware if the person you have referred to as
17 Gullit was willing to come to Freetown, to march to Freetown?

18 A. Yes.

19 Q. Did he tell you that?

14:19:27 20 A. For any movement that we wanted to do, he gave the last
21 order for us and said let us go.

22 Q. Okay. Were you happy to take command from him?

23 A. I was not glad, but as a xxxxxx subjected to order --

24 THE INTERPRETER: My Lord, the witness is too fast.

14:19:55 25 PRESIDING JUDGE: Mr Witness, you are speeding up there
26 again. A little bit slower, please, so the interpreter and the
27 rest of us can keep up. Please repeat. You said, "I was not
28 glad, but I am a xxxxxx." Please repeat what you said.

29 THE WITNESS: I was not glad, but as I was a xxxxxx and I

1 was xxxxxx to xxxxxx, and the one who told me who was Gullit,
2 Bazy, was my xxxxxx. And it was in the presence of Gullit that
3 he told xxxxxx that let xxxxxx. So xxxxxx had no other thing to do
4 except to xxxxxx.

14:20:34 5 MS THOMPSON:

6 Q. And when you xxxxxx it is right to say that you were in a
7 xxxxxx, were you not?

8 A. Yes.

9 Q. And indeed, you xxxxxx around the xxxxxx
14:20:57 10 area?

11 A. Yes.

12 Q. You burnt houses around the xxxxxx?

13 A. Yes.

14 Q. You looted property around the xxxxxx?

14:21:13 15 A. No.

16 Q. You beat people up around xxxxxx?

17 A. No.

18 Q. You amputated people?

19 A. No.

14:21:33 20 Q. And you even killed people in the xxxxxx of Freetown; did
21 you not?

22 A. No.

23 Q. Did you not xxxxxx the xxxxxx to withdraw from xxxxxx to
24 xxxxxx?

14:21:58 25 A. It was not xxxxxx, it was the commander. How could xxxxxx
26 xxxxxx? I only listen to orders.

27 Q. Please answer yes or no. Did you xxxxxx the xxxxxx to
28 xxxxxx --

29 A. No.

1 Q. Did you --
2 A. No.
3 Q. Okay. I have got the answer. Did you advise the
4 xxxxxx from xxxxxx -- I'm sorry, from xxxxxx to xxxxxx?
14:22:27 5 A. Not Benguema, but Upper Allen Town.
6 Q. Have you ever told anybody that you advised the xxxxxx
7 of the xxxxxx from xxxxxx to xxxxxx? xxxxxx Training Centre
8 to be exact.
9 A. If you are aware of the statement that I gave before this
14:22:57 10 Court, I said when we were at xxxxxx, Five-Five said we should
11 go.
12 Q. Mr witness, please stop there. I want to cut this short.
13 I mean no disrespect to you but we have to move on. The question
14 I asked was have you ever told anybody that you advised the
14:23:15 15 xxxxxx of the xxxxxx from xxxxxx to xxxxxx
16 Centre; yes or no?
17 A. No, no, no.
18 Q. well, perhaps let me remind you of this.
19 MS THOMPSON: Your Honours, I am looking at page 9781. Ten
14:24:07 20 lines down on the sentence "The next day".
21 Q. Again, Mr witness, be kind enough to listen carefully and
22 then I will ask you the question at the end.
23 PRESIDING JUDGE: I have that before me, thank you. Yes,
24 we all have that before us, thank you, Ms Thompson.
14:24:18 25 MS THOMPSON: Thank you, Your Honour.
26 Q. Mr witness, listen carefully.
27 "The next day we were at Brewery when the Guinean troops
28 entered Freetown through Masiaka direction. As they passed us
29 and advanced towards the city centre, xxxxxx everybody

1 that was with us at xxxxxx for us to pull out to xxxxxx."
2 Do you recall saying that?
3 A. No.
4 Q. You don't recall saying that at all?
14:25:06 5 A. We were not at Brewery when the Guinean came and we are
6 ordered to go. The Kissy --
7 PRESIDING JUDGE: I'm not sure that you have understood the
8 question. Counsel is asking you did you make the statement that
9 she has read out. That this question, Ms Thompson?
14:25:22 10 MS THOMPSON: Yes, Your Honour.
11 PRESIDING JUDGE: Do you understand the question?
12 THE WITNESS: Please, let her read it again.
13 PRESIDING JUDGE: Please do so, Ms Thompson.
14 THE WITNESS: Yes.
14:25:32 15 MS THOMPSON:
16 Q. "The next day we were at xxxxxx when the Guinean troops
17 entered Freetown through Masiaka direction. As they passed us
18 and advanced towards the city centre xxxxxx everybody
19 that was with us at xxxxxx for us to xxxxxx."
14:25:51 20 A. No.
21 Q. You didn't make that statement. Okay.
22 A. No.
23 Q. Did you xxxxxx to retreat from xxxxxx to xxxxxx?
24 A. No. No.
14:26:26 25 Q. Mr witness, it's right to say that during the campaign from
26 xxxxxx on January 6th and back, you were in a very
27 xxxxxx, were you not?
28 A. I was a xxxxxx.
29 Q. And I put it to you that you xxxxxx during that

1 period and xxxxxx them to do things -- sorry, you xxxxxx
2 xxxxxx during that period and in fact gave them xxxxxx which they
3 followed.
4 A. No.
14:27:10 5 Q. And I suggest to you that Tamba Brima was not in command of
6 any of those troops at any time.
7 A. To make it short with you, he was the overall boss.
8 Q. Mr witness, are you hoping for relocation to some other
9 country after you have finished giving evidence before the
14:27:43 10 Special Court?
11 A. Except I see it as a magic, but I am not thinking of that.
12 Q. But you are hoping that they will protect you for the rest
13 of your life; not so?
14 A. I will think about that.
14:28:09 15 Q. Are you currently working?
16 MR HODES: I object to the relevance of that, Your Honour.
17 MS THOMPSON: The thread that has been running through my
18 entire cross-examination has been one of motive. These questions
19 are no different from questions that I have asked of the other
14:28:32 20 witnesses. And I think I have explored as to the personal motive
21 or personal grudge xxxxxx and Tamba Brima and I am
22 exploring another kind of motive, be it monetary or some other
23 gain, for giving evidence. It is no different from other
24 questions we have asked other witnesses to which there have been
14:28:53 25 no objections.
26 PRESIDING JUDGE: we allow the question and overrule the
27 objection on relevance.
28 MS THOMPSON: Thank you, Your Honour.
29 Q. Are you currently working?

1 A. No.

2 Q. And you are being taken care of by the Special Court; not
3 so?

4 A. No.

14:29:25 5 Q. Are they not feeding you?

6 A. Ask them if they are feeding me.

7 PRESIDING JUDGE: Mr Witness, you will answer the question
8 properly, please. We will have no facetious remarks. Put the
9 question again.

14:29:42 10 MS THOMPSON:

11 Q. The question is do they not feed you? Are they not
12 responsible for your feeding?

13 A. No.

14 Q. And your housing?

14:29:50 15 A. No.

16 Q. Mr Witness, I am suggesting to you that you are sitting
17 here giving evidence?

18 A. No.

19 Q. Mr Witness, I am suggesting to you that you are sitting
14:30:00 20 here giving evidence because you are hopeful of some gain from
21 the Special Court at the end of it.

22 A. I believe that if I'm saying the truth, and in order for
23 the world to know the truth, maybe sometimes they will remember
24 me.

14:30:34 25 MS THOMPSON: I think I should ask the interpreter to
26 interpret that last bit again.

27 PRESIDING JUDGE: Why are you saying that, Ms Thompson?

28 MS THOMPSON: Because I heard what was said, Your Honour,
29 and I heard the interpretation as well. A word has been directly

1 interpreted from English to Krio and I'm not sure that is the
2 right interpretation.

3 MR HODES: With great respect to Defence counsel, but we
4 are all sort of in the same boat when it comes to what is said
14:31:05 5 and what is interpreted and what goes into the transcript.

6 PRESIDING JUDGE: I think we have been down this road
7 before, Ms Thompson. There is an official interpreter.

8 MS THOMPSON: Your Honour, I am simply saying that what
9 came through from the witness and what was interpreted, there was
14:31:26 10 a word added. What I can do -- and I can understand how it came
11 through actually from the interpreter's point of view, it is not
12 a criticism of the interpreter. May I just put the question
13 again and ask that the witness answer it again.

14 PRESIDING JUDGE: Yes, please put the question again,
14:31:40 15 Ms Thompson.

16 MS THOMPSON:

17 Q. Mr Witness, after all of this you are hoping for some gain
18 from the Special Court, are you not?

19 A. Well, I am not telling that I hope or -- but if I do the
14:32:05 20 truth and I talk the truth, I hope.

21 Q. Okay. Thank you very much, Mr Witness.

22 MS THOMPSON: That was clarified then, Your Honour. Your
23 Honour, that is the end of my cross-examination.

24 PRESIDING JUDGE: Thank you, Ms Thompson. Which counsel?
14:32:24 25 Mr Daniels, I see you're getting to your feet.

26 MR DANIELS: Respectfully, Your Honours, I would like to
27 start my cross-examination by going into some questions that may
28 reveal the identity. So this is an application to go into a
29 closed session. The application is being brought pursuant to

1 rule 79(A)(ii), that is to do with matters relating to the
2 privacy and security of the witness.

3 PRESIDING JUDGE: Is Mr Hodes aware of this?

4 MR HODES: I was not necessarily aware of it, but I have no
14:33:08 5 objection.

6 PRESIDING JUDGE: We allow this next line of questioning to
7 be conducted in a closed session in order to protect the privacy
8 of the witness. In the circumstances, Mr Court Attendant, please
9 implement a closed session.

14:33:32 10 MR HODES: Your Honours, before we go into closed session I
11 would just suggest that if the next accused counsel also believes
12 he has questions that may be better in closed session, that there
13 is some way we could do them.

14 PRESIDING JUDGE: Mr Hodes, you know my view about telling
14:33:52 15 people how to run their case.

16 [At this point in the proceedings, a portion of the
17 transcript, pages 82 to 92, was extracted and sealed under
18 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MR WALKER: Court is in open session again, Your Honour.

3 PRESIDING JUDGE: Thank you, Mr Attendant. Mr Daniels,
4 please proceed on with your cross-examination.

15:04:53 5 MR DANIELS: Your Honours, I am most grateful.

6 Q. Mr witness, you recall on 27 September you told this
7 Honourable Court that while you were at xxxxxx, one Bazzy and
8 one Gullit came to meet xxxxxx.

9 Do you remember?

15:05:45 10 A. Yes.

11 MR HODES: Actually, with all due respect I am not sure
12 that happened on September 26.

13 MR DANIELS: 27.

14 PRESIDING JUDGE: I have 27 in my note.

15:05:57 15 MR DANIELS: Yes, at page 20. Do you agree 27, Mr Hodes?

16 MR HODES: Yes. Yes, I do.

17 PRESIDING JUDGE: Please proceed.

18 MR DANIELS:

19 Q. A question was put to you by Prosecution counsel, this is
15:07:00 20 page 20 of the morning session of the 27th. The question was,
21 reading from line 23: "When you say they left us, who left?"
22 This was the question asked you?

23 You answered, "Gullit, Five-Five and all those names I have
24 just called. They left us to go to this base."

15:07:27 25 Do you remember saying this?

26 A. Yes.

27 Q. From there where did you and xxxxxx proceed to or did
28 you proceed anywhere after that?

29 Please tell us where you proceeded to?

1 A. We went to xxxxxx. A team was sent to attack xxxxxx From
2 xxxxxx they came back to xxxxxx.
3 Q. Did you go together with xxxxxx?
4 A. No. No. I didn't go. We all stayed.
15:08:36 5 Q. So you are telling us that xxxxxx was attacked?
6 A. Yes.
7 Q. For what reason?
8 A. Because we wanted ammunition.
9 Q. Was Tamba Brima, was he part of this attack?
15:09:08 10 A. Not at all.
11 Q. Was Bazzy part of this attack?
12 A. No, no.
13 Q. And was Mr Kanu part of this attack?
14 A. No.
15:09:27 15 Q. Very well. And from there what happened? Did you or
16 xxxxxx attack any other village apart from xxxxxx?
17 A. From xxxxxx we went to xxxxxx.
18 Q. Was xxxxxx attacked?
19 A. Yes.
15:09:44 20 Q. And this time for what reason?
21 A. Because the Nigerian ECOMOG was there. And the main aim
22 was to sabotage the security because xxxxxx was taking it
23 that as soldiers, it was our duty to defend against any foreign
24 aggression. Based on this he decided that we should attack and
15:10:20 25 remove the Nigerian soldiers from xxxxxx.
26 Q. Again, and this is for clarity, please bear with me, was
27 Tamba Brima part of this attack?
28 A. I have answered that he was not there. The three of them
29 were not there.

1 Q. The three of who?
2 A. Those names you have just mentioned. Gullit, Bazzy and
3 Five-Five.
4 Q. They were not part of the attack on xxxxxx?
15:10:55 5 A. Yes.
6 Q. Does yes mean no?
7 A. You said the question you ask me that if they were there.
8 I said they were not there.
9 Q. After that, after the attack on xxxxxx was there another
15:11:17 10 attack on another town?
11 A. No.
12 Q. Was there an attack at Koinadugu?
13 A. It was an in-fighting.
14 Q. Between?
15:11:51 15 A. xxxxxx and Superman.
16 Q. If I said it was xxxxxx was -- would you agree that
17 xxxxxx was representing the soldiers?
18 A. Yes.
19 Q. Would you agree that Superman was representing the RUF?
15:12:13 20 A. Yes.
21 Q. What was the reason for the in-fighting?
22 A. It was one xxxxxx's boy who killed one soldier.
23 when I asked and they didn't give any reason, xxxxxx killed
24 him. This caused the infighting.
15:12:54 25 Q. So would you agree that, at that time, the SLA soldiers and
26 perhaps the RUF soldiers didn't see eye to eye?
27 A. There were SLAs who were with the RUF. The only dispute,
28 what caused the division and the in-fighting was the boy who
29 killed that soldier whom xxxxxx killed in return. That was

1 the only thing that caused the division.

2 Q. So are you agreeing with me that at that time, both
3 factions did not see eye to eye? At that time is the question I
4 am asking.

15:13:58 5 A. After the murder.

6 Q. Would you please answer the question and then you can carry
7 on.

8 A. I want to make it clear from me before I could answer the
9 question.

15:14:15 10 Q. The question is that at the time of the killing of the
11 young boy who you referred to, did [redacted] -- I beg your
12 pardon, xxxxxx didn't see eye to eye with Superman.

13 A. Yes.

14 Q. Thank you.

15:14:37 15 MR HODES: Your Honours, I only rise at this point just to
16 ask for the previous comment to be redacted and anybody that
17 overheard that be advised accordingly?

18 PRESIDING JUDGE: Mr Court Attendant, please arrange to
19 have that removed from the record. I would say to anybody in
15:14:55 20 the public gallery, any names that you have heard in the
21 course of the last question and answer session are not to be
22 repeated outside the public gallery and, in particular, not to
23 be repeated in the media.

24 MR DANIELS: I apologise. Most grateful.

15:15:35 25 Q. Mr witness, do you know the full name of Mr Bazzy?

26 A. No.

27 Q. Have you ever known his name?

28 A. I only know one name called Bazzy.

29 Q. When was the first time you met him?

- 1 A. That was in 93 -- 92. Sorry, 92.
- 2 Q. You met him where?
- 3 A. At that time he was security to the Attorney-General, who
4 was Mr Gooding.
- 15:16:38 5 Q. Are you sure you have never known his full name?
- 6 A. No.
- 7 Q. Your Honours, I respectfully wish to refer to registry
8 number 9778.
- 9 PRESIDING JUDGE: Yes, we have it before us.
- 15:17:26 10 MR DANIELS:
- 11 Q. Reading from the second sentence beginning with "But
12 before". "But before reaching Waterloo, whilst at Newton, we
13 took xxxxxx including SAJ Musa with xxxxxx in a large
14 xxxxxx, that when entering into the city of Freetown nobody should
15:17:53 15 talk --" It says "take". "Should take about politics. We
16 should be talking of reinstating the army which did not go down
17 well with coup makers i.e. Tamba Alex Brima, alias Gullit,
18 Brigadier Five-Five, Colonel xxxxxx, Colonel xxxxxx, Ibrahim
19 Bazy Kamara, Ibrahim Sesay, alias xxxxxx," and others. I am going
15:18:19 20 to ask you, Mr Witness, do you recall mentioning the name
21 Ibrahim Bazy Kamara to the Prosecution officers at one of your
22 interviews?
- 23 A. Yes. Yes.
- 24 Q. What name? Did you use the full name Ibrahim Bazy Kamara?
- 15:18:54 25 A. If I can recall it was Bazy Kamara.
- 26 [AFRC29SEP05E - CR.]
- 27 Q. Mr Witness, a minute ago you told me that you have never
28 known the full name of Ibrahim Bazy Kamara. You remember you
29 said it just a few minute ago -- in fact, not even up to a

1 minute -- in this Court?
2 A. Yes, I'm not refuting that, but the surname has escaped me.
3 But when you read it out, it caused me to recollect.
4 Q. But so you are saying you never added the first name,
15:19:42 5 Ibrahim? Is that what you are saying?
6 A. Yes.
7 Q. So do you know how it came into your statement? You never
8 mentioned it?
9 A. I don't know that.
15:20:07 10 Q. Very well. Now, we're going to talk about the attack or
11 the offensive into Freetown. Where were you on 6 January 1999?
12 A. I was at xxxxxx.
13 Q. On 6 January 1999, did you go beyond xxxxxx into Freetown?
14 A. To help you in your questioning, when we reached town,
15:21:21 15 Gullit ordered us to stay in xxxxxx. When I went ahead, I just
16 risked it, because I took it I couldn't stay behind and not know
17 what is happening between us.
18 Q. The question I'm asking you is: Where were you on the 6th?
19 Did you come into Freetown? Did you go beyond xxxxxx on
15:21:57 20 6th January?
21 A. Outside xxxxxx? Outside xxxxxx, what do you mean? When I
22 came to town, or behind xxxxxx or Waterloo, what do you mean?
23 Q. Were you with the fighting forces? Were you at the front
24 line?
15:22:14 25 A. No.
26 Q. How far away were you?
27 A. I was at a distance, I would go come and check and go out.
28 I would come inside and go out. That was how I was; I would come
29 in front and go behind. That was what I was doing. Until when I

1 came to the front, when I met one xxxxxx, who was looting, and I
2 went back to xxxxxx and called Gullit himself. I said this was
3 not the mission to loot. I told him to come and see. He came
4 right to Siaka Stevens Street by Capital and we met him. When he
15:23:08 5 came and asked Bio, Bio said it was Bazy who sent him to come
6 and take medicines for casualties. They were angry, because they
7 said I had taken Gullit to come and kill xxxxxx. And from there, I
8 went behind. Like I was telling you, I was just coming and
9 going. I would come to the front and see how the fighting was
15:23:32 10 going on and go back to the rear.

11 Q. Where did you sleep that night, on the 6th?

12 A. At xxxxxx.

13 Q. Do you remember that you told this Court that you saw Bazy
14 Kamara with a radio set?

15:24:27 15 A. Yes.

16 Q. So when was it that you saw him with a radio set? Was it
17 on the 6th of January?

18 A. Well, I do not know the exact number, but I did see him
19 there and he was at the State House on the street.

15:25:01 20 Q. Have you forgotten the date?

21 A. Yes.

22 Q. So, if I put it to you that if you've forgotten the date
23 you are probably referring to the wrong person, what do you say?

24 A. What do you want to tell me, that I do not know Bazy from
15:25:20 25 among them who were sitting there?

26 Q. Please answer the question.

27 A. What's your question?

28 Q. I'm saying that you have told this Court that you forgot
29 the date that you saw Bazy Kamara with a radio set. I'm saying

1 that it is also possible that you did not see Bazzy Kamara, you
2 are referring to the wrong person. What do you say?
3 A. No, I'm putting it to you that it was the right person whom
4 I saw, and it was Bazzy Kamara.
15:26:03 5 Q. Where did you see him?
6 A. Right in front of State House on the street.
7 Q. Who was he talking to, if he was at all?
8 A. He was talking to Mosquito.
9 Q. How do you know that?
15:26:35 10 A. The word that he used, "log".
11 Q. Log?
12 A. Mmm-hmm.
13 Q. Can you spell that?
14 A. No.
15:26:48 15 Q. Can you tell me who was operating that radio?
16 A. Well, I can't tell you who was operating the radio, because
17 at that time it was he, himself, Bazzy in front of the radio set.
18 If you're asking me, it was he that I saw on the set.
19 Q. Did you know, or were you able to listen to the
15:27:32 20 conversation?
21 A. I was unable to listen to the entire conversation, but
22 those that I heard was that he asked Log where was xxxxxx.
23 Those were the words that I heard. When he asked for Supremo,
24 that's when I knew that in fact he was asking about JP Koroma.
15:28:08 25 Q. I put it to you that Mr Bazzy Kamara was never with a radio
26 set.
27 A. You were not there. Maybe those what -- maybe he told you
28 that lie. But I'm telling you that I saw him and he was there.
29 Q. Do you know his call sign?

1 A. I have forgotten his sign.
2 Q. I put it to you that you do not know his call sign; not
3 that you've forgotten, you do not know.
4 A. I want you -- if his call sign is there, call it out. Then
15:29:12 5 if you call them out, then I'll tell you that that's it.
6 Q. I shall move on. Do you recall that on 27 September in the
7 open session, in the morning session, you told us about an
8 incident where a xxxxxx came to you with a xxxxxx? Do
9 you remember telling us?
15:30:09 10 A. Yes.
11 Q. What happened?
12 A. If you want me to go into that, I'm a little scared.
13 Speaking about that, the person is outside at present. I believe
14 that he's somebody who uses the radio constantly. I do not know
15:30:46 15 there is any xxxxxx y relating to that question for me.
16 Q. I will respect your concerns and pass it on to Mr Koroma.
17 Do you remember how many times you were interviewed by the
18 Special Court?
19 A. No.
15:32:01 20 Q. When you were interviewed by members of the Special Court,
21 you were asked to tell them as much as you know about the attack
22 into Freetown. Do you recall?
23 A. Yes, I could recall some.
24 Q. Do you recall xxxxxx and xxxxxx interviewing
15:32:38 25 you?
26 A. Yes.
27 Q. Do you know that the persons who interviewed you felt that
28 you had very little concrete information about the attack on
29 Freetown?

1 PRESIDING JUDGE: Are you putting a specific passage to
2 him?
3 MR DANIELS: I will do that in a minute.
4 Q. I'm putting it to you that after, or during your interviews
15:33:30 5 with persons from the Special Court on 16 September 2003 the
6 officers felt that you had very little concrete information on
7 the attack on Freetown. What do you say?
8 A. Yes.
9 Q. You agree with me?
15:34:03 10 A. Mmm-hmm.
11 MR DANIELS: Your Honours, I'm referring to Registry number
12 9816, reading from the second paragraph, "Atrocities during the
13 Freetown offensive":
14 "Witness was asked what he knew about atrocities during the
15:35:01 15 Freetown invasion but had very little concrete information."
16 Q. I put it to you, therefore, that you knew very little of
17 the attack on Freetown.
18 A. Those things that I know I'll talk about.
19 Q. And that you have been exaggerating.
15:35:45 20 A. Where did I exaggerate?
21 Q. About the attack on Freetown, the atrocities that took
22 place with the attack on Freetown.
23 A. I won't exaggerate, but I talked about what I saw.
24 Q. Mr Witness, how many battalions came into Freetown on
15:36:20 25 6th January 1999, to the best of your information and knowledge?
26 A. There was four.
27 Q. Do you know who was commanding the first battalion?
28 A. There was xxxxxx, who was a commander.
29 Q. Second one.

1 A. There was xxxxxx, who was a commander. There was
2 xxxxxx, commonly known as xxxxxx. There was one
3 xxxxxx.

4 Q. xxxxxx, was he known by any other name,
15:37:33 5 any aka name?

6 A. No. Well, I can't recall. I cannot recall the aka.

7 Q. Perhaps a name you've mentioned throughout your testimony,
8 you can't recall. Okay, you said you also heard Private xxxxxx. Is
9 that what you said?

15:37:58 10 A. The same Private xxxxxx is xxxxxx, xxxxxx.

11 Q. Is he known by any other name?

12 A. They call him xxxxxx.

13 Q. What about -- was there any other name apart from xxxxxx that
14 you can remember?

15:38:29 15 A. Except if you jog my memory.

16 Q. What about Terminator? Do you know him by any other name?

17 A. xxxxxx.

18 Q. Is there any other name apart from that?

19 A. No, except you jog my memory.

15:38:52 20 Q. And xxxxxx, did you know him by any other name?

21 A. I only know xxxxxx. Except if you would show me the other
22 name. Yes, ma'am, I want to ease myself.

23 PRESIDING JUDGE: Certainly, Mr Witness. Would somebody
24 please assist the witness?

15:42:56 25 [The witness stood down]
26 [The witness entered court]

27 MR DANIELS:

28 Q. Mr Witness, are you sure there were not any other
29 battalions apart from the four that you have mentioned to us?

1 A. Well, these are the ones that I can recall.

2 Q. Mr Witness, on 27 September, you told this honourable Court
3 that there was one Changamulanga who was the battalion commander
4 for Short and Long Hands. Do you remember making that statement
15:44:06 5 in this Court?

6 A. Yes.

7 Q. Are you saying there was yet another battalion, apart from
8 the four that you mentioned?

9 A. In one of those battalions, there you have Changamulanga.

10 Q. But that is not what you told us. You told the Honourable
11 Court that Changamulanga was the battalion commander for Short
12 and Long Hands. This is what you told us.

13 A. Yes, but to add to that, after we lost xxxxxx, they
14 made some changes. They changed the command structure, they
15:45:01 15 changed everywhere. It was later after we had already lost
16 Freetown and we were trying to leave Freetown. At that time,
17 everyone was disorganised. No, there was nobody, so they only
18 made that one.

19 Q. Mr Witness, you just told us that Changamulanga was within
15:45:28 20 one battalion.

21 A. Yes.

22 Q. Now you are saying that there was another battalion for
23 Short and Long Hands. Which one is it?

24 A. He was selected from a battalion. Changamulanga was under
15:45:52 25 a commander. If you ask the people that are behind you. When we
26 came later in Freetown, when we had been disorganised, when there
27 was nobody to defend Freetown again, and they wanted to create
28 fearness, it was there that xxxxxx called xxxxxx to form
29 that battalion. If you are asking me, that was how that

1 battalion was formed, because those four battalion I mentioned to
2 you, they were not operating any longer, in the sense that
3 everybody was just doing what he want. At that time, we were
4 pulling out; we were pulling out. So the one who were around who
15:46:36 5 they think they were able to control and were listening to them,
6 so they formed that battalion and they began by amputating hands.
7 Q. Mr witness, I am putting it to you that you are just making
8 this up as you go along.
9 A. As long as it is the truth, I believe that if there is
15:47:07 10 truth, I just have to talk about it. I did not come here to lie
11 about anybody, I come here to say the truth. What is the truth?
12 what the Court wants is what I'm saying here.
13 Q. Mr witness, do you recall informing us that, from your
14 point of view, xxxxxx was shot or killed by Gullit or Alex
15:47:52 15 Tamba?
16 A. Yes, Gullit shot him.
17 Q. You said you were 100 per cent sure.
18 A. Yes.
19 Q. Did you say you saw the bullet-hole in xxxxxx's
15:48:34 20 helmet?
21 A. Yes.
22 Q. Did you see the bullet-hole in xxxxxx's head or skull?
23 A. As I don't know much about reading, I don't -- I want to
24 know where the Court will allow me to indicate where I see the
15:49:05 25 bullet mark.
26 Q. I think you can indicate it for the purposes of assisting
27 the Court. You can show us.
28 A. Here, at the back here. [witness indicates]
29 PRESIDING JUDGE: He said the head, in the middle of the

1 base of the head.

2 MR DANIELS:

3 Q. And you also saw the bullet mark in the helmet of xxxxxx
4 xxxxxx?

15:49:43 5 A. Yes.

6 Q. So you want us to believe that the helmet of xxxxxx
7 covers the basement of the skull, where you just pointed out to
8 us? Is that what you are saying?

9 A. Yes.

15:50:07 10 Q. Do you have any idea whether it was a long shot or a close
11 shot?

12 A. Yes. It was a short range, because if it were a long
13 range, it will have skipped the helmet that he wore. It was
14 because of the short range, that was why the bullet was able to
15 pass through the helmet and pierce the head.

15:50:36 16 Q. Were you with xxxxxx at the time that he was shot,
17 according to you?

18 A. I was not there, but I was in front of --

19 THE INTERPRETER: Pardon. My Lord, could the witness
15:51:09 20 repeat the last part of his answer?

21 PRESIDING JUDGE: Please repeat your answer, Mr witness, as
22 the interpreter didn't get all of it.

23 THE WITNESS: Gullit was the one that I saw with a revolver
24 pistol, a silver coloured and when xxxxxx told me to use
15:51:36 25 Goba water, I told him that the men have gone to the range. He
26 said -- they told him --

27 MR DANIELS:

28 Q. Mr witness.

29 A. Yes.

- 1 Q. I just asked you, where were you when he was shot? where
2 were you standing when xxxxxx was shot?
- 3 A. I was about 30 metres from the position to where I was.
- 4 Q. How close was Gullit to xxxxxx?
- 15:52:13 5 A. Right behind his back, right behind his back.
- 6 Q. Were you able to see xxxxxx before he was buried?
- 7 A. Yes.
- 8 Q. Was he put in the coffin?
- 9 A. No.
- 15:52:52 10 Q. What did he look like?
- 11 A. Just like when somebody's sleeping.
- 12 Q. He looked peaceful and at rest?
- 13 A. Yes.
- 14 Q. Mr witness, are you xxxxxx in xxxxxx?
- 15:53:24 15 A. Yes.
- 16 Q. Mr witness, I wish to put it to you that if Gullit shot at
17 close range to xxxxxx, his face would have been blown apart.
18 what do you say?
- 19 A. I want to put it to you that what caused the bullet not to
15:53:55 20 come out of the face, it was because of the helmet that the
21 bullet first hit a certain man. That helped to restrain the
22 force with which the bullet was going. So that made the bullet
23 to pass through the helmet and pierce the head and was not able
24 to come at the forehead.
- 15:54:23 25 Q. So, you are telling me that the bullet did not come out
26 through his skull?
- 27 A. I don't know if you are referring to here as a skull.
- 28 Q. I'm saying it didn't go in and come out.
- 29 A. It went in, but did not come out.

1 Q. I'm putting it to you, Mr witness, that this is a complete
2 exaggeration. In fact, you are not being truthful to this court.

3 A. Mr Lawyer, I want to put it to you that you are not a
4 trained officer. If you are a trained officer, you should have
15:55:15 5 known what I am saying. When I talked about close range and it
6 passed through the helmet and it went -- why it didn't come out,
7 it was because of the resistance of the helmet. That was why it
8 passed through the helmet and stayed in and did not come out.

9 Q. Mr witness, I also want to put it to you that you had
15:55:38 10 failed in your xxxxxx xxxxxx.

11 A. xxxxxx alone cannot fight 10 people. When at that particular
12 moment all of them were behind xxxxxx and I was -- I was
13 there to take xxxxxx from xxxxxx. If he told me move from it
14 and if I came and something happened, do you want to tell me that
15:56:11 15 I've xxxxxx to xxxxxx and while he was the one who told
16 me -- who sent me to carry orders?

17 Q. So, I take it that you don't agree with me?

18 A. I do not agree with you.

19 Q. Mr witness, were there other bodyguards around or
15:56:36 20 protecting xxxxxx around that time?

21 A. You see, one thing that I want to put to you --

22 Q. Yes or no, please.

23 A. No.

24 MR DANIELS: Your Honour, I will be moving into another
15:57:01 25 area and looking at the time, I plead that we adjourn.

26 PRESIDING JUDGE: Thank you, Mr Daniels. In the
27 circumstances, we will adjourn to tomorrow morning. I will first
28 remind the witness of his oath.

29 Mr witness, there are some more questions from counsel,

1 therefore, we will start again tomorrow morning at 9.15 a.m. As
2 I have told you before, between now and the time all your
3 evidence is finished, you must not discuss your evidence or your
4 story with any other person. Did you understand what I said?

15:57:37 5 THE WITNESS: Yes, ma'am.

6 PRESIDING JUDGE: We will adjourn until tomorrow morning at
7 9.15 a.m. Mr Court Attendant, please assist us to adjourn.

8 THE WITNESS: Yes, ma'am. Yes, ma'am. I want to talk to
9 you. As you are talking about protecting myself, they have used
10 to seeing me throughout the day in my own place, going, coming.
11 Now they have not seen me in the morning, maybe except three and
12 four, before they seen me. I don't know if -- I am asking if
13 they would excuse me for tomorrow and then I come the other day.

14 PRESIDING JUDGE: Could we all sit down and sort this out?

15:58:32 15 Mr Hodes, it would appear your witness is making an
16 application. I think that's what he's doing, anyway.

17 MR HODES: It also sounds like there are some security
18 concerns being raised. I don't know whether it would be
19 appropriate or not to go into closed session to discuss the
20 concerns that he's raising about the security.

21 PRESIDING JUDGE: Yes, in the circumstances, Mr Court
22 Attendant, please close the Court. The evidence is over for the
23 day, in any event so the public will not be affected. We are
24 going to close the Court because of issues of security of the
15:59:17 25 witness have arisen and they should be discussed in closed
26 session. Please close the court.

27 [At this point in the proceedings, a portion of the
28 transcript, pages 110 to 114, was extracted and sealed under
29 separate cover, as the session was heard in camera.]

WITNESSES FOR THE PROSECUTION:

WITNESS: TFI-184	2
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