

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

FRIDAY, 30 SEPTEMBER 2005
9.23 A.M.
TRIAL

TRIAL CHAMBER II

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

1 [AFRC30SEP05A - SV]
2 Friday, 30 September 2005
3 [Open session]
4 [The accused Brima and Kamara present]
09:12:21 5 [The accused Kanu not present]
6 [Upon commencing at 9.23 a.m.]
7 WITNESS: TF1-184 [Continued]
8 PRESIDING JUDGE: Good morning. I understand there's been
9 some delay owed to the need to sort out the lighting. And I
09:20:46 10 notice, Mr Graham, your client is not in court.
11 MR GRAHAM: Good morning, Your Honours. Your Honour, my
12 client is presently ill-disposed. He is not very well. I think
13 he is visiting the clinic this morning.
14 PRESIDING JUDGE: I'm sorry. I hope he improves quickly.
09:21:07 15 We will note that he is voluntarily absent because of that.
16 Mr witness, you remember I have reminded you each morning
17 that you have taken an oath to tell the truth. That oath is
18 still binding on you and you are to answer questions truthfully.
19 Did you understand what I said?
09:21:34 20 THE WITNESS: [Microphone not activated].
21 PRESIDING JUDGE: Mr Court Attendant, please assist; it's
22 not activated, the microphone. Mr witness, were you able to hear
23 and understand what I said?
24 THE WITNESS: I did not hear anything. The interpreter did
09:22:13 25 not interpret anything to me.
26 PRESIDING JUDGE: well, I will start again from the
27 beginning. I am saying that I am doing today what I have done on
28 other days. I am reminding you that you took an oath to tell the
29 truth. That oath is still binding on you today and you must

1 answer questions truthfully. Did you hear it this time?
2 THE WITNESS: Yes.
3 PRESIDING JUDGE: Good. And you understand?
4 THE WITNESS: Yes.
09:22:50 5 PRESIDING JUDGE: We will proceed and if there's a problem
6 with this lighting we will address it as it arises.
7 Mr Daniels, you were in the midst of your
8 cross-examination. If you would, please, proceed on.
9 MR DANIELS: Very well.
09:23:08 10 CROSS-EXAMINED BY MR DANIELS: [Continued]
11 Q. Good morning, Your Honours. Good morning, Witness.
12 A. Good morning, sir.
13 MR DANIELS: Your Honours, before I carry on I just want to
14 bring to your attention that I have had discussion with
09:23:25 15 Prosecution counsel and I will have to go into a closed session
16 just before I round off, because the client is particularly
17 concerned about his security. We shall address that matter when
18 we get there.
19 PRESIDING JUDGE: Indeed, Mr Daniels. We will consider
09:23:39 20 that when you make your application.
21 MR DANIELS: I'm most grateful.
22 Q. Mr Witness, how long have you stayed in Freetown?
23 A. Since birth.
24 Q. So how old are you?
09:24:04 25 A. 41.
26 Q. Do you know the layout of Freetown very well?
27 A. No.
28 Q. Do you know the East End Police Station in Freetown?
29 A. Yes.

1 Q. Where is it?
2 A. It is located between Sani Abacha Street, Kissy Road and
3 Goderich Street. If you are coming from the PZ end, it is
4 located at the left going towards Kissy Road.
09:25:12 5 Q. Is it by a roundabout?
6 A. Yes, yes, yes.
7 JUDGE SEBUTINDE: Mr Daniels, we didn't hear that, whatever
8 it is you said to which he then said yes.
9 MR DANIELS: Very well, I'll repeat that.
09:25:28 10 Q. I said is it by a round-about?
11 A. Yes.
12 Q. Is it near the Annie Walsh school?
13 A. No, Annie Walsh is over the line, the street. So if you
14 ask me, I'll tell you that Annie Walsh is on the right whilst it
09:26:00 15 is located at the left. That is while coming from the PZ end.
16 Q. You mean they are opposite each other?
17 A. Yes.
18 Q. What about the Trinity Church, is it around the same area?
19 A. Well, it is located at Kissy Road but not too far away from
09:26:29 20 Annie Walsh.
21 Q. So would you agree with me if I said that Annie Walsh,
22 Trinity Church and the East End Police Station are within the
23 same area?
24 A. Yes, yes.
09:26:45 25 Q. It's a fair comment. And then when you go along the Kissy
26 Road would I be correct to say it takes you to the Ugun
27 Roundabout? If you go to the end of the Kissy Road, does it take
28 you to the Ugun Roundabout is the question?
29 A. From Kissy Road, yes. From Kissy Road you go straight to

1 the roundabout, look at the cemetery, look at the Ross Road area.
2 Q. So what is the distance from the East End Police Station or
3 that roundabout to the Uppun Roundabout roughly? What is the
4 distance between those two roundabouts?
09:27:54 5 A. Roughly I can estimate it to be 1500 yards to 2000.
6 Q. Okay, I'll put it another way. If you were to walk from
7 the East End roundabout to the Uppun Roundabout, how long would
8 that take you?
9 A. Without -- if I walk on a leisure way, it will take me
09:28:35 10 between 45 and 50 minutes.
11 Q. And then from the Uppun Roundabout to SLRA, what distance
12 is that?
13 PRESIDING JUDGE: SLRA, is that Sierra Leone Road
14 Authority?
09:29:05 15 MR DANIELS: That is so.
16 THE WITNESS: You are asking me to give you the same yards
17 or the distance?
18 MR DANIELS:
19 Q. How long would it take you to walk casually?
09:29:34 20 A. It would take me up to between 15 and 20 minutes.
21 Q. So I just want to clarify. From the East End Police
22 Station to the Uppun Roundabout would probably, if you walk
23 casually, take you 15 minutes?
24 A. Yes.
09:30:00 25 Q. And then from the Uppun Roundabout walking to the SLRA
26 would take you another 15 to 20 minutes, according to you?
27 A. Yes, yes.
28 Q. Very well.
29 THE INTERPRETER: From the interpreter's booth, we are

1 experiencing some misfiring in the booth.

2 PRESIDING JUDGE: I don't know what you mean by
3 "misfiring", Mr Interpreter. What does that mean?

4 THE INTERPRETER: In the booth, the switch, there is a kind
09:30:35 5 of a noise that shows that cables there have a problem. There is
6 a misfiring precisely.

7 PRESIDING JUDGE: Mr Court Attendant. Mr Interpreter, I've
8 asked someone to come and check that. In the meantime can you
9 continue? Mr Interpreter, did you hear me? Mr Interpreter, are
09:31:44 10 you there? We appear to have lost communications with the
11 interpretation booth. I think the most appropriate thing is for
12 us to leave the Bench until this is resolved.

13 THE INTERPRETER: The electricians are here now taking care
14 of the problem. They are working on it.

09:32:08 15 PRESIDING JUDGE: I see. I can hear them in the
16 background. Mr Interpreter, are you able to continue?

17 THE INTERPRETER: Well, we want to see whether they can
18 rectify the mistake before we start because we are really afraid
19 to continue under this environment.

09:32:23 20 PRESIDING JUDGE: We understand. In that case we will
21 adjourn briefly and we will ask the court attendant to inform us
22 when the matter is rectified. We will adjourn court temporarily
23 to allow this to be sorted out. I cannot estimate so please,
24 counsel, do not go too far away so we can get in touch with you.

09:35:22 25 [Break taken at 9.35 a.m.]

26 [Upon resuming at 9.45 a.m.]

27 PRESIDING JUDGE: Mr Interpreter, we understand everything
28 is in order now. Are you all right to continue?

29 THE INTERPRETER: Yes, Your Honour.

1 PRESIDING JUDGE: Good, we can proceed on. Mr Daniels,
2 please proceed on.
3 MR DANIELS: Most grateful.
4 Q. Mr witness --
09:43:50 5 A. Yes, Mr Lawyer.
6 Q. -- how close is Bazzy Kamara's residence from this SLRA?
7 A. It's just a stone throw.
8 Q. You mean they are very close to each other; is that what
9 you are saying?
09:44:23 10 A. Yes.
11 Q. So the areas I've just described to you, East End Police
12 Station roundabout, Kissy Road, Uppun Roundabout, SLRA, Mr Bazzy
13 Kamara's residence, are you familiar with those areas?
14 A. Yes.
09:44:56 15 Q. Mr witness --
16 A. Yes, Mr Lawyer.
17 Q. -- on xxxxxxxx you gave evidence in this Court about
18 some burning which took place at Kissy Road. In particular you
19 mentioned Mr Bazzy Kamara as being involved. Do you still stand
09:45:28 20 by your testimony?
21 A. Saying that Bazzy was present at Annie Walsh.
22 Q. And that you saw him?
23 A. Yes.
24 Q. Do you remember which day it was?
09:46:04 25 A. I cannot recall the day.
26 Q. Was it 6th January?
27 A. No, no, no, no. It was the time that we were driven from
28 State House.
29 Q. So can you recount what happened when you saw or where you

1 saw Mr Kamara on that day? Just for clarity, could you recount
2 for our benefit? Before you start I want you to go slowly and
3 systematically; where you started from, where you saw him, where
4 he ended up, please.

09:47:05 5 A. I first saw Bazy Kamara at State House. When we were
6 driven out of the State House, I met him at the roundabout by
7 Annie Walsh.

8 Q. Is that the same roundabout by the police station, the East
9 End Police Station? Is that the same roundabout you're referring
09:47:56 10 to?

11 A. Please, sir, it is the same area but you've told me to
12 explain as to how I met with the man. So if you make me to make
13 a back and forth movement you will confuse me. So you should
14 wait for me after I've explained, then you ask.

09:48:20 15 Q. I will try not to confuse you. Please carry on.

16 A. When xxxxxxx Bazy Kamara xxxxxxx. There was Bomb
17 Blast, Bio xxxxxxx. xxxleft them there, xxx went away. But
18 during that time, the fighters themselves were at the roundabout
19 as far as PZ. I came xxxxxxx I met Gullit and Five-Five xxxxxxx

09:49:19 20 xxxxxxx from xxxxxxx. I met they had wanted to kill a
21 xxxxxxx because the xxxxxxxcame with the xxxxxxthat
22 they'd been xxxxxxx from the xxxxxxx. Within that time
23 they told me to find xxxxxxin order to take them to the xxxxx
24 and this xxxxxxx to be taken at the xxxxx, xxxxxxx them to

09:50:01 25 xxxxxxx Bazy Kamara xxxxxx I met himself there. xxxxxxx Junior
26 Lion xxxxxxx. As the fight continued --

27 JUDGE SEBUTINDE: Sorry, Mr witness, where? Sorry,
28 Mr witness, you said "I met them there." We're a bit lost. Who
29 did you meet where?

1 THE WITNESS: When I xxxxxwith the xxxxxI met Bazy
2 kamara at the xxxxxxxxxxx I left the xxxxxx there. During
3 that time we are fighting. While the fighting continued we
4 retreated. I left them there. During that process this woyoh
09:51:09 5 was killed there. Then I came up. I collected another xxxxx
6 I went with it and retreated. That was the time this incident
7 occurred. They held a xxxxxxxx at the xxxxxxx that is by
8 Ugun. When we came to that xxxxxxx they held a muster
9 parade. In this muster parade which they held was to burn down
09:52:03 10 Freetown, Kissy Road, Ross Road unto Fourah Bay Road. That was
11 the discussion they had during that meeting. Bazy Kamara was
12 there. From there he went to the front. When they xxxxxxxx to
13 xxxxxx thexxxxx to the front. As we are xxxxxxxthe men and they are
14 burning, Bazy Kamara himself was at Annie Walsh. The burning
09:52:49 15 was going on. And his own men were in front while they were
16 burning, because I saw billowing smoke and I got the information
17 that they were burning. We were there, we continued working
18 until we come to where Bazy Kamara was. While he was there,
19 that was the time the Trinity Church was burnt and those who did
09:53:25 20 it were his men. Bazy Kamara himself was present there. The
21 only person -- what made xxxxxxx Bazy Kamara was the highest
22 person at that warfront line, xxxxxxxxxxx, he was there
23 while the burning was going on and he gave a reinforcement to
24 continue the burning. That was the only time I saw Bazy.

09:54:09 25 MR DANIELS:

26 Q. Thank you, Mr witness. So where did the burning start
27 from? Did it start from the East End Police Station or did it
28 start from the Ugun Roundabout?

29 A. It was begun from State House. State House to CID police,

1 down to Income Tax, while other men were up by Parliament. So if
2 ~~xxxxxxx~~ the burning started, it started at the State
3 House. That was where it begun and it went down.

4 Q. So I'll rephrase the question, and please be patient with
09:55:12 5 me. Did the burning start from the Uppun Roundabout, moving
6 along the Kissy Road towards the East End Police Station? Did
7 the burning start from that direction?

8 A. I want to put it to you that the burning started from PZ.

9 Q. [Overlapping speakers].

09:55:37 10 A. No, no. It started -- it did not start from the roundabout
11 at Uppun. It started at Annie Walsh because we saw the billowing
12 smoke.

13 Q. So when you said that you saw Gullit and Five-Five, where
14 was Bazy?

09:55:58 15 A. After the ~~xxxxxx~~ at ~~xxxxxx~~, while Bazy Kamara was present,
16 after the meeting he drove and met his men at the East End Police
17 by Annie Walsh.

18 Q. I want to refer to your own testimony on 27th September.
19 MR DANIELS: Your Honours, I'm referring to page 70 of the
09:56:33 20 witness's testimony, which is line 11. I will start from 10.
21 May I go on?

22 PRESIDING JUDGE: We haven't got it printed. It's just
23 coming to us. Maybe just pause one moment, Mr Daniels.

24 MR DANIELS: Very well.

09:57:44 25 PRESIDING JUDGE: We have that before us now, Mr Daniels.
26 Please proceed.

27 MR DANIELS: Most grateful.

28 Q. Reading from line 10:
29 "Q. Go ahead and continue, Mr Witness.

1 "A. From there burning started. We are burning. Forgot
2 to attack the Nigerians or the ECOMOG. So they chased us
3 out of the State House. We came down to Kissy Road. We
4 came down to Kissy Road. Bazy was at the East End Police
09:58:25 5 junction by Annie Walshxxxxxx and xxxxx I went to
6 Kissy. While in Kissy one xxxxxx came running up with a
7 xxxxxxxx to Gullit himself. Five-Five was there. Bazy was
8 at SLRA where his residence was."
9 So now where was Bazy?

09:58:58 10 A. When what?

11 Q. According to your statement Bazy was at the East End
12 Police Station junction and Bazy was also at the SLRA.

13 A. The SLRA area you are talking about was his residence. He
14 only went there to rest. He will come to the front during the
09:59:28 15 time of the battle. So if you call that place, that was his
16 residence where he used to rest and he was free to come there at
17 any time and move at any time. He had a vehicle.

18 Q. Mr Witness, you were giving evidence about Mr Bazy's
19 involvement in the burning. You started by saying that Mr Bazy
09:59:57 20 was at the East End Police station by Annie Walsh, and I'll read
21 your own words:

22 "I came and xxxxxx. I went to Kissy. While in Kissy
23 one xxxxxx came running with a message to Gullit himself.
24 Five-Five was there. Bazy was at SLRA where his residence was."

10:00:16 25 You agree with me, according to your own estimation, that
26 to get from the East End Police Station to SLRA, where
27 Mr Kamara's residence is, is at least an hour walking distance?

28 A. It's more than an hour and that time he didn't walk. He
29 had a vehicle.

1 Q. The question I'm asking is: How could Mr Bazy be at two
2 places at the same time?

3 JUDGE LUSSICK: well, is that a fair question? He didn't
4 say the same time. If you look at his answer on the transcript,
10:00:59 5 he says, "Bazy was at the East End Police junction by Annie
6 walsh." Now, a lot of things happened before he saw Bazy again
7 at the SLRA. When he saw him at the East End Police Station, the
8 witness says xxxxxxx, the witness then went to Kissy, and
9 while in Kissy xxxxxx came running with a xxxxxx to Gullit
10:01:28 10 himself. Five-Five was there. Then the next time he saw Bazy
11 was at the SLRA. So he's not saying that Bazy was at two places
12 at the one time.

13 MR DANIELS: well, respectfully, Your Honour, I am only
14 reading from the transcript.

10:01:43 15 JUDGE LUSSICK: I just read from the transcript as well.

16 MR DANIELS: I didn't see where he said that the next time
17 he saw Mr Bazy.

18 JUDGE LUSSICK: well, look, just use your powers of
19 deduction. He first sees him at the East End Police junction.
10:02:02 20 Then he says that he, the witness, xxxxxxx he, the witness,
21 went to Kissy; he had made some observations while he was in
22 Kissy, and then Bazy was at the SLRA. Now that would have taken
23 time. The witness said he went to Kissy and did a few things
24 there. Now, that's not instantaneous with being at the East End
10:02:29 25 Police Station and the SLRA at the same time.

26 MR DANIELS: I will carry on. Your Honours, I would refer
27 to Registry number 9824, reading from the third paragraph.

28 JUDGE SEBUTINDE: Sorry, Mr Daniels, kindly repeat the page
29 number.

1 MR DANIELS: 9824, reading from the third paragraph.

2 Q. "Gullit gave the instruction to burn down East End.

3 Bazy, Bomblast, Bioh xxxxxxxx. Bazy was in

4 front and xxxxxxx that the xxxxxxwere following."

10:03:44 5 This is the important bit:

6 "We started from Uppun area and went down Kissy Road.

7 After the soldiers burnt Trinity Church, where we turned to Foday

8 Bah Road. Later we were informed to go back to the headquarters

9 as this was ordered by Gullit and the other honourables. Junior

10:04:14 10 Sheriff was the mission commander."

11 Do you remember making this statement to officers from the
12 office of the Prosecution?

13 A. Yes.

14 Q. In this statement you said, "We started from Uppun area and
10:04:39 15 went down Kissy Road." The inference here is that you started

16 burning from the Uppun Roundabout in the opposite direction

17 towards the East End Police station roundabout. You have told

18 this Court this morning that when the burning started it started

19 from the East End Police Station, moving in the opposite

10:05:09 20 direction towards the Uppun Roundabout. These are two

21 inconsistent statements. I want to know from you where did the

22 burning start from, if it did at all?

23 A. What I want to make clear to you, Mr Lawyer, before we

24 could start Bazy had left with his own group and went ahead.

10:05:42 25 Men were in the front. All of us could not sit at the Uppun

26 Roundabout speak on the meeting when there was no fighting group

27 at the forward. And by then the Nigerians were advancing. So

28 there was a fighting team ahead, headed by Bazy and his men. So

29 he drove and went with the order he had received to go. So the

1 billowing smoke -- so if you get as far as the Savage Square, you
2 could see the billowing smoke, if they are burning houses from --
3 you will know that burning was on. So we are taking it that as,
4 when these were coming from A and the other group was coming from
10:06:38 5 B, while they were burning, the other group was also burning from
6 the opposite direction. So as they saw us coming and burning,
7 where we could have burnt, they had already finished burning that
8 end. So I want you to understand how the statement went.
9 Q. I'm trying my best to understand. But the question I asked
10:07:01 10 you is so where did the burning start from? That was the
11 question, you know.
12 A. It started from --
13 Q. From where?
14 A. xxxxxx part xxxxxx the burning from the xxxxx,
10:07:20 15 because --
16 Q. You started from xxxxxxxx
17 A. We were at Fire Burn. That was where the order came from,
18 that we should burn. while Five-Five had gone down, he had
19 started burning and went ahead by the Ross Road. Then Bazzy had
10:07:42 20 already left and gone. So if you can read -- from Uppun
21 turntable -- roundabout to the market were all concrete
22 buildings. So there was no burning. So we were there seeing the
23 smoke billowing and that was the first step. Because if you --
24 they came to us and accused us that we are not doing anything
10:08:08 25 when we started burning. But by then we had seen this billowing,
26 the thick smoke coming from their end. On our own side we
27 started from the Uppun, and Bazzy and others started by the Annie
28 walsh. So that was how the burning went.
29 Q. So, just for clarification, you were with the team that

1 started from Uppun; is that what you are saying?
2 A. Yes, yes.
3 Q. You were with the team that started from Uppun?
4 A. Yes.
10:08:37 5 Q. Was Mr Bazy Kamara with you?
6 A. I am telling you that he had left and gone ahead. He had
7 gone ahead with his vehicle.
8 Q. But, you see, my problem is that in your statement, the one
9 I read, your testimony in court, you said, "We started burning,
10:09:09 10 so they chased us out of State House. We came to Kissy Road."
11 Your own statement says that you started burning from the East
12 End Police Station?
13 A. No. Read it properly for you to understand.
14 Q. "From there, burning started. We are burning." "We",
10:09:35 15 "we", "we". "We are burning."
16 A. I was not alone.
17 Q. You see, Mr Witness, I would like to tell you that your
18 testimony about this incident is very unreliable.
19 A. It is very reliable.
10:09:53 20 Q. And that you've not been telling us the truth.
21 A. It is the truth. Nothing but the truth is between myself
22 and God.
23 Q. And that Mr Kamara was not involved in the burning
24 incidents you have referred to.
10:10:16 25 A. He was there at Annie Walsh. After the order had come to
26 burn Freetown, he left us at the Uppun Roundabout and he drove to
27 meet the men in the front, and I told you that there were men in
28 the front.
29 MR DANIELS: Your Honours, at this stage I would like to

1 make an application to go into a closed session.

2 PRESIDING JUDGE: why, Mr Daniels?

3 MR DANIELS: Your Honours, to protect the identity of the
4 witness who is very concerned about his identity being revealed.

10:11:07 5 PRESIDING JUDGE: Has this been discussed with counsel for
6 the Prosecution, Mr Daniels?

7 MR DANIELS: My Lord, indeed it has.

8 PRESIDING JUDGE: Right. Mr Hodes, you have heard the
9 application?

10:11:19 10 MR HODES: No objections.

11 PRESIDING JUDGE: we allow a closed session to protect the
12 identity of the witness. Mr Court Attendant, please implement
13 the closed session.

14 [At this point in the proceedings, a portion of the
10:11:49 15 transcript, pages 17 to 22, was extracted and sealed under
16 separate cover, as the session was heard in camera.]

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1 [Upon resuming at 10.55 a.m.]
2 [Open session]
3 PRESIDING JUDGE: Mr Court Attendant if you would just
4 confirm we are back in open session.
10:51:22 5 MR WALKER: We are, Your Honour.
6 PRESIDING JUDGE: Mr Koroma, it is your cross-examination.
7 CROSS-EXAMINED BY MR KOROMA:
8 Q. Good morning, Mr Witness.
9 A. Yes. Morning, Mr Lawyer.
10:51:37 10 Q. Now, Mr Witness, let me start with your xxxxxxxxxx
11 You had a very xxxxxxtime xxxxxxxx; not so?
12 A. At times.
13 Q. You said you spent xxxxxxxxxx
14 A. xxxxxxxx.
10:52:19 15 Q. xxxxxxxx xxxxxxxx to be precise. [Microphone not
16 activated].
17 JUDGE SEBUTINDE: Mr Koroma, could we remind you not to
18 speak over the witness or even the interpreter.
19 MR KOROMA: As Your Honour pleases.
10:52:38 20 JUDGE SEBUTINDE: There are times when you speak and we do
21 not hear what you have said, like just now.
22 MR KOROMA: I am sorry.
23 PRESIDING JUDGE: Please repeat the question, Mr Koroma. I
24 did not hear it.
10:52:52 25 MR KOROMA: Your Honour, my last question to the witness is
26 whether he had been in xxxxxxxxbefore.
27 JUDGE SEBUTINDE: And the answer?
28 THE WITNESS: No.
29 MR KOROMA:

1 Q. Mr witness, we are waiting for your answer. What was your
2 answer to that question.
3 A. I have answered and I said no.
4 Q. Now, in your days xxxxxxx, who was taking care of your
10:53:46 5 family?
6 A. It was my wife.
7 Q. She is unemployed?
8 A. I don't know whether this question that you put to me -- I
9 am thinking about my security before responding. This is because
10:54:15 10 my wife is well known. I don't know whether there is any
11 protection regarding the question you put to me.
12 MR KOROMA: Your Honour, if the witness has concerns about
13 his security, I will abandon that and move on.
14 Q. Mr witness, you will agree with me that you were xxxxxx
10:54:49 15 because you were a xxxxxxxxxx?
16 A. That was what the authority said.
17 Q. In fact you were not -- they were going to xxxxxx you
18 xxxxxxxxxx
19 A. No.
10:55:21 20 Q. Were you told when you were going to be xxxxxxx
21 A. They did not tell me.
22 Q. Mr witness, because of the xxxxx you went through in
23 xxxxx you were prepared xxxxxxxx to xxxxxxx of xxxxx
24 PRESIDING JUDGE: Is that a statement or a question?
10:56:07 25 MR KOROMA: Your Honour, that is the question. It is a
26 question.
27 Q. Not so?
28 A. No.
29 Q. Now, when you were first contacted by this xxxxxx, were you

1 Santigie Kanu you know, xxxxxxx, did xxxxx at xxxxxat all.
2 A. I will put it to you again that if he, the very man that
3 told you that, he had told you a black lie. xxxxxx and xx
4 xxxxxx.
10:59:49 5 Q. Mr witness, is it true that the rebel war started in
6 March 1991?
7 A. If I am not saying a lie it would be around that, if there
8 is no mistake on my part.
9 Q. Mr witness, is it true that during the war there was no
11:00:22 10 training going on at Daru barracks?
11 A. Mr Lawyer, I want to put it to you that xxxxx came into
12 the xxxxxbarracks xxxxxxxx when the war had not begun. The
13 time they had to do a xxxxxxxx we were at xxxxxxxx,
14 that was the time the rebel war begun. So, I want to tell you
11:01:01 15 that there was training going on.
16 Q. Mr witness, I believe you have not answered the question.
17 A. Come again?
18 Q. Mr witness, during the rebel war, there was no training at
19 xxxxxxxxxx.
11:01:22 20 A. I want to put it back to you again that there was training
21 going on.
22 Q. Mr witness, I am putting it to you that the Five-Five you
23 know as Santigie Kanu xxxxxxxx in 1990 at BTC;
24 Benguema Training Centre.
11:01:54 25 A. That is a lie.
26 Q. Again, Mr witness, I am putting it to you --
27 JUDGE SEBUTINDE: Sorry, Mr Koroma, what was the date you
28 stated? The date of training that you stated?
29 MR KOROMA: Your Honour, yes. That Five-Five trained at

1 Benguema in 1990 at BTC; Benguema Training Centre.

2 PRESIDING JUDGE: Proceed, Mr Koroma.

3 MR KOROMA: Yes.

4 Q. Again, Mr Witness, I am putting it to you that the last
11:02:54 5 squad that train in the Daru barracks was in 1990 and the war
6 broke out in 1991.

7 A. Mr Lawyer, I want to tell you that they went there 1990-91.

8 Q. Again, Mr Witness, I want you to remember, you agree with
9 me or you disagree. In 1990, 500 soldiers were enlisted. 300
11:03:45 10 trained in Benguema and 200 trained at Daru.

11 A. The division, if given, I cannot deny because they were
12 divided into two, but to say 200, 300, I don't know. But it was
13 in Daru. They came to Daru at the ending of 1990. In 1991 they
14 were in the billet. They were as recruits.

11:04:19 15 Q. So, Mr Witness, do you agree with me that in 1990 there was
16 training going on at Benguema as well as Daru?

17 A. Yes.

18 Q. And it was in 1990 that the Five-Five you know as
19 Santigie Kanu was undergoing training at Benguema.

11:05:03 20 A. I will tell you again that the very Five-Five I am telling
21 you, that is Santigie Kanu, xxxxxxxx -- xxxxxxxx,
22 was trained at Daru. Do you want to tell me that xxxxxxxx
23 xxxxxx

24 Q. Mr Witness, I put it to you that when the war broke out,
11:05:34 25 Five-Five was one of those soldiers that was sent to the front to
26 fight the RUF.

27 A. I am in agreement with you.

28 Q. And in fact, Mr Witness, you agree with me, when the war
29 broke out it was in that area, the Daru area, that the RUF

1 attacked.

2 A. Yes.

3 Q. So, Mr witness, that was how you got to know Five-Five for
4 the first time?

11:06:34 5 A. You are lying.

6 Q. Mr witness, do you know one retired Colonel Coker?
7 PRESIDING JUDGE: Spelling please, Mr Koroma.
8 MR KOROMA: As in retired Colonel C-O-K-E-R. He also has
9 an AK name, Cokie Mober. C-O-K-I-E M-O-B-E-R. Retired
11:07:36 10 Lieutenant -- sorry, retired Colonel Coker, nickname Cokie Mober.
11 Do you know him?
12 A. I don't know him.
13 Q. Mr witness, I put it to you he was the training commander
14 at BTC when Santigie Kanu, you know, was undergoing training.

11:08:11 15 A. That is lies; he was not trained at Benguema. I want you
16 to forget about Benguema, he was not trained at Benguema. Were
17 you present when he was trained?

18 Q. Mr witness, do you also know one Colonel Jah Tucker, who is
19 presently in the army?

11:08:47 20 MR KOROMA: I will spell Jah Tucker, Your Honours. J-A-H
21 T-U-C-K-E-R. Colonel Jah Tucker, do you know him?
22 A. 100 per cent, yes.
23 Q. Mr witness, I am putting it to you that when Five-Five was
24 undergoing training at Benguema in 1990, this Colonel Jah Tucker
11:09:28 25 was the company commander.
26 A. Well, regarding that, I don't know what happened at
27 Benguema. What happened at Daru, is what I can tell you. I was
28 not at Benguema. What happened at Daru is what I will tell you.
29 Q. Again, Mr witness, do you know retired Captain Abdul

1 kargbo?
2 A. Do you mean, has he died, because the one I knew, Abdul
3 kargbo, he has died. I know him. I know him. I know him. I
4 know him.
11:10:25 5 Q. Again, Mr Witness, I am putting it to you that when
6 Five-Five was undergoing training at Benguema, he was the platoon
7 commander.
8 A. You are wasting the Court's time. Forget about Benguema.
9 I have told you that I don't know anything concerning Benguema
11:10:49 10 and this very Five-Five that you are talking about, that is
11 sitting behind you, he was trained at Daru. So talk about Daru.
12 Q. Right. On that score, I will ask you finally, do you know
13 RSM Joseph Koroma, aka Daeuvuyama?
14 MR KOROMA: Your Honour, the spelling for is
11:11:26 15 D-A-E-U-V-U-Y-A-M-A, RSM Joseph Koroma alias Daeuvuyama.
16 THE WITNESS: If I know him?
17 MR KOROMA:
18 Q. Yes.
19 A. Yes.
11:11:42 20 Q. Mr Witness, I am finally putting it to you that at the time
21 Five-Five was undergoing training at BTC, he was the platoon
22 corporal.
23 A. I will put it back to you that you should forget about
24 Benguema. This very Five-Five xxxxxxx to xxxxxxxwas
11:12:15 25 trained in Daru. Why can't you talk about xxxxx xxxxxxx
26 xxxxxxx, and you continue talking about xxxxxxx? If you are
27 going to ask me again about Benguema, then you will tell me how I
28 should respond to your questions.
29 Q. Mr Witness, you told the Court that on the day of the coup

1 you were in Freetown, right?
2 A. Yes.
3 Q. Five-Five, you know, is not a xxxxx of xxxxxx
4 A. Before and during that time xxxxx a xxxxx present xxxxx.
11:13:18 5 He was a junior to me, and I xxxxx before the xxxxxxxthat you
6 are talking about. So even if he is among 100 people, I would be
7 able to identify him as this is the very Five-Five that you are
8 talking about.
9 Q. Mr witness, it will be appreciated if you can just listen
11:13:46 10 and answer the question.
11 A. Okay.
12 Q. Five-Five you say, you know, is xxxxxxxx, you are
13 xxxxxx
14 A. That is what he told you? xxx was a xxxx. xxxx was xxxxxx
11:14:07 15 xxxxx, xxx and xxxxx, than Bazy. So if he is saying that he
16 xxxx my xxxxx except while we are in Court, well, if he is
17 saying that xxxxx not xxxxxx, maybe he thought I have come to
18 lie against him.
19 Q. Mr witness, after Daru, when he was fighting the rebels,
11:14:41 20 did you meet with him any other place, in any other --
21 A. Yes.
22 Q. Where?
23 A. xxxxx
24 Q. So after xxxx you went to xxxxx
11:14:59 25 A. Yes.
26 Q. After xxxx you came back?
27 A. They sent us back.
28 Q. [Microphone not activated].
29 A. well, I cannot tell, but we are at xxxxx. I don't believe

1 that I left him at the xxxxxx I cannot tell.

2 Q. When you came back to Freetown, you were not with him?

3 A. We were together, we were together. I can still recall.

4 xxxxxxxx at Mile xxxx. After xxxxxx thexxxxx, he

11:15:44 5 came and took over. Look at him sitting behind you. Ask him.

6 Q. Now, you were not xxxx as xxxxx.

7 A. If we are to xxxxeach other at the xxxxx xxxxxxxxxx,

8 then I want to tell you that we used to meet because we were at

9 the xxxx xxxxof xxxx.

11:16:12 10 Q. I am not talking about your area of xxxxx

11 A. You talk whatever you want to say. Soxxx used to xxxx

12 MR HODES: Once again, I apologise to Defence counsel, but

13 it does appear he is asking questions while the interpretation is

14 still coming through for me. I don't know if that's happening.

11:16:30 15 PRESIDING JUDGE: Mr Koroma, we have had this warning to

16 you several times. I remind you again, pause up until the

17 interpreter is finished.

18 MR KOROMA: I am sorry.

19 PRESIDING JUDGE: [Microphone not activated].

11:16:55 20 MR KOROMA:

21 Q. When you were in Freetown, you were xxxxxx each other

22 xxxxxx?

23 A. Yes, because of the work.

24 Q. You do not know where he lives?

11:17:15 25 A. Yes.

26 JUDGE SEBUTINDE: Mr Koroma, I am personally having

27 problems following your way of -- you know, it is as if you are

28 having this conversation with the witness. Could you ask

29 questions to which we then get answers. You are making this

1 running commentary of statements. They are not questions, they
2 are statements. They are not questions. Could you kindly ask
3 the witness questions.

4 MR KOROMA: As Your Honour pleases.

11:17:49 5 Q. Let me repeat the last question. When you were in
6 Freetown, you were not ~~xxxxx~~each other as ~~xxxxx~~ will do?

7 JUDGE SEBUTINDE: That is not a question.

8 MR KOROMA: Your Honour --

9 JUDGE SEBUTINDE: It is not a question. A question would
11:18:08 10 be: Were you visiting each other ~~xxxx~~, with a question
11 mark at the end of it.

12 MR KOROMA: As Your Honour pleases.

13 Q. Mr witness, you will agree with me that when you were in
14 Freetown you were not visiting ~~xxxxx~~ as ~~xxxx~~ will do?

11:18:28 15 A. Yes.

16 Q. Mr witness, as a matter of fact, before the day of the ~~xxxxxx~~
17 you have not been meeting with Five-Five for over two years?

18 A. Yes. ~~xxxxxxxxxx~~. We worked at Mile ~~xxxxx~~ How would
19 you say two years? The number, if called, is too much for him.

11:19:18 20 Q. When you were in Freetown he was not visiting you at your
21 home; not so?

22 A. Yes.

23 Q. Mr witness, do you want this Honourable Court to believe
24 you when you said on the day of the ~~xxxxx~~ you ~~xxxxx~~ Five-Five at

11:20:00 25 ~~xxxxxxxx~~ ~~xxxxxxxx~~you to ~~xxxxx~~ up when he had not ~~xxxxxx~~ you
26 all along.

27 A. Well, this surprises me. I don't know whether it was
28 through my past record because ~~xxx~~ was a ~~xxxxxxxx~~.

29 MR INTERPRETER: The interpreter is sorry. Could the

1 witness go a little bit slower so he could be interpreted
2 accordingly.

3 PRESIDING JUDGE: Did you hear, Mr witness, if you could
4 speak a little slower so that the interpreter can catch up with
11:20:43 5 you. Where does the witness need to recommence his answer,
6 Mr Interpreter?

7 MR INTERPRETER: The witness said, "I don't know whether it
8 was because I was a xxxxxx individual."

9 PRESIDING JUDGE: Please start from the point where you
11:21:03 10 said, "I do not know because I was a xxxxxxxx.

11 THE WITNESS: I don't know whether it because I was a
12 xxxxxxxx, and they knew that I could xxxxxxxvery well at
13 the front that made xxxxxxthat xxxxxxx to come xxxxxx. But,
14 indeed, that xxxxxx he came to xxxxxxx. That I want to make
11:21:32 15 it very clear to you, that very xxxxxx he xxxxx to xxxxxxx.

16 MR KOROMA:

17 Q. Mr witness, I am putting it to you that you have not been
18 truthful to this Honourable Court. That is not correct.

19 A. I will tell you again that there is nothing except the
11:21:57 20 truth and it is only the truth that will set me free. There is
21 nothing I can say lies. Do you think I have sworn to the Koran
22 for nothing, except the truth that I will tell this Court?

23 Q. Mr witness, do you know how many soldiers carried out the
24 coup?

11:22:27 25 A. There were 17.

26 Q. So if anybody suggested to this Court that 16 soldiers
27 carried out the coup, that would not be correct?

28 A. Well, I wouldn't deny because I was not a part and parcel
29 of the coup makers, but I had this information when Commander C

1 xxxxxxus at xxxxxxxthat there were 17 individuals who
2 carried out the coup. So if somebody said there were 16, I
3 cannot deny because the person was probably part of the coup
4 makers.

11:23:27 5 Q. Mr witness, I am putting it to you that you know very well
6 that on the day of the coup, the 25th of May 1997, Five-Five that
7 xxxxxx Santigie Kanu, was deployed at Camp Charlie, at
8 Mile 91.

9 A. xxxxx xxxx xxxxx Camp Charlie. That was the time when he
11:24:12 10 make me remember the camp's name, Camp Charlie. But I do not
11 know whether it was a magic. That very day Five-Five xxxxxxx
12 xxxxxxxwith his AK rifle. xxxxxx me to xxxxx

13 Q. Mr witness, do you know that the former wife of Five-Five,
14 Santigie Kanu, was killed at Mammy Yoko; do you know about that?

11:24:48 15 A. I don't know. I don't know.

16 Q. Mr witness, do you recall that after the coup civilians
17 were demonstrating at Mammy Yoko against the Nigerian soldiers?

18 A. I can only recall that there was fighting on because I
19 wasn't present when that thing occurred. We only came there when
11:25:30 20 there was a shoot-out there. So, if you ask me about a
21 demonstration, I cannot deny you, but I don't know, I wasn't
22 there.

23 Q. When you went there, were civilians killed?

24 A. I did not see any civilian that was killed. I don't know
11:25:53 25 because it was night and we went to disarm the Nigerians. I did
26 not see any civilians.

27 Q. So, Mr witness, throughout your stay in Freetown when the
28 AFRC was in power you never heard of any demonstration against
29 Nigerians at Mammy Yoko?

1 A. I have told you that I cannot dispute that fact, but I
2 don't know.

3 Q. Mr witness, I am putting it to you that you know very well
4 that Santigie Kanu, that you know, came to Freetown four days
11:26:55 5 after the coup when he learnt about the death of his wife.

6 A. I would like to tell you -- I would tell you that nobody
7 that was part and parcel of the council member who was not here
8 around that time. You want to deny the fact that he was a
9 council member, that it was just because of his bravery that they
11:27:24 10 made him into a council member. He was in Freetown, he was in
11 town, not four days.

12 Q. Mr witness, are you suggesting to this Honourable Court the
13 fact that Santigie Kanu was a member of the council, was one of
14 the people that carried out the coup?

11:27:54 15 A. Yes. And indeed, the ~~xxxx xxxxxxxx~~, if ~~xxxxxxx~~, maybe
16 I would have been an ~~xxxxxx~~ or a ~~xxxxxxxxx~~.

17 Q. Again, are you saying that all the people who carried out
18 the coup from the council member, or from the council?

19 A. They from the council, but they were not only -- they were
11:28:32 20 not the only people in the council. There were other people who
21 became council members, but they were among those who became
22 council members.

23 Q. Mr witness, I am putting it to you that you know very well
24 that there are civilians in that council who had nothing to do
11:28:56 25 with the coup?

26 A. That is why I have told you that those who were the coup
27 members who were council members, they had other people who knew
28 about the coup whom they invited to be council members. I hope
29 that part is clear.

1 Q. Mr Witness, again I am putting it to you you know very well
2 that this Santigie Kanu you know as Five-Five was not an
3 honourable during the AFRC Government.

4 A. It is a lie.

11:29:49 5 Q. Are you saying he was an honourable?

6 A. Yes, yes, yes.

7 Q. But you know, you agree with me very well, you know I am
8 putting it to you, no, he was not holding any ministerial
9 position during the AFRC?

11:30:29 10 A. I don't know of any ministerial position. But whenever
11 there was a council meeting, xxxxwas with Commander C, all of them
12 came and parked and entered the hall for the meeting. So, to
13 know about -- I wouldn't know about whether he had a ministerial
14 position. But each time there was a council meeting all of them
11:30:53 15 joined and went for that meeting.

16 Q. Well, Mr Witness, is it not the case, like you have pointed
17 out to this Honourable Court, that Five-Five was one of those
18 that were invited into council, who was not necessarily a member
19 of the coup?

11:31:16 20 A. I am putting it to you that he was a member and they were
21 the people who made the coup, and that xxxxxx went xxxxx
22 xxxxand told xxxx to xxxxx with xxxxx. He was a full-fledged
23 member. There was nothing half about him. He was full-fledged.
24 He was not even a corner, a partial member, but a full-fledged
11:31:41 25 member.

26 Q. Mr Witness, I am putting it to you, if indeed Santigie Kanu
27 was a member of the coup, he would have been occupying a
28 ministerial position during the AFRC.

29 PRESIDING JUDGE: How would the witness know that? How do

1 you expect the witness to know that?

2 MR KOROMA: Your Honour, he said he is a full-fledged, that
3 he knows he participated in the coup, and that he was in Freetown
4 throughout.

11:32:29 5 Q. You were in Freetown throughout the AFRC period; not so?

6 A. Yes, yes, yes.

7 Q. You cannot recall Santigie Kanu holding any position?

8 A. I was not working under him as a security. If you ask me
9 for xxxxxxxx under whom I was working, I will tell you the

11:33:00 10 position he held. I was not really inquisitive to know about the
11 ministerial position. So if they did not give him any
12 ministerial position, maybe it was because of his level of
13 education. But I have no idea about why he did not hold a
14 ministerial position or why he was not given one.

11:33:29 15 Q. Mr Witness, I want to read out to you certain names, if you
16 recognise those names. Mr Witness, do you know Staff-Sergeant
17 Abu Sankoh?

18 A. Does he have any other name?

19 Q. Zagalo.

11:33:52 20 A. Yes.

21 Q. Mm?

22 A. Yes, yes, yes.

23 MR KOROMA: Your Honour, the spelling for Abu Sankoh is
24 A-B-U S-A-N-K-O-H, and the spelling for Zagalo is Z-A-G-A-L-O.

11:34:19 25 Q. Do you know him?

26 A. I know him, yes.

27 Q. Do you know whether he had anything to do with the coup?

28 A. If I can recall, he was the PL01.

29 Q. Do you know whether he had anything to do with the coup?

1 A. Yes, yes, yes.

2 Q. Mr witness, do you also know one squadron leader, Victor L
3 king?

4 A. The one that used to pilot the chopper?

11:35:05 5 Q. Yes.

6 A. I want to know. I want you to make it clear before I could
7 answer.

8 Q. Do you know whether he had anything to do with the coup?

9 A. Well, I don't know.

11:35:18 10 JUDGE SEBUTINDE: Mr Koroma, when you ask someone whether
11 he knows that someone had something to do with the coup and they
12 answer yes or no, that leaves us wondering - they say yes, they
13 know - what it is that they know. So it does not advance our
14 knowledge of the witness's evidence any further. Do you see what
11:35:37 15 I mean?

16 MR KOROMA: I am very grateful, Your Honour.

17 Q. Now, I will take you back to Abu Sankoh. When you say you
18 know him, that he had something to do with the coup, what do you
19 mean?

11:35:58 20 A. Well, xxxxxxxx, I should be xxxxxxxx any xxxxxxxx
21 of xxxxxxxx. Zagalo, yes, he did not hide. They all used to
22 meet. Through -- we used to ask each of the xxxxxx of each
23 of them and they would tell us those who were part of the coup,
24 and they too came out plain to us. They would tell xxxxxx in my
11:36:39 25 xxxxxx where I was xxxxxxxx So, that is how I knew that these
26 were all the council members and they were part of the coup. So,
27 that is how I knew that Zagalo, that he was boss.

28 Q. I see. Zagalo was the boss?

29 A. Yes.

1 Q. You told the Court that you know squadron leader Victor L
2 King.
3 A. Who was a flight officer, yes.
4 Q. He too took part in the coup, is that the case?
11:37:21 5 A. Well, I didn't know. But he used to -- even the time when
6 we are xxxxxx xxxxxxxx the xxxxxxxs, he used to -- he was with
7 the xxxleaders.
8 Q. Mr witness, a few minutes ago you said you knew all the
9 people who took part in the coup?
11:37:44 10 A. Yes.
11 Q. Now my simple question to you is: Is it the case that this
12 squadron leader, Victor L King, was one of the people who carried
13 out the coup?
14 A. Well, exactly. If you put this statement direct to xxx
11:38:03 15 would not know, because xxxxx there when they used to sit down to
16 know that exactly, that these were the people who were part of
17 the coup. But if you are trying to tell me those who were in the
18 coup and who used to attend the xxxxx while xxx xxxxx, so
19 that is how I knew them.
11:38:26 20 Q. Mr witness, just talk about squadron leader, Victor L King.
21 A. Yes.
22 Q. Do you know whether he was one of the people who carried
23 out the coup?
24 A. No.
11:38:40 25 Q. You used to see him attending council meetings?
26 A. Yes.
27 Q. Mr witness, do you know xxxxxx Tarawallie?
28 A. Yes.
29 Q. Mr witness, do you know that he was one of the people who

1 carried out the coup?

2 A. No.

3 Q. Mr witness, do you know warrant Officer Class Two Franklyn
4 Conteh? Do you know him?

11:39:36 5 A. Has he any other name?

6 Q. I don't know.

7 A. well, I don't know. That name is strange to me.

8 Q. Never seen him before?

9 A. well, maybe if he appeared in my presence I would know him,
11:39:56 10 but I don't know him by that name.

11 Q. Let me take you back and let us just clarify this. Is it
12 the case that you do not know all the people who carried out the
13 coup, the 17 people who carried out the coup? You do not know
14 all of them?

11:40:19 15 A. I would know majority. But the names are difficult to
16 remember but I know majority of them. I could name few of them
17 whom I could remember.

18 Q. Mr witness, please, I would like you to answer the
19 question.

11:40:31 20 MR HODES: Your Honours, he has answered the question and
21 he's answered it several times at this point. He has indicated
22 that he does have some knowledge of who carried out the coup.
23 He's asked for the names, Mr Koroma has been giving him the names
24 and he is answering to the best of his ability. I am not sure
11:40:48 25 why he is suggesting now that the witness is being difficult.

26 PRESIDING JUDGE: He has been answering the questions,
27 Mr Koroma.

28 MR KOROMA: With respect, Your Honour, my question to the
29 witness is: Is it the case he does not know all of the members.

1 It is either yes, he knows all of them, or he doesn't know all of
2 them.

3 PRESIDING JUDGE: well, put that question.

4 MR KOROMA: Yes.

11:41:12 5 Q. We want a definite answer from you, Mr witness. Is it the
6 case that you know all the people who carried out the coup, or
7 you only know some of them?

8 A. I don't know all of them; I know some of them.

9 Q. I will move on Mr witness. Mr witness, do you know warrant
11:41:41 10 officer class 2 Samuel Kargbo?

11 A. Has he any other name? Because I know one Samuel who, too,
12 was a council member. I don't know whether he the Samuel you
13 know him.

14 Q. [Microphone not activated]?

11:41:59 15 A. But if I see him officially I will know him.

16 MR HODES: The question is coming above or at the same time
17 as the answer. I am having problems distinguishing the question
18 from the answer.

19 PRESIDING JUDGE: Mr Koroma, we have warned you several
11:42:14 20 times about this. Is it now getting to the stage where it is
21 going from annoying to irritating and very difficult to hear the
22 evidence.

23 JUDGE SEBUTINDE: Mr Koroma, could it be that you are
24 listening to the Krio answers?

11:42:28 25 MR KOROMA: The Krio interpretation; I am listening to the
26 Krio interpretation.

27 JUDGE SEBUTINDE: The English interpretation?

28 MR KOROMA: No, not the English.

29 JUDGE SEBUTINDE: May I remind you that the language of the

1 Court is English. It may well be that you are conversant with
2 Krio, but the reason we have an interpreter and the reason the
3 record is in English is because English is the language of the
4 Court. So you are creating problems for yourself and for the
11:42:54 5 Court by listening to the Krio speech that comes through.
6 MR KOROMA: Yes. I am sorry about that, Your Honour.
7 Q. Mr witness, I have just asked you about whether you know
8 warrant Officer Class 2 Samuel Kargbo?
9 A. The Samuel whom I know, I don't know his last name, whether
11:43:37 10 he is Kargbo. But if I see him I will show you. He, too, was an
11 honourable I don't whether it is the Samuel you are talking
12 about. But I know one Sammy, but I don't know the last name,
13 whether he was a Kargbo.
14 Q. This Samuel, he was a warrant officer class 2, you know?
11:44:00 15 A. No, I am not aware of that.
16 Q. He took part in the coup; not so?
17 A. Yes, yes.
18 Q. Mr witness, do you know xxxxxxGeorge Adams?
19 A. Yes, Adams; I know Adams. I don't know xxxxxx, but I
11:44:31 20 know Adams.
21 Q. Do you know whether he took part in the coup?
22 A. Yes.
23 Q. Mr witness, do you know xxxxxx Sahr Gborie?
24 A. You mean the one who spoke during the time of the coup?
11:45:09 25 Q. He could be.
26 A. That Gborie, I know him. Yes, I know that Gborie. I don't
27 know whether he was Sahr, but I know one Gborie.
28 Q. But he was a sergeant?
29 A. I doubt, because he was a xxxxxx in xxxxxx when xxxxxx

1 in the xxxx. So I doubt that rank.
2 Q. Do you know whether he took part in the coup?
3 A. That Gborie?
4 Q. Yes.
11:45:44 5 A. Yes.
6 Q. Mr witness, what about Sergeant Sulaiman Turay, do you know
7 him?
8 A. I am in doubt of the name. Has he any other name? well, I
9 don't know.
11:46:02 10 Q. Mr witness, what about xxxxxx K Kallay, do you know him?
11 A. I don't know the xxxxof xxxxxx but I know Kallay, who
12 used to walk up and down.
13 Q. Do you know whether --
14 A. who used to limp.
11:46:24 15 Q. [Microphone not activated]
16 A. Yes.
17 Q. Mr witness, do you know xxxxxx Momoh Bangura?
18 A. Has he any other name?
19 Q. Do you know him?
11:46:50 20 A. Has he any other name?
21 Q. Mr witness, I am not supposed to be answering questions
22 from you.
23 PRESIDING JUDGE: I think the witness is seeking
24 clarification from you, Mr Koroma.
11:46:59 25 MR KOROMA: As Your Honour please.
26 Q. I don't know, Mr witness, if he has another name.
27 A. well, that name is strange to me; I doubt the name.
28 Q. I will move on. What about xxxxxx Hector Bob
29 Lahai, do you know him?

1 A. I know one Hector, but I don't know the first and last
2 name. I know one Hector.

3 Q. The Hector you know, do you know whether he took part in
4 the coup?

11:47:37 5 A. Yes.

6 Q. Mr witness, do you know Lance xxxxxx Ibrahim B Sesay?

7 A. Has he any other name? I know one, the name, I know --
8 what is the "B" for? well, the name, I am in doubt of the name.

9 Q. I will move on. Mr witness, do you know xxxxxx
11:48:33 10 Moses Kabia?

11 A. I know one Kabia who was called Rambo. I don't know
12 whether he is the one you are referring to.

13 Q. Do you know whether he took part in the coup?

14 A. Yes.

11:49:04 15 JUDGE SEBUTINDE: It would help if you would give us some
16 of the spellings please.

17 MR KOROMA: As Your Honour pleases. I am sorry about that.
18 The spelling for Ibrahim, I-B-R-A-H-I-M; Sesay, S-E-S-A-Y. The
19 spelling for Hector is H-E-C-T-O-R; Bob, B-O-B; and Lahai,
11:49:42 20 L-A-H-A-I. And Your Honour, the spelling for Momoh Bangura is
21 M-O-M-O-H B-A-N-G-U-R-A.

22 Q. Finally, Mr witness do you know xxxxxx Abdul M
23 Sesay?

24 A. I know one Abdul Sesay.

11:50:13 25 Q. Do you know whether he was a member of the coup?

26 A. Yes.

27 JUDGE SEBUTINDE: Mr Koroma, I am not quite sure what you
28 mean by a "member of the coup".

29 MR KOROMA: well, whether he took part in the coup.

1 Q. Whether he took part in the AFRC coup, that is what I mean,
2 Mr witness.

3 A. Yes.

4 Q. Mr witness, if you say you know Five-Five, Santigie Kanu,
11:50:50 5 very well, what was his rank in May 1997?

6 A. He was a corporal.

7 Q. Mr witness, I am putting it to you that you know very well
8 that Five-Five, Santigie Kanu, is not a PLO as you have alleged
9 in your evidence-in-chief, he was not a PLO.

11:51:29 10 MR HODES: I object, Your Honours. I don't believe at any
11 time during his evidence-in-chief was he asked about Mr Kanu's
12 position during the AFRC regime, and certainly during his
13 evidence-in-chief never testified to Mr Kanu being a PLO.

14 PRESIDING JUDGE: Mr Koroma, if you have a specific part of
11:51:56 15 transcript and specific statement in evidence made by the
16 witness, put that specific point.

17 JUDGE LUSSICK: I have a note here that the witness was
18 asked whether Santigie Kanu was an honourable, and the answer was
19 yes. But that is not specifically a PLO, but they are one and
11:52:18 20 the same, I understand. That is the only note I have of being
21 asked whether he was an honourable, not a PLO.

22 MR KOROMA: Yes. Your Honour, I will most respectfully
23 refer to transcript of Tuesday, 27 September, at page 43 --
24 starting from page 42, line four of the transcript. In answer to
11:54:08 25 the question:

26 "Q. If you know, who was behind Bazy in terms of the
27 command and control --

28 "A. Five-Five, Bomb Blast, FAT Sesay, Junior Lion, Junior
29 Sheriff, Coach Gibono."

1 Coming down to line 27 in his answer:
2 "Because Commander C, but before Commander C came" --
3 Yes, line 28:
4 "Alex Brima was the commander who had control over the men.
11:54:47 5 I want to clarify to you, for you to know, that they
6 maintained their council that you are PLO 1, PLO 2, PLO 3,
7 PLO 4. They knew that chain. So wherever they went they
8 know. As I am talking, they know exactly what I am
9 saying."
11:55:14 10 Your Honour, it is clear from that transcript that he was
11 referring to Santigie Kanu as a PLO.
12 PRESIDING JUDGE: Are you making a statement to the Bench
13 or are you putting a question to the witness, Mr Koroma?
14 MR KOROMA: I am responding to the objection of my learned
11:55:39 15 friend.
16 PRESIDING JUDGE: I see. Well, I directed that you put the
17 transcript to the witness.
18 MR KOROMA: Yes.
19 Q. Mr Witness, is it not the case that in your
11:55:48 20 evidence-in-chief you told this honourable court that Five-Five
21 was a PLO, Santigie Kanu?
22 A. No, no, no.
23 Q. [Microphone not activated]
24 A. No.
11:56:01 25 MR KOROMA: As Your Honour pleases, I will move on.
26 Q. Mr Witness, ~~xxxxxxx~~, you know that during the days of
27 the ~~xxxxx~~there was a ~~xxxxxxxxxx~~ in place; not so?
28 A. What do you mean?
29 Q. The ~~xxxxx~~was functioning, all the positions in the ~~xxxxx~~

1 were being performed perfectly.
2 A. Yes.
3 Q. Can you tell the Court -- in your evidence-in-chief you
4 explain the various xxxxin the xxxxx from private going
11:56:59 5 upwards. Now, can you tell this Honourable Court who was the
6 topmost officer during the days of the xxxxx in the xxxxx?
7 [AFRC30SEP05C - SGH]
8 A. The xxxxx?
9 Q. Yes.
11:57:19 10 A. The xxxxxxof the xxxxxxxwas Avivavo, and the CDS was -- I
11 could only remember the last name, Koroma. The xxxxx was
12 SO williams. From there we have xxxxxxxx until you are
13 coming down. Those they are ones I could remember, as far as the
14 xxxxxxis concerned, the hierarchy is concerned.
11:58:07 15 Q. Can you just explain what CDS means? Do you know what CDS
16 means?
17 A. CDS, chief of defence staff.
18 Q. Then you have commanders commanding all thexxxxxxx
19 then; not so?
11:58:22 20 A. Yes.
21 Q. During that period Santigie Kanu - do you agree with me or
22 not - was still a private? Sorry, was still a corporal; not so?
23 A. Well, I didn't know his rank, but his appointment. Those
24 that were lieutenant-colonels used to salute him.
11:59:02 25 Q. Do you know his rank or not? Was he a corporal or not?
26 MR HODES: Your Honours --
27 PRESIDING JUDGE: He has answered that question, Mr Koroma.
28 MR KOROMA: As Your Honour pleases.
29 Q. In the days of the xxxxxthe xxxxxxxwas in control of all

1 xxxxxxx operations; not so?

2 A. I would say yes, in some cases; no in some others. Because

3 they, too, interfered and not only interfering but they used to

4 molest the authorities; whom they found as authorities, they the

11:59:47 5 honourables.

6 Q. In the days of the xxxxxx, the xxxxxxxx was in control of all

7 xxxxxxx operations; not so?

8 A. I would say yes in some cases, no in some others, because

9 they too interfered. And not only interfering, but they used to

11:59:47 10 molest the authorities, whom they found as authorities, they the

11 honourables.

12 Q. Let us take, for example, the planning of attacks against

13 ECOMOG. Isn't it the case that they were planned at xxxxxx at

14 the xxxxxxxx headquarter?

12:00:20 15 A. If you ask me that question to tell you where they were

16 planned, I would not be able to tell you because they will go in

17 houses to JP, they will go to xxxxxxx. If you ask me to tell

18 you where they planned them I wouldn't know, but the council

19 members were -- usually go to the forward.

12:00:58 20 Q. Council members are different, is it the case, Mr witness?

21 Council members were different from the military high command?

22 A. Well, they used to interfere.

23 Q. Mr witness, I have not asked you whether anybody was

24 interfering where. My question to you is that council members

12:01:17 25 were different from the xxxxxx at xxxxxxxx headquarters; not

26 so?

27 A. Yes.

28 Q. Now the CDS, who was above the CDS? was there anybody

29 above the CDS?

1 MR HODES: Your Honours, at this point I am just going to
2 object to the relevance of this line of questioning. I'm not
3 sure of the relevance at all of this line of questioning.
4 PRESIDING JUDGE: Your reply, Mr Koroma.
12:02:02 5 MR KOROMA: Your Honour, the relevance in my line of
6 cross-examination is that the indictment is talking about those
7 who command responsibility, those who were giving commands. That
8 is the purport of my cross-examination; we want to establish
9 that.
12:02:24 10 PRESIDING JUDGE: We allow the question and overrule the
11 objection.
12 MR KOROMA: As Your Honour pleases.
13 Q. Mr Witness, you have just told this Honourable Court that
14 in the days of xxxxx the xxxxxx was intact, you had very senior
12:02:54 15 xxxxx officers coming down. Who was above the CDS?
16 A. That was the deputy minister of defence.
17 Q. And then after the deputy minister of defence who was next
18 to him, do you know?
19 A. You mean I should go up or down? From the deputy defence
12:03:22 20 you have the CDS.
21 Q. Yes, after the CDS who is next in line?
22 A. You have the xxxxx chief of staff. You have the xxxx chief
23 of staff, SO Williams.
24 Q. Yes, who is next?
12:03:43 25 A. I don't know again.
26 Q. Mr Witness, xxxxxx you know all xxxxxxxx operations
27 are normally planned or deliberated upon at the headquarters?
28 A. I want you to repeat the question.
29 Q. xxxxxxxxx you know as a matter of fact that all xxxxxx

1 operations are planned --

2 JUDGE SEBUTINDE: Mr Koroma, that is not a question. If
3 you want to ask a question, ask a question.

4 MR KOROMA: As Your Honour pleases. I will rephrase it,
12:04:17 5 Your Honour.

6 Q. Mr witness, you will agree with me you know as a matter of
7 fact, is it not, that all xxxxxoperations or planning are
8 normally deliberated upon at the xxxxxxheadquarters?

9 A. I disagree, yes.

12:04:45 10 JUDGE SEBUTINDE: Mr Koroma, I am in a problem here. Is
11 the answer that the witness does not know or is he disagreeing
12 with you that these plans are not carried out at the
13 headquarters? what is the answer? You see, you should either be
14 asking him, "Do you know if plans are carried out at the
12:05:20 15 headquarters", to which the answer would be, "Yes, I do" or, "No,
16 I don't".

17 MR KOROMA: As Your Honour pleases.

18 JUDGE SEBUTINDE: And then you go on further, what is it
19 that he knows but right now I am totally confused by what you're
12:05:31 20 asking and what the answer relates to.

21 MR KOROMA: Very well, Your Honour. I will take the cue,
22 Your Honour.

23 Q. Now, Mr witness, do you know as xxxxxxxxxx, somebody who
24 has been xxx the xxxx-- do you know whether xxxxx
12:05:45 25 operations, plannings, were carried out -- are normally carried
26 out at the xxxxxxxx

27 A. I don't know.

28 Q. Mr witness, can you please explain to this Honourable Court
29 throughout your years in xxxxxxxx how do you normally get your

1 xxxxx?

2 A. I used to receive xxxxx from my immediate xxxxx and
3 that xxxxxxxx listened to somebody. So if we are to
4 take it -- or if I can give you an example. It could be from the
12:07:04 5 chairman, he could summon -- who he thinks he could summon, the
6 CDS, the deputy defence. Due to the information he had at hand,
7 there are times when they went to the xxxxthere and used
8 abusive language that they are doing nothing, that they were
9 trying to allow the enemy to penetrate. There was a time when
12:07:35 10 they forced them out of xxxxxx and they brought them to the
11 East End Police. So this was the way how things were going.

12 Q. So, Mr Witness, you were getting commands from your
13 immediate boss and your immediate boss would be getting his
14 command from somebody that was higher to him; not so? That is
12:07:57 15 how the orders came down to you?

16 A. That was the way things were going. That was the way
17 things were going. It was just like when somebody kicks a ball
18 to you and he passes to the next person.

19 Q. So is it not the case -- so do you know whether that these
12:08:19 20 orders normally come from the xxxxx headquarters; not so? Do
21 you know?

22 A. I don't know.

23 Q. You do not know whether orders come from xxxxx
24 headquarters, but what you know is that they will come from the
12:08:46 25 highest hierarchy coming down to you; not so?

26 A. Yes. In our presence we used to see they abused the people
27 that were at xxxxxx. In fact, the army chief of staff so
28 williams was once molested.

29 Q. Now this hierarchy in the military that you have

1 explained - the CDS, coming down - do you agree with me that it
2 was maintained up to the day the xxxxx was removed from power?
3 A. Yes.
4 Q. Mr witness, you will agree with me that Commander C was a
12:09:56 5 very senior commander in the days of the xxxxx
6 A. Yes.
7 Q. In fact he was one of those very senior xxxxxx
8 that were giving commands to the xxxxx
9 A. No. Whatever Commander C did, it went to the chairperson,
12:10:44 10 the chairman, that was JP Koroma.
11 Q. But JP Koroma was senior to Commander C; is it true?
12 A. Yes.
13 Q. Now when xxxxxxorders -- is it not the case that when
14 senior commanders meet like the ones you have named, the CDS,
12:11:22 15 Commander C, Avivavo , all of those - so williams - that you have
16 named, they take jointly -- is it not the case that they plan
17 orders that were to be given to the xxxxxx?
18 A. I'm in doubt.
19 Q. Right, I will move on, Mr witness. Mr witness, in your
12:12:00 20 answers to previous questions posed to you under
21 cross-examination you told this Honourable Court that you had
22 tremendous respect for Commander C. Now you agree with me that
23 you blamed -- I am putting it to you that you xxxx Five-Five
24 and others for the failure of xxxxxxx because they xxxxx
12:12:32 25 Commander C.
26 A. No.
27 Q. Do you agree with me that if Commander C had not xxxxx
28 January 6 would have been successful.
29 PRESIDING JUDGE: You are asking him to speculate.

1 MR KOROMA: As Your Honour pleases.

2 Q. Mr witness, you don't like Five-Five because he is a friend
3 of Gullit; not so?

4 A. No.

12:13:46 5 Q. In the days of the ~~xxxxx~~ Mr witness, you will agree with me
6 that there was a big split between the SLA and the RUF.

7 A. would have started fighting in town, no.

8 Q. Mr witness, you know as a matter of fact that Mosquito was
9 not attending council meetings.

12:14:26 10 A. I cannot tell you, but he came to town and at any time he
11 came to town they used to discuss. And let me remind you again,
12 there was a time when Mosquito came with diamond -- a diamond
13 that he came from Kono. They came. They went to JP. They sat
14 together. I cannot tell you precisely the number of times, but
12:14:55 15 at that particular time I will tell you that he was in one of the
16 council's discussions. He was in one of the meetings.

17 THE INTERPRETER: would kindly the witness repeat the last
18 part of his witness -- his testimony, sorry.

19 PRESIDING JUDGE: Mr witness, the interpreter requires you
12:15:17 20 to repeat that last sentence of your evidence.

21 THE WITNESS: I want you to tell me --

22 PRESIDING JUDGE: Mr Interpreter, which part is it? The
23 part commencing after he brought -- sorry. The witness --

24 THE INTERPRETER: A diamond from Kono and he sat in one of
12:15:20 25 the meetings.

26 PRESIDING JUDGE: Mr witness, go back to the part where you
27 said he brought a diamond from Kono and sat in the meetings and
28 continue from there.

29 THE WITNESS: He came with the diamond. From there, they

1 want to JP. They went, they sat together. All of them met
2 there. I cannot tell you -- I cannot tell you all of them
3 because there were a lot of vehicles that parked in JP's
4 compound. So to tell you that Mosquito had never entered a
12:16:25 5 council meeting, that particular one was one of the meetings that
6 he entered. I cannot tell you that it was more than one, but
7 that particular one he was a part to that meeting.

8 MR KOROMA:

9 Q. Mr witness, for how long did you xxxas xxxwith
12:16:44 10 xxxxxxxx

11 A. You mean in xxxxxxx in the jungle or the bush?

12 Q. xxxxxxx, Mr Witness.

13 A. I did not work as a CSO. I worked as an ordinary xxxx.

14 xx was a xxxx personal xxxxx.

12:17:20 15 Q. For how long did you xxxx as a xxxxxxx for Commander C in
16 xxxxxxx

17 A. During the time of the xxxx?

18 Q. The xxx

19 A. xxxx I worked for about two to three months, but there was
12:17:45 20 a problem so I had to go back to xxxxx. Then during the
21 pull-out we joined together during that time. So, effectively I
22 xxxxxxxwith him between two and three months.

23 Q. Mr witness, I am putting it to you that you are not
24 speaking the truth when you said you saw Mosquito bringing
12:18:21 25 diamonds to Johnny Paul. You are not speaking the truth at all.

26 A. Mr Lawyer, do you want truth? Listen to me attentively so
27 that I can tell you. The diamond that he came with that I am
28 telling you about, we took it to xxxxx in order to sell
29 it, but there was no agreement regarding the price. Mazda garage

1 by New Road. From there we came to Kissy Street, called
2 Sani Abacha. From there they bought it; one Lebanese bought it.
3 I don't know his name. With Issa, Mosquito, all of us went to
4 the xxxx. They left it there. From there xxx went xxx.

12:19:43 5 Q. Mr witness, do you want this Honourable Court to believe
6 you; as a mere xxxxx to xxxxx, that when diamonds were
7 brought they would be taking you around to go and find somebody
8 to sell those diamonds to? You want this Court to believe you?

9 A. I want to put to it you that when Mosquito came he wrapped
12:20:06 10 the diamond, as people used to wrap kola nuts, that has that long
11 thing. He came and placed it in xxxxboss' hand. This that I am
12 telling you it wasn't any hearsay. It is an eyewitness account
13 that I am telling you. He handed it over to him and he place it
14 in the pocket of the jacket he wore. He placed it on his chair.

12:20:44 15 In the morning he took the same jacket, he wore it and went
16 to his office. Mosquito drove and met him again in his office.
17 That was the time he produced this diamond. He handed it over to
18 Mosquito. Mosquito looked at it. He said indeed he had respect
19 for Commander C. That was the time he left. xxxx and Commander C's
12:21:22 20 CSO, that was xxxxx and xxx, his xxxxxx, xxx of xxx
21 joined Mosquito and went. I am pretty sure that that particular
22 area has been thoroughly explained.

23 MR DANIELS: Your Honour, could Mr Kamara be escorted.

24 PRESIDING JUDGE: Yes, please. He can be taken out under
12:21:49 25 escort.

26 MR KOROMA:

27 Q. Mr witness, I would like some clarification here. You,
28 together with other persons, can you please tell this Honourable
29 Court the persons that were with xxxx when you went to sell this

1 diamond to this Lebanese man?

2 A. Mosquito is one of them. That is from the RUF group. From
3 Commander C's group, his chief security, that was Ranger. Then
4 xxxx his xxxxxx. Then that was -- he ordered xxx to
12:22:42 5 xxxwith him after he had handed the diamond to Mosquito. He said
6 any transaction along the way, he should be called at his office.
7 They should telephone him at his office so as to know what was
8 going on. That was the way things went. It was out of that
9 money that they were able to pay the teachers, in order for me to
12:23:19 10 add to what I have already told you.

11 Q. Mr witness, do you know whether Mosquito was the number two
12 man in the RUF during that period in the absence of Foday Sankoh?

13 A. He was the deputy when Foday Sankoh wasn't around.

14 Q. And, in fact, he was deputy in the AFRC government; not so?

12:23:51 15 He was deputy to Johnny Paul?

16 A. I would say yes, because after JP you had Sankoh. So in
17 the absence of Sankoh, Mosquito occupied his own place.

18 Q. Mr witness, finally on that point - on that point - is it
19 not strange that General -- you know him as General Mosquito; not
12:24:20 20 so?

21 A. I know Mosquito, yes.

22 Q. He was called General Mosquito.

23 A. It was later on that I new him as general, when we were in
24 the jungle. But originally I knew him as Mosquito.

12:24:37 25 Q. Mr witness, the question I want to pose to you is this: Is
26 it not strange that Mosquito, the number two man in the AFRC,
27 would be holding diamond, walking about the streets of Freetown,
28 finding somebody to buy them? Is it not that strange?

29 A. I want to put to it you that I wouldn't love you to doubt.

1 we never walked. We never walked. And we went on two areas.
2 xxxxxxx garage we came back to that area. We never just roam
3 about. After the second place xxx went xxxxxxto the bank.
4 Q. Mr witness, do you remember the day and the month when that
12:25:34 5 transaction took place?
6 JUDGE SEBUTINDE: Could you kindly repeat the question? We
7 didn't hear what you asked.
8 MR KOROMA: As Your Honour pleases, I am sorry.
9 Q. Mr witness, do you recall the day and the month of the year
12:25:43 10 that that transaction took place? You said you went to the bank.
11 A. No.
12 Q. What bank was it, Mr witness?
13 A. The bank before the post office. It has some drawings that
14 depict some arts. That is the very bank I am talking about, but
12:26:17 15 I don't know its name. It is completely opposite the post
16 office.
17 Q. Is that the Bank of Sierra Leone, Mr witness?
18 A. Yes. Yes, yes, yes, yes.
19 Q. Did you meet anybody at the bank that you know?
12:26:40 20 A. I can't remember his name, but he was a tall man. But I
21 cannot recall his name.
22 Q. This was 1997?
23 A. Yes.
24 Q. We will move on. Mr witness, is it not the case that
12:27:09 25 xxxxxx was xxxxxx by xxxxxx at xxxxxxxx?
26 PRESIDING JUDGE: Mr Koroma, could you please bear in mind
27 the security arrangements.
28 MR KOROMA: I am terribly sorry, Your Honour. I'm terribly
29 sorry.

1 PRESIDING JUDGE: I wish to give a warning to anyone in the
2 public gallery that names mentioned are not to be repeated
3 outside the public gallery and in particular they are not to be
4 repeated in the media. Continue. Your question now was
12:27:36 5 xxxxxxx -- please repeat the question.
6 MR KOROMA: Yes.
7 Q. Mr witness, is it not the case that xxxxxx was
8 xxxxx by xxxxxx at xxxxxx?
9 A. You talk about xxxxxx. He was not xxxxxxas such
12:28:04 10 because he had to leave us and went away.
11 Q. Mr witness, is it not the case that when the xxx
12 government was removed from power, Commander C was the head of
13 the xxxthroughout until January 6?
14 A. No, it wasn't throughout January 6.
12:28:49 15 Q. Well, let me put it this way, that he was -- Commander C
16 was the head of the xxxafter the fall of the xxx until the time
17 xxxxxxx
18 A. No. Because during that time there were authorities that
19 we never knew of. But they were there. So, do you want to tell
12:29:21 20 me like, for instance, Kurubonla that when we are coming, then I
21 will answer yes?
22 Q. Commander C was the head of the xxxfrom Kurubonla onto
23 Camp xxxxxx
24 A. Yes.
12:29:59 25 Q. Commander C told you or said to?
26 A. Yes.
27 Q. Commander C told you or said to you that he will never
28 subject himself to the RUF.
29 A. Yes.

1 Q. In fact, you will agree with me, from Koinadugu to Camp
2 Rosos to Freetown it was an entirely SLA affair. The RUF had
3 nothing to do with it. Your movement from Koinadugu, Rosos to
4 Freetown.

12:30:55 5 A. No. It was from Koinadugu to Camp Rosos. It was strictly
6 an ~~xxxx~~ affair.

7 Q. Mr witness, that is what I am saying exactly.

8 PRESIDING JUDGE: No, it is not. That is not a fair
9 comment. I have recorded, in fact, Koinadugu to Rosos to
12:31:13 10 Freetown. He has answered Koinadugu to Rosos.

11 MR KOROMA:

12 Q. Mr witness, is it not true that there was a big fight
13 between Commander C and the RUF at Koinadugu?

14 A. Yes. Yes, Ma'am, I want to ease myself, Ma'am.

12:32:00 15 PRESIDING JUDGE: In the circumstances, we will adjourn
16 early since it is almost time for the usual lunch time
17 adjournment. I have noted the answer, Mr Koroma, and you can
18 carry on your cross-examination at that point.

19 Mr Court Attendant, please adjourn court to ten past two.

12:32:11 20 [Luncheon recess taken at 12.35 p.m.]

21 [On resuming at 2.15 p.m.]

22 PRESIDING JUDGE: Good afternoon. I note that -- is it
23 Mr Kanu only who is in court this afternoon.

24 MR DANIELS: Your Honour, on behalf of Mr Kamara I would
14:11:16 25 like to inform you that he himself is not feeling too good this
26 afternoon, so he is voluntarily absent.

27 PRESIDING JUDGE: Thank you for that information,
28 Mr Daniels. There seems to be a lot of illness around. I hope
29 he recovers shortly.

1 MR DANIELS: Thank you for you concern.
2 PRESIDING JUDGE: Now, Mr Koroma, you were in the midst of
3 your cross-examination and we will continue from there, please.
4 MR KOROMA: As Your Honour pleases.
14:11:41 5 Q. Good afternoon, Mr Witness.
6 A. Good afternoon, Mr Lawyer.
7 Q. Mr witness, we broke off at the point where I asked you
8 whether you know that **xxxxx** was detained by Commander C?
9 A. No.
14:12:24 10 Q. Mr witness, is it true that --
11 JUDGE SEBUTINDE: Mr Koroma, was that he doesn't know or
12 it's not true that **xxxxx** was **xxxxx**by Commander C? The
13 way you asked the question and the answer leaves me wondering;
14 it's ambiguous.
14:12:42 15 MR KOROMA: As Your Honour pleases.
16 JUDGE SEBUTINDE: Is it that he doesn't know or is it that
17 actually **xxxxxx** was not detained by Commander C; which is
18 it?
19 MR KOROMA: Your Honour, I will repeat the question.
14:12:54 20 Q. Mr witness, I would like you to tell the Court do you know
21 whether **xxxxxx** was **xxxxxx** by Commander C?
22 A. Where? Is it in town here or in **xxxxxx**?
23 Q. At **xxxxxx**.
24 A. The first day when he came, yes, yes, yes.
14:13:22 25 THE INTERPRETER: Your Honours, would the witness go over
26 his last segment, the last segments of his testimony.
27 PRESIDING JUDGE: Mr witness, could you please repeat the
28 last part of your answer and could I ask you again to speak
29 slowly to allow the interpreter to keep up with you. I have got

1 noted you said -- you asked whether it was here or in Kurubonla
2 and then you started saying something else. Could you say that
3 again, please.

4 THE WITNESS: When xxxxxx met Commander C at xxxxx
14:14:12 5 xxxxxxx told Commander C that he should go to Kailahun.
6 Based on this statement, Commander C told him that he were lucky,
7 now that you have come when you will be here.

8 MR KOROMA:

9 Q. Now for how long did Commander C xxxxx Denis Mingo?

14:14:41 10 A. I can say just for an hour because when they had discussed
11 Denis Mingo xxxxxx anywhere that he wanted and he had to
12 leave Kurubonla, and they went back. I don't know whether it was
13 Kabala or beyond.

14 Q. Now, Mr Witness, I would like you to tell the Court whether
14:15:01 15 you know or not that after the fall of the xxxxx in Freetown the
16 RUF was maintaining a separate command structure from the xxxx; is
17 that true?

18 A. Yes.

19 Q. The RUF after the fall of the AFRC was being led by
14:15:35 20 Mosquito; is that true?

21 A. Yes. Yes, yes, RUF.

22 Q. And Commander C, you have told the Court, was xxx of the
23 xxx from xxxxx to Rosos -- from the point of xxxxxx to
24 Rosos, he was head of the xxxx until Newton; is that true?

14:16:13 25 A. From Koinadugu to Camp Rosos he was the head, up to Newton,
26 up to Benguema.

27 Q. Is Koinadugu different from Kurubonla; is that what you're
28 saying?

29 A. Yes, yes.

1 Q. Now, Mr witness, I would like to know who was the head of
2 the xxxx at xxxxx

3 A. It was [redacted].

4 MR KOROMA: Your Honour, I will --

14:16:47 5 PRESIDING JUDGE: Please continue.

6 MR KOROMA:

7 Q. Mr witness, you will agree with me, will you not, that
8 Mosquito and [redacted] were not -- I'm sorry. I'm sorry.

9 MR HODES: I was going to wait, but if we could just have a
14:17:23 10 redaction of both comments.

11 MR KOROMA: Yes, of course.

12 PRESIDING JUDGE: Madam Court Attendant, would you ensure
13 that there is redaction of the use of two proper names there both
14 in an answer and in a question. I repeat to persons who are in
14:17:43 15 the public gallery that proper names that you might hear in this
16 Court are not to be repeated outside. That particularly refers
17 to the media and that in fact is an order of the Court.

18 Mr Koroma, please continue.

19 MR KOROMA: Yes.

14:18:02 20 Q. Mr witness, is it not true that Commander C and Mosquito
21 were not working together. Is it not true?

22 A. Yes.

23 Q. Mr witness, is it not also true that Commander C and
24 Mosquito never organised any joint operations?

14:18:47 25 A. He and Mosquito, no.

26 Q. Now, Mr witness, you told this Honourable Court in your
27 evidence-in-chief that you heard Five-Five or you saw Five-Five
28 distributing petrol to soldiers at State House. Is that not what
29 you told this Honourable Court?

1 A. Yes.

2 Q. Mr witness, do you know when Five-Five was arrested by the
3 Special Court?

4 A. No, I don't know.

14:20:08 5 Q. Mr witness, do you know that Five-Five, Santigie Kanu, was
6 in fact detained at central prisons?

7 A. Yes, he xxx me xxxx

8 Q. When was that?

9 A. I cannot recall, but xxxxx

14:20:30 10 Q. Can you recall the year, Mr witness?

11 A. I wouldn't like to lie. But I can recall that he xxxx
12 xxxxxx. I would not tell you the year or the month.

13 Q. Mr witness, did you talk to him when xxxx xxx
14 A. Yes, he spoke to me because at the time they used to xxxx
14:20:59 15 xxxxxxx. So if he wanted to get fresh air, xxx would ask xxto
16 xxx for xxxso as to get fresh air.

17 Q. Did he tell you why he was detained at central prison?

18 A. No, I did not have the time to ask him. He did not tell
19 me. The only thing was that if he wanted to have xxxx or he
14:21:32 20 wanted to have xxx he would ask that xx be xxxxxxx

21 Q. Mr witness, you said Five-Five was your friend. Why is it
22 that you didn't ask him why he was detained at central prison?

23 A. Well, in that particular xxxx xxxxx had his own
24 xxxxx. I would not stop to xxxxx about xxx xxx xxxxx
14:21:57 25 start to xxxx about his. Why didn't he ask me about my xxx
26 problem that made xxxxto xxxxx?

27 Q. Mr witness, is it true that your first statement you made
28 to the OTP, that first statement you made to the OTP, is it true
29 that Santigie Kanu, Five-Five, wasn't yet detained then?

1 A. Well, I can't tell. I don't know.

2 Q. Mr witness, do you recall when you made your first
3 statement to OTP? Do you?

4 A. What statement are you talking about?

14:23:28 5 Q. Your statement to OTP on 30th day of June 2003.

6 JUDGE SEBUTINDE: Does the witness know what OTP means?

7 MR KOROMA: Sorry, Your Honour.

8 Q. Now, the statement you made to investigators of the special
9 Court, is it true that the first statement you made to
14:23:58 10 investigators was on 30 June 2003?

11 A. Well, I don't know whether it's direct number and the month
12 that you called, But I am aware that I made some statements.

13 MR KOROMA: Your Honour, respectfully, I will refer to a
14 statement of the witness to OTP made on the 30th day of
14:24:35 15 June 2003.

16 PRESIDING JUDGE: I just note that that statement is at the
17 CID headquarters, Government wharf. Is that one to -- was it
18 made to the investigators? I am seeking clarification.

19 MR KOROMA: Yes, Your Honour.

14:24:52 20 PRESIDING JUDGE: It was made to investigators?

21 MR KOROMA: Yes, Your Honour.

22 PRESIDING JUDGE: If you could put the question to the
23 witness, Mr Koroma.

24 MR KOROMA:

14:25:12 25 Q. Mr witness, do you now recall making a statement to the
26 investigators at the Criminal Investigations Department, CID, on
27 30th June 2003?

28 A. That June you are referring to as 30, I do not know. But I
29 can recall that I made a statement.

1 Q. Now, Mr Witness, I put it to you that in your first
2 statement to investigators you never mentioned, throughout that
3 statement, you never mention that you saw Santigie Kanu,
4 Five-Five, distributing petrol to xxxx.

14:26:34 5 A. If you continue with the statement, if you continue with
6 the statement, you will see where I said that Five-Five
7 distributed petrol.

8 Q. Again, Mr Witness, do you recall making a statement to
9 investigators on 7th August 2003?

14:27:07 10 A. I can remember that I made statements. But I doubt -- I am
11 in doubt about the number that you are talking about and the
12 month.

13 Q. Mr Witness, do you recall making a statement at a place
14 called Scan Drive, at Scan Drive?

14:27:42 15 A. What statement?

16 Q. [Microphone not activated] 2003.

17 A. I cannot -- I cannot recall, but if you read, I will be
18 able to remember the statement.

19 Q. Right, to help you jog your memory, I will read a portion
14:28:18 20 of that statement.

21 MR KOROMA: I will read, Your Honour, with respect, the
22 second page of that statement.

23 PRESIDING JUDGE: Is that the statement of August?

24 MR KOROMA: The statement of 7th August 2003.

14:28:44 25 PRESIDING JUDGE: Have you got a page number for it,
26 Mr Koroma?

27 MR KOROMA: It is page 1205, I believe.

28 PRESIDING JUDGE: All of mine start 9000.

29 MR KOROMA: Your Honour, unfortunately, the registry number

1 is not indicated on the page, but it is page 2.

2 MR HODES: If I can be of assistance, I think the page he
3 is referring to is page 9793.

4 PRESIDING JUDGE: Thank you.

14:29:20 5 MR KOROMA: Okay. I will read out page 2.

6 Q. I will just read a paragraph to help you jog your memory.
7 The second paragraph on page 2:

8 "On May 27, 1997, two days after the coup, witness decided
9 to visit the wilberforce military barracks where he ran into one
14:29:45 10 of those who were the coup makers by the name of xxxxx Adams
11 was in company of armed bodyguards. Witness said that he was
12 assaulted by xxxxx and his group on the allegations that he was
13 not xxxxx them. Witness said that he was forcefully taken
14 to xxxxx headquarters where he was xxxx by them?"

14:30:21 15 Do you recall making that statement to investigators?

16 A. Yes.

17 Q. Again, Mr Witness, I am putting to it you that throughout
18 this statement of 7th August 2003, which is the second statement
19 you made to investigators -- throughout that statement you did
14:30:57 20 not tell investigators that you saw Santigie Kanu distributing
21 petrol to xxxxx.

22 A. Well, I did not only make statements once. And I gave
23 statements according to the way I was asked. Perhaps that part
24 where he went is not the part that I mentioned Santigie Kanu, but
14:31:33 25 if you continue to read the whole statement you would reach the
26 area in which I mentioned Santigie Kanu.

27 Q. Mr Witness, do you agree with me that in your first
28 statement investigators told you to explain all that you knew
29 about the conflict; not so?

1 PRESIDING JUDGE: Is that on record?
2 MR KOROMA: I'm sorry, Your Honour, I am putting it to the
3 witness. I am putting it to the witness.
4 Q. Is it true, Mr witness, that the first statement you made
14:32:17 5 to investigators you were ask to explain all that you knew about
6 the conflict and whatever happened; not so?
7 A. Yes.
8 Q. Mr witness, you will agree with me that the facts -- if you
9 say that was what happened, the fact that you said you saw
14:32:51 10 Santigie Kanu disputing petrol to xxx with instructions to
11 burn, is very vital; not so? That is a very vital information
12 that the investigators would have loved to hear about; not so?
13 A. Yes.
14 Q. But yet you did not tell them in your first statement that
14:33:26 15 you saw Santigie Kanu distributing petrol to soldiers.
16 PRESIDING JUDGE: You have all ready asked that question
17 and it has been answered.
18 MR KOROMA: Sorry. I will move on.
19 Q. Yet again in your second statement to investigators of 7th
14:33:50 20 August 2003 you did not tell investigators that you saw Santigie
21 Kanu distributing petrol to xxx
22 PRESIDING JUDGE: That has been answered too.
23 MR KOROMA:
24 Q. Mr witness, do you --
14:34:18 25 JUDGE SEBUTINDE: Mr Koroma, avoid being argumentative in
26 your cross-examination. It sounds to us as if you are arguing
27 your case.
28 MR KOROMA: As Your Honour pleases.
29 Q. Mr witness, do you recall making a statement to

1 investigators on 8th August 2003?

2 A. I cannot recall the days, the month. I cannot recall that.

3 MR KOROMA: Again if the Prosecution can be kind enough to
4 supply the registry number for that statement, we don't have it.

14:35:12 5 PRESIDING JUDGE: I don't actually see 8th August on my
6 list. It goes from 7th August to 22nd September, but I would ask
7 if perhaps the Prosecution could assist us.

8 MR HODES: There is a statement dated August 8th that
9 begins at page 9802 of the registry numbers and corresponds to
14:35:34 10 1214 on the statement.

11 PRESIDING JUDGE: Thank you, Mr Hodes.

12 JUDGE SEBUTINDE: Mr Hodes, this statement that begins
13 9802, it refers to 8th August and then it says, "On this day
14 September 16th, 2003, September 22nd, 2003", I don't know what
14:36:42 15 that means or why this statement is not dated. Is it dated?

16 MR HODES: Your Honour, on cover sheet for the disclosures
17 I believe this is the one that is dated 22nd September 2003 based
18 on the last date that's mentioned in that first paragraph, as
19 Your Honour mentioned, 22nd September 2003.

14:37:26 20 PRESIDING JUDGE: As long as it is the one you are
21 referring to, Mr Koroma, then we know we are all talking about
22 the same paper. Is it page 1214 that you have?

23 MR KOROMA: Yes, Your Honour.

24 PRESIDING JUDGE: Very well. I think in fairness to the
14:37:46 25 witness, and if it in fact was on 22nd September, that should be
26 put before you proceed on to actually take an extract.

27 MR KOROMA: As Your Honour pleases.

28 Q. Now do you recall making statement to the investigators on
29 22nd September 2003?

1 A. I made statements.
2 Q. Was that your third statement?
3 A. Well, I wouldn't know now.
4 Q. But before you made this statement you had made other
14:38:18 5 statements previously?
6 A. I used to make statements, yes.
7 Q. Again, Mr Witness, I am putting it to you that throughout
8 this statement which you made to investigators on 22nd September
9 you did not tell investigators that you saw Santigie Kanu
14:38:43 10 disputing petrol xxxxx.
11 A. Mr Lawyer, I want to tell you that if you are asked to talk
12 about something that had happened to you between two -- three
13 year to four year, I want to tell you that as time goes on, so
14 you remember. You will not be able to recall everything, but as
14:39:10 15 time goes by you start recollecting.
16 Q. Mr Witness, did investigators ask you in your first and
17 second statement whether there was burning in Freetown during
18 the January 6th incident?
19 A. Yes, yes, yes.
14:39:59 20 Q. Mr Witness, if I suggest to you that Santigie Kanu in fact
21 was arrested by the Special Court on 17th September 2003, will
22 you agree with me?
23 A. Well, I don't know. I have not been keeping records.
24 Q. Mr Witness, can you tell this Honourable Court how many
14:40:27 25 statements you made before the arrest of Santigie Kanu?
26 A. That except if you want me to tell a lie.
27 MR HODES: Your Honours, I'll object to even the form of
28 the question. He has indicated he doesn't know when Mr Kanu was
29 arrested so how does he know how many statements he gave before a

1 date he doesn't know?

2 PRESIDING JUDGE: It must be a logical deduction; if he
3 doesn't know when he was arrested, how would he know what he did
4 within a time limit.

14:40:57 5 MR KOROMA:

6 Q. Mr witness, when Santigie Kanu was arrested did you see him
7 at the central prisons?

8 A. Yes.

9 Q. When you saw him at the central prisons had you made
14:41:22 10 statements already to the investigators?

11 A. Well, I cannot recall if during the time that I saw him I
12 had made statements. But if you ask me to show you whether I
13 made any statements, yes -- to the police, yes. I made
14 statements to the police.

14:41:41 15 Q. That was before he was arrested?

16 A. I don't know.

17 Q. Mr witness, please, I would like you to be helpful to the
18 Court. You said you saw him when he was arrested and taken to
19 the central prison.

14:42:00 20 MR HODES: Your Honours, again, and with all due respect to
21 defence counsel, he continues to refer to when he was arrested.
22 Clearly the only thing the witness has knowledge of is when he
23 saw him ~~xxxxx~~, in terms of what happened prior to or after
24 saw him at ~~xxxxx~~, but defence counsel continuously says when
14:42:19 25 he was arrested. He could have been arrested a month before
26 that, two months before that, he doesn't know.

27 MR KOROMA: As Your Honour pleases. I take the cue.

28 Q. Now when you saw him at central ~~xxxxx~~ when he was being
29 ~~xxxxx~~at central ~~xxxxx~~, the first day you saw him, do you

1 recollect making statements previously before you saw him? Do
2 you recollect making statements already to investigators?

3 PRESIDING JUDGE: He has already answered that. You asked
4 him if he had already made a statement before he was arrested and
14:42:57 5 he said, "I cannot recall if I made the statement. I know I made
6 statements but I cannot recall".

7 [Trial Chamber conferred]

8 PRESIDING JUDGE: Very well. Put the question, Mr Koroma.
9 I withdraw that.

14:43:21 10 MR KOROMA: As Your Honour pleases.

11 Q. Now, Mr Witness, you said you saw Five-Five when he was
12 taken to central prison. You said ~~xxxxx xxx~~there, as a matter
13 of fact. Now the question I am putting to you is: When you saw
14 him do you recollect before you saw him whether you had made
14:43:38 15 statements to investigators?

16 A. Mr Lawyer, I have told you that I don't know, except if you
17 tell me what to say, what to answer.

18 Q. All right, I will move on. When you saw Santigie Kanu at
19 central prisons, did you make a statement to investigators
14:44:10 20 afterwards?

21 A. I don't know whether it was during the time that I saw him.
22 I don't know whether I should tell you whether during the time
23 that I saw him I had already made statements. Except if you want
24 to tell me, or perhaps you ask me to tell you which answer that
14:44:36 25 you would like me to give you that would satisfy you.

26 JUDGE SEBUTINDE: Mr Witness, is it that you do not know or
27 that you have forgotten and you can't remember? Because I think
28 it is a pretty simple question. Is it because you will not
29 answer the question because you do not know the answer or because

1 you cannot remember?

2 THE WITNESS: Yes, ma'am, I cannot remember.

3 JUDGE SEBUTINDE: Mr Witness, is it that you do not know or
4 you have forgotten and you can't remember? Because I think it is
14:44:45 5 a pretty simple question. Is it because -- you will not answer
6 the question because you do not know the answer or because you
7 cannot remember.

8 THE WITNESS: Yes, ma, I cannot remember.

9 MR KOROMA:

14:45:23 10 Q. Mr witness, let us get this clarification. When xxxxx were
11 taken xxx ofxxxx, was Santigie Kanu still in xxxx? Central
12 xxxxx

13 PRESIDING JUDGE: When you say "xxxxx", do you mean
14 xxxxx to the CID office, or xxxxxxxx when he was xxxxx?

14:45:43 15 MR KOROMA: Yes, when he was xxxxx.

16 PRESIDING JUDGE: When he was xxxxxxx?

17 MR KOROMA: Yes.

18 PRESIDING JUDGE: I see.

19 MR KOROMA:

14:45:51 20 Q. When you were xxxxxfrom xxxx, was Santigie
21 Kanu in xxxxx?

22 A. These questions that he asks me about xxxxx, I think about
23 my security and this that I am saying goes into the air. You
24 see, will it not identify me as the individual that was xxxx
14:46:10 25 of xxxx

26 JUDGE SEBUTINDE: Mr Koroma, I would propose that if you do
27 have a number of questions that you want to ask him in a closed
28 session you would add this particular one to them.

29 MR KOROMA: As Your Honour pleases. I take the cue.

1 Q. Now, Mr Witness, when you said you saw Santigie Kanu
2 distributing petrol to xxxxxx at the State House, who and who
3 were present or who was present?

4 A. Except the other ranks that I saw with my own eyes, the
14:46:54 5 higher authorities that I saw with my own eyes was Santigie Kanu,
6 who is Five-Five. If there was any other commander my eyes did
7 not see him. It was only Santigie Kanu that I saw.

8 Q. Mr Witness, is it true that a lot of xxxx were present?

9 A. Yes, among those that was taken xxxx.

14:47:43 10 Q. Now, in your evidence in chief, Mr witness, you told this
11 Honourable court that you heard Five-Five giving orders to
12 xxxxt to go and burn Parliament building, Income Tax building,
13 CID building. Was that not your evidence to this Court?

14 A. Yes.

14:48:11 15 Q. You also told this Court that you saw them going down the
16 road. A few minutes later you saw smoke billowing. Was that
17 your evidence?

18 A. Who were going down the road? No, it was not Five-Five.

19 Q. After the orders according to you that were given by
14:48:39 20 Five-Five, were the orders executed?

21 A. Yes.

22 Q. Did you tell this Court that a few minutes later you saw
23 smoke coming from the buildings?

24 A. Yes, by CID.

14:48:53 25 Q. Mr Witness, what date was it?

26 A. I cannot remember the day.

27 Q. But you can recall that Freetown was invaded on
28 6th January; not so?

29 A. Yes.

1 Q. Well, now, try to recollect, Mr Witness. What day was it
2 when you went to State House when you heard Five-Five giving
3 orders to burn these buildings?
4 A. I cannot recall the day.
14:50:01 5 Q. Was it the following day after 6th January?
6 A. I cannot tell you, but it was not during January 6th. I
7 can't tell.
8 Q. Mr Witness, was it a few days after January 6th?
9 PRESIDING JUDGE: Mr Koroma --
14:50:28 10 THE WITNESS: I cannot tell.
11 PRESIDING JUDGE: -- he has said four or five times he
12 cannot recall. This is verging on harassing the witness. I'm
13 not saying it is but I am saying it is cutting close.
14 MR KOROMA: As Your Honour pleases.
14:50:48 15 Q. Mr Witness, I am putting it to you that you are not a
16 truthful witness.
17 A. I and you, who is not telling the truth?
18 Q. Mr Witness, I will appreciate it if you show some amount of
19 respect.
14:50:59 20 MR HODES: I'm going to object.
21 PRESIDING JUDGE: It is mutual, Mr Koroma.
22 MR KOROMA: Yes.
23 Q. Mr Witness, when you said Parliament building was among the
24 buildings that were ordered to be burnt and that you saw the
14:51:22 25 orders being carried out, it is not true at all that Parliament
26 building was burnt. It is not true.
27 A. Did I tell you that they burnt Parliament? It was on the
28 plan to go and burn Parliament, but I didn't tell you that it was
29 burnt.

- 1 Q. Mr Witness, a few minutes ago you said the orders given by
2 Five-Five were carried out. Is that not what you told this
3 Court?
- 4 A. They did some. They carried out some.
- 14:52:02 5 JUDGE SEBUTINDE: Mr Koroma, in all fairness, as I recall
6 the witness has not mentioned once that Parliament building was
7 burnt. He did mention the buildings that he saw going up in
8 smoke; Parliament building was not one of them. I may be wrong
9 but that is what I recall with this witness.
- 14:52:20 10 MR KOROMA: Yes, Your Honour.
- 11 Q. Now the CID building is a police station; not so?
- 12 A. Yes.
- 13 Q. Mr Witness, is it not true that when soldiers entered
14 Freetown on January 6th, they went past CID, they went as far as
14:53:04 15 Tengbeh Town? Is that not the case, Mr Witness?
- 16 A. They went as far as Tengbeh Town. As far as the lights by
17 Congo Cross.
- 18 Q. Mr Witness, I am putting it to you that CID building was
19 burnt on 6th January when the troops were entering Freetown.
- 14:53:36 20 A. Mr Lawyer, I will tell you that that is a lie.
- 21 Q. Mr Witness, did you see Income Tax building burning after
22 the orders of Santigie Kanu?
- 23 A. It was the only building -- I don't know whether it's
24 Treasury, whether it's the way it is called, that's the only
14:54:08 25 building that I saw go up in flames. I don't know whether it is
26 the one that is called Income Tax.
- 27 Q. Where in Freetown is that building which you are referring
28 to as Income Tax building?
- 29 A. So in order to make the Court understand, there was an

1 order that Income Tax should be burnt. The building that I saw,
2 if you can see the police headquarter, when you are going,
3 gliding down to King Jimmy. The building is on your left. A big
4 building. That is the building that I am referring to as being
14:54:57 5 burnt.

6 Q. That's the Treasury building, not so, Mr Witness?

7 A. That's the building from which I saw smoke.

8 Q. Mr Witness, will you be surprised to know that the Treasury
9 building got burnt during the days of the NPRC in 1993 by a
14:55:33 10 mysterious fire? Will you be surprised to know about that?

11 A. I'm surprised. I'm surprised.

12 Q. Mr Witness, you will agree with me that when ECOMOG
13 soldiers started pushing the xxxx out of Freetown during the
14 January 6th incident, there was a complete breakdown of any
14:56:26 15 command structure on the part of the xxxx?

16 A. What do you mean?

17 Q. What I mean, Mr Witness, is that you will agree with me --
18 or is it not the case that when ECOMOG was pushing the xxx
19 xxxxx there was nobody in command, there was nobody
14:56:54 20 controlling the xxxtroops?

21 A. I don't agree.

22 Q. During that period there were no promotions; is that not
23 the case?

24 A. They promoted. They even changed the command. Let me just
14:57:23 25 tell you about Changabulanga; he was amongst the four battalions.
26 It's out of that four battalion, it was the reason why
27 Changabulanga was made to head that battalion. There were
28 promotions. In fact, they issued promotions if you performed
29 what you are told what to do.

1 Q. Mr witness, during that period were you promoted?
2 A. I was not promoted.
3 Q. Mr witness, at some stage you told this Honourable Court
4 that after the death of Commander C you were promoted xxxxx of
14:58:19 5 xxxxx. Is that not what you told this Court?
6 A. In order to help you again, and for my own security, I
7 don't know whether there would be a possibility of me answering
8 that will not identify me and expose me -- expose my security.
9 MR KOROMA: Your Honour, it's on the transcript already.
14:58:55 10 It's just that I cannot readily lay a hand on it.
11 MR HODES: In that case it has been asked and answered
12 previously.
13 MR KOROMA: About xxxbeing a xxxx no, there was not a
14 question about that.
14:59:17 15 THE INTERPRETER: Your Honour's mic is not on.
16 PRESIDING JUDGE: You have referred to a particular piece
17 of evidence that was adduced. Are you aware, quickly, whether it
18 was in closed or open session?
19 MR HODES: Your Honours, to be honest with you, I am just
14:59:32 20 referring to the fact that Mr Koroma is saying that there is an
21 answer in the transcript. If there is an answer in the
22 transcript, then --
23 PRESIDING JUDGE: It's answered. I see what you mean.
24 JUDGE SEBUTINDE: If the witness feels uneasy, reserve that
14:59:49 25 for your closed session.
26 MR KOROMA: As Your Honour pleases.
27 Q. Mr witness, please, I would like to know, where were you
28 when you said a xxxx reported that another xxxx had been
29 killed at Fourah Bay? Where were you then?

1 A. We were at Ferry Junction. When we are going to down to
2 Shankardass, where Gullit himself resided. And we all moved from
3 Shankardass and came to Ferry Junction. So if you are asking
4 where I was, that is the place where I was.

15:00:55 5 Q. Now throughout your stay in Freetown -- I mean the
6 January 6 incident -- throughout your stay, was that the only
7 place where you heard that piece of information?

8 A. There we were informed.

9 Q. When you were at State House, did you hear that
15:01:20 10 information?

11 A. I told you that we had left State House. So how would be
12 at State House and hear that information? It was at Ferry
13 Junction. At that time we had left State House.

14 Q. So if anybody should suggest to this Honourable Court that
15:01:43 15 that information was relayed at State House, that person would
16 not be speaking the truth; not so, Mr Witness?

17 A. It is a lie, it was not like that.

18 Q. Now before we go to closed session, let me quickly take you
19 back, Mr Witness, to my earlier questions this afternoon.

15:02:25 20 Mr witness, do you know of a xxxxxxwith the xxxxx -- I will
21 read out the number to you, Mr Witness: xxxxx

22 MR HODES: Objection, Your Honour, and I hope he stops at
23 this point, because I think the number he is about to read out is
24 a security issue.

15:02:56 25 MR KOROMA: Your Honour, I would be grateful if my learned
26 friend will give further clarifications. I don't know what he is
27 talking.

28 PRESIDING JUDGE: If there is problem that Mr Hodes is
29 aware of and you may not be, I suggest you put that number down

1 on some paper pass to it Mr Hodes so that Mr Hodes can then --
2 the full number.

3 MR KOROMA: Your Honour, I am even prepared to reveal to
4 this honourable Court that the number I am reading out is the
15:03:21 5 number of Five-Five. It is not a security issue.

6 PRESIDING JUDGE: Does that overcome your reservation,
7 Mr Hodes?

8 MR HODES: It does; it sounded similar to another number.

9 PRESIDING JUDGE: Very well. In that case proceed on.

15:03:37 10 Mr Koroma, we have to take care. Don't huff and puff, we have to
11 take care.

12 MR KOROMA: I am aware of that, Your Honour.

13 PRESIDING JUDGE: Good. Continue.

14 JUDGE SEBUTINDE: But I also think, for the sake of
15:03:52 15 orderliness in the Court, that one counsel should let the other
16 finish and interject before the witness answers, not to cut the
17 question short.

18 MR KOROMA: As Your Honour pleases.

19 JUDGE SEBUTINDE: I think that is not very orderly.

15:04:06 20 MR KOROMA: As Your Honour pleases.

21 Q. Mr Witness, I was asking you whether you know a xxxx
22 carrying this number: xxxxxx?

23 A. Stroke? Repeat the number again.

24 Q. xxx -- forget about the stroke if that is confusing you.
15:04:34 25 xxxxxx?

26 A. xxx. Yes, yes. What do you mean if I know it? If I can
27 remember that number. Yes, yes.

28 Q. You know who is carrying that number?

29 A. Yes.

1 Q. Mr witness, do you also know a xxxxxxx in the Sierra Leone
2 xxxwho was carrying his number: xxx --
3 MR KOROMA: Your Honour before I ask this question, may I
4 just write it down and pass to it my learned friend? Maybe that
15:05:26 5 is the number he is objecting to.
6 [AFRC30SEP05E - CR].
7 PRESIDING JUDGE: I don't think he used the word "object".
8 He's raised a concern.
9 MR KOROMA: As Your Honour please.
15:06:16 10 MR HODES: That's fine.
11 PRESIDING JUDGE: Proceed, Mr Koroma.
12 MR KOROMA:
13 Q. Mr witness, do you know of a xxxx in the Sierra Leone
14 xxxx who was carrying this number: xxxxxx?
15:06:42 15 A. In order to make things clear, I only know that double
16 five. And Five-Five's number, to say the truth to this Court, I
17 only know -- I can only remember the last two numbers. That's
18 55.
19 Q. I was not asking you about the number of the 55 you know.
15:07:23 20 All I am asking you is whether you know there was a xxxx in
21 the Sierra Leone xxx who carrying this number. Do you know?
22 A. Repeat the number.
23 Q. xxxxxx
24 A. Yes, My Lord, I wanted to make a mistake, because as time
15:07:51 25 goes by, I recall xxxx that we xxxx. That 49 was not
26 Santigie Borbor Kanu's number.
27 THE INTERPRETER: Your Honours, may the witness be
28 instructed to go slow?
29 PRESIDING JUDGE: Pause, Mr witness, you have speeded up

1 again. Can you repeat your answer more slowly?

2 THE WITNESS: Yes, ma'am. I'm trying to say -- I'm trying
3 to answer the question which the lawyer asked me when I answered
4 to, I answered about the first number that he called, that is 49,
15:08:36 5 when I said that it was Santigie Borbor Kanu. But as he
6 continued to ask me this question, it made me to recall that ~~xxxx~~
7 which I said was Santigie Borbor Kanu's number, it was not
8 Santigie Borbor Kanu's number. It's this last number, 55. That
9 is Santigie Borbor Kanu's number. That number, 49, I do not who
15:09:01 10 carried that, that ~~xxxxx~~ I do not know that soldier's number.

11 MR KOROMA:

12 Q. Mr witness, in fact, I'm putting it to you that the first
13 number that I called is the registration or the number, the ~~xxx~~
14 number, the ~~xxxxxx~~ number of Five-Five, Santigie Kanu.

15:09:28 15 A. I would like you to come with his identity card.

16 THE INTERPRETER: Your Honours, would the witness be
17 instructed to go slow so as to give the interpreter time to
18 interpret.

19 PRESIDING JUDGE: You're racing ahead of the interpreter,
15:09:48 20 Mr witness. Could you repeat your answer?

21 THE WITNESS: Yes, ma'am. This number, which this lawyer
22 is asking about, to say that the four last numbers, I would be
23 able to tell you that the two second-last numbers, that I would
24 be able to remember to match that Five-Five, except if I lie.
15:10:18 25 But I would able to ~~xxxx~~ Five-Five, which is Santigie Borbor
26 Kanu's number. But the ~~xxxxx~~ before that Five-Five, except if I
27 make a guess.

28 MR KOROMA:

29 Q. Mr witness, the second number that I read out to you, I'm

1 putting it to you that that number belongs to a xxxxx in the
2 Sierra Leone xxx who xxxx in xxx

3 A. That's not a lie. But what I'm trying to tell you, those
4 two last numbers, those are the only numbers that I can remember.
15:11:02 5 But to talk about the two last numbers, except if you want me to
6 guess. Because I will not be able to remember. I remember from
7 1990 to now, and you ask me about that man's number, and I tell
8 you it's not xxxxx, to say that he is xxxxxxxx so
9 that I would have his record. Just like a teacher who taught
15:11:23 10 students, the teacher would know the students. Then, how would
11 the teacher know the students?

12 Q. Mr witness, finally on this score, I am putting it to you
13 that you know that the two xxxxxthat I have read out to you
14 belong to two different people in the Sierra Leone xxxxx.

15:11:45 15 A. It is possible, but they may not have the same number to
16 end with that last number. That makes the difference, so that
17 you would know that this number belongs to somebody, and the
18 number that will make me to identify him properly, that it
19 belongs to this Santigie Kanu, I would not be able to tell you,
15:12:07 20 but I would tell you, Five-Five, yes, xxxxx. See, I
21 know. I have some other people who have the same last number
22 with me.

23 MR KOROMA: Your Honour, I believe it's a convenient point
24 to make the application for a closed session.

15:12:26 25 PRESIDING JUDGE: On what grounds, Mr Koroma?

26 MR KOROMA: Your Honour, to protect the identity of the
27 witness and possible witnesses that may testify before this
28 Honourable Court.

29 PRESIDING JUDGE: Mr Hodes?

1 MR HODES: No objection, Your Honour.
2 PRESIDING JUDGE: We allow a closed session in order to
3 protect the identity of this witness and other possible
4 witnesses. Accordingly, Madam Court Attendant, please implement
15:13:09 5 a closed session.
6 MR HODES: Your Honours, may I be excused for one minute?
7 PRESIDING JUDGE: Yes, Mr Hodes.
8 THE WITNESS: Yes, I want to use the convenience.
9 PRESIDING JUDGE: Certainly, would someone from the witness
15:13:29 10 Protection assist the witness?
11 MR DANIELS: Your Honour, may I be excused for the day? I
12 am ably represented by my learned friend.
13 PRESIDING JUDGE: Yes, Mr Daniels.
14 MR DANIELS: I am most grateful.
15:14:00 15 PRESIDING JUDGE: Mr Daniels, you should not walk in front
16 of the witness.
17 MR DANIELS: I apologise.
18 [At this point in the proceedings, a portion of the
19 transcript, pages 84 to 94, was extracted and sealed under
15:17:21 20 separate cover, as the session was heard in camera.]
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1 [Open session]

2 PRESIDING JUDGE: Thank you, Madam Court Attendant. Any
3 re-examination, Mr Hodes?

4 MR HODES: Very briefly, Your Honour.

15:46:36 5 RE-EXAMINED BY MR HODES:

6 Q. Mr Witness, there was some extensive questioning as to
7 whether or not you actually knew Mr Kanu. Mr Witness, if you
8 would, look around the courtroom. Do you recognise any of the
9 people in this courtroom?

15:46:59 10 A. Yes.

11 Q. Of the people that you recognise in this courtroom,
12 Mr witness, did you xxxx in the Sierra Leone xxxx with any of
13 the people that you recognise in this courtroom?

14 A. Yes.

15:47:16 15 Q. The person that you recognise in this courtroom who you
16 xxxxxwith in the Sierra Leone xxxxx, can you identify him by a
17 piece of clothing that he's wearing?

18 MR KOROMA: May it please, Your Honour, at this stage I
19 think I should object, because in this afternoon's session there
15:47:47 20 is only one indictee present. The witness is being asked to
21 identify somebody xxxxx with in xxxxxx. It is obvious.
22 His answer is going to be obvious, Your Honour. I don't think
23 that is fair.

24 MR HODES: Actually, with all due respect, Your Honour, the
15:48:23 25 witness has referred to the individual sitting behind counsel
26 regularly. However, counsel has consistently questioned and
27 challenged the witness as to whether or not the witness actually
28 knows who Mr Kanu is. Perhaps the witness will not identify the
29 one accused who is sitting here. I don't know the answer. But

1 at this point I think the witness has stated and testified both
2 in direct and in cross-examination that he knows Mr Kanu; that he
3 served with Mr Kanu; that he knows Mr Kanu is Five-Five, based on
4 ~~xxxxx~~ at the ~~xxxxxxx~~; that Mr Kanu came to him at
15:49:13 5 ~~xxxxxxxxx~~ in 1997; and that he saw Mr Kanu
6 subsequently during the invasion of Freetown in January of 1999.
7 This is a witness who has had extensive contact with Mr Kanu.
8 This is not about a photo line-up or just pulling a couple of
9 people off the street. This is a question of whether or not this
15:49:37 10 witness, before the Court and under oath, can identify the person
11 he knows to be Mr Kanu.

12 [Trial Chamber conferred]

13 PRESIDING JUDGE: We've considered the objection and we do
14 not allow the question as it is prejudicial since there is only
15:55:02 15 one accused in Court. Please continue, Mr Hodes.

16 MR HODES: With all due respect, Your Honours, and at this
17 point I'm going to reference Justice May's book on international
18 criminal evidence at 6.29. In-court identifications are allowed,
19 but carry little weight --

15:55:25 20 PRESIDING JUDGE: We have already ruled. (A) we've already
21 ruled and (b) we are well aware of that jurisprudence.

22 MR HODES: No questions.

23 PRESIDING JUDGE: Thank you, Mr Hodes. Thank you,
24 Mr witness, for your evidence. We are grateful for you coming to
15:55:56 25 Court and spending the time giving your evidence here in Court
26 today. That is the end of your evidence and you are now at
27 liberty to leave. Please sit where you are for the moment.
28 Counsel, it is dead on 4.00. This is when we normally would
29 rise. We will adjourn Court to Monday morning at 9.15.

1 THE INTERPRETER: Your Honours, in which language will the
2 next witness be testifying in?

3 PRESIDING JUDGE: I will clarify that. Mr Hodes, we have a
4 list of witnesses and the interpreter asks what language will be
15:56:32 5 required for the next witness.

6 MR HODES: Well, if witness 199 is next, it will be
7 English, and I believe the same is true for the internationals
8 that may be interposed starting Monday as well.

9 JUDGE LUSSICK: English sounds a good bet?

10 15:56:53 MR HODES: English is a good bet, Your Honour.

11 PRESIDING JUDGE: Did you hear that, Mr Interpreter.

12 THE INTERPRETER: Yes, thank you, Your Honour.

13 PRESIDING JUDGE: If there are no other matters, we will
14 adjourn to Monday morning at 9.15.

15 15:57:34 [whereupon the hearing adjourned at 4.00 p.m.,
16 to be reconvened on Monday, the 3rd day
17 of October 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-184	2
CROSS-EXAMINED BY MR DANIELS	3
CROSS-EXAMINED BY MR KOROMA	23
RE-EXAMINED BY MR HODES	95