

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

WEDNESDAY, 5 OCTOBER 2005
9.20 a.m.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Jim Hodes Ms Melissa Pack Ms Wambui Ngunya Ms Maja Dimitrova (Case Manager) Ms Martine Durocher (intern)
For the Principal Defender:	Mr Vincent Nmehielle Ms Claire Carlton-Hanciles Ms Haddijatou Kah-Jallow Ms Elizabeth Nahamya 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 Kanu:	Mr Geert-Jan Alexander Knoop Mr Ajibola E Manly-Spain

1 [AFRC05OCT05A - SGH]
2 wednesday, 5 October 2005
3 [Closed session]
4 [The accused present]
5 [Upon commencing at 9.20 a.m.]

6 [At this point in the proceedings, a portion of the
7 transcript, pages 2 to 59, was extracted and sealed under
8 separate cover, as the session was heard in camera.]

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1 [Open session]

2 PRESIDING JUDGE: Thank you, Madam Court Attendant, please
3 swear in the witness.

4 WITNESS: JOHN CHRISTOPHER PETRIE [Sworn]

11:50:57 5 PRESIDING JUDGE: Please proceed, Ms Pack.

6 MS PACK: Thank you, Your Honour.

7 EXAMINED BY MS PACK:

8 Q. Good morning, Mr Petrie.

9 A. Good morning.

11:51:11 10 Q. Will you give the Court, please, your full name?

11 A. John Christopher Petrie.

12 Q. Where are you from?

13 A. I am from England.

14 Q. I am going to ask you a little about your professional
11:51:27 15 background. Mr Petrie, where have you spent most of your career?

16 A. In the British Army.

17 Q. When did you start your career in the British Army?

18 A. In September 1985.

19 Q. And when did you retire?

11:51:35 20 A. I retired in October 2003.

21 Q. Did you attain a rank before retirement?

22 A. I reached the rank of Lieutenant-Colonel.

23 Q. On retirement from the British Army, what did you do?

24 A. I was appointed as Chief of Legal Operations of the special
11:51:59 25 Court.

26 Q. Is that in the Office of the Prosecutor of the Special
27 Court.

28 A. Yes, it is.

29 Q. When did you leave that employment?

1 A. In October last year.

2 Q. What is your present employment?

3 A. I am the Chief Executive of the British Greyhound Racing
4 Board.

11:52:19 5 Q. I want to ask you about the period in which you were
6 serving in the British Army. In 2002, where were you serving?

7 A. Up until September 2002, I was serving in the Ministry of
8 Defence, and then I was posted to the Sierra Leone as part of the
9 International Military Advisory and Training Team, IMATT.

11:52:43 10 Q. In what period were you serving as part of that mission?

11 A. From October 2002 to October 2003.

12 Q. In what capacity were you serving in that mission?

13 A. I was at Commanding Officer of the RSLAF Joint Provost
14 Unit.

11:53:01 15 Q. The RSLAF is a reference to what?

16 A. The Republic of Sierra Leone Armed Forces.

17 Q. Is there an acronym by which the Joint Provost Unit was
18 known?

19 A. JPU.

11:53:17 20 Q. What is the Joint Provost Unit or JPU?

21 A. It is the military police of the Sierra Leone Armed Forces.

22 Q. As the military police, what are they responsible for?

23 A. They are responsible for enforcing the discipline in the
24 armed forces, for conducting investigations when there has been
11:53:37 25 breaches of that discipline.

26 Q. I wanted to ask you about that period in which you were
27 serving as commanding officer of the JPU. Do you recall anything
28 happening during that period, in January of 2003?

29 A. Yes, late one Sunday evening, I think it was January the

1 12th/13th, I received a telephone call from the Inspector-General
2 of Police, Mr Keith Biddle.

3 Q. Do you recall what was said during that communication?

4 A. I do. He said that the police had received information
11:54:19 5 that there was going to be a coup attempt during the night, and
6 could I alert the military bases and do some follow-up action.
7 He had heard that Wilberforce Barracks was part of that.

8 Q. Did any happen on any subsequent days?

9 A. On the same night, but in the early hours of the morning, I
11:54:41 10 received a telephone call from the then Deputy Inspector General,
11 Mr BA Kamara, that he had heard there had been an attack on
12 Wellington Barracks.

13 Q. What is that, the Deputy Inspector-General of the Police?

14 A. Yes, it was.

11:55:02 15 Q. Did you doing anything in response to that information?

16 A. Yes, I did. I deployed members of the Joint Provost Unit
17 down to Wellington Barracks to find out what was happening.

18 Q. Do you know if anything happened at Wellington Barracks?

19 A. Yes, there had been an attack a Wellington Barracks,
11:55:20 20 starting at the main gates, where shots had been fired, and a
21 number of arrests had been made of the people at the main gate
22 and others that were climbing over the fence at the back.

23 Q. Do you know who was arrested?

24 A. There was a number of arrests that night, but none that I
11:55:41 25 can specifically remember by name.

26 Q. Do you recall if it was civilians or others who were
27 involved -- who were arrested?

28 A. It was a mixture. There were civilians, there were serving
29 members of the RSLAF and retired members of the RSLAF.

1 Q. Who made the arrests?

2 A. The police made the arrests.

3 Q. Did you find out at any subsequent time why it was that
4 wellington Barracks had been attacked?

11:56:08 5 A. Yes, I did. As part of the follow-up investigation we
6 found that the intention was to attack wellington Barracks first,
7 because that is where the substantial amount of arms and
8 ammunition are stored for the RSLAF, and then, having
9 successfully completed that attack, to use the arms and
11:56:27 10 ammunition to take over various other key points of the city.

11 Q. You have indicated that there were subsequent
12 investigations carried out. Where were they --

13 THE INTERPRETER: Your Honours, we ask that the Prosecutor
14 and the witness go a little bit slow, because we are interpreting
11:56:44 15 for the record purposes.

16 PRESIDING JUDGE: Thank you, Mr Interpreter. I will convey
17 that. Have you heard? The interpreter asks that we go a little
18 slower. They are interpreting for people in Court and for a
19 record. So, if you could please speak a little slower.

11:57:02 20 MS PACK: Thank you, Your Honour.

21 Q. If I could just you, Mr Petrie, to keep your answers as
22 slow as you can.

23 A. Certainly.

24 Q. You referred to subsequent investigations following the
11:57:13 25 arrests at wellington Barracks. Who were those subsequent
26 investigations carried out by?

27 A. They were carried out in a combined investigation by the
28 Sierra Leone Police and the Joint Provost Unit. It was led by
29 the Sierra Leone Police.

1 Q. Which unit of the Sierra Leone Police?

2 A. Primarily the CID.

3 Q. This might seem obvious to you, but could you just explain
4 the acronym "CID"?

11:57:45 5 A. Sorry. It is the Criminal Investigation Department.

6 Q. What did these subsequent investigations involve?

7 A. They involved a number of searches during the course of the
8 first week. They involved researching into the background of
9 people that were allegedly involved in the attempted coup.

11:58:02 10 Q. What happened to the men who were arrested at Wellington
11 Barracks on the night of the attack that you described?

12 A. They were placed in custody at Pademba Road and the police
13 and the JPU conducted interviews with them during the course of
14 that week and subsequent weeks.

11:58:11 15 [AFRC05OCT05D-SV]

16 PRESIDING JUDGE: Ms Pack, did you say "men," because I
17 don't think it's been established.

18 MS PACK: Yes, Your Honour. It hasn't been established.
19 My fault.

11:58:32 20 Q. What happened to the people who were arrested during the
21 attack on Wellington Barracks and subsequent arrests?

22 A. They were all taken to Pademba Road prison where they were
23 interviewed during the course of that week and subsequent weeks
24 by the Sierra Leone police and where they were military joint
11:58:54 25 with the JPU.

26 Q. Did you conduct any of those interviews yourself?

27 A. No, I did not.

28 Q. Do you know if anything was found out in the course of
29 those interviews carried out?

1 A. Yes. The shape of the plan was revealed. Other people
2 involved were named and as a result of that the follow-on
3 investigations took place.

4 Q. Are you able to recall the names of any individuals who
11:59:27 5 were named in the course of those interviews?

6 A. Yes, I am. They included Johnny Paul Koroma, Gullit,
7 Five-Five, Hector Bob Lahai, Sammy Kargbo and Reverend Bai
8 Mawrow.

9 JUDGE SEBUTINDE: We would appreciate some of the spellings
11:59:54 10 of those new names.

11 MS PACK:

12 Q. I think what I'll ask you to spell, Mr Petrie, is the
13 latter three names, if you would, which started with Hector Bob
14 Lahai, if you could spell that for the Chamber. If you can, if
12:00:10 15 your not able to, then we'll leave it to phonetic spelling?

16 A. I think Hector Bob Lahai is as it sounds, "Hector," "Bob,"
17 and then Lahai being the surname; Sammy Kargbo is S-A-M-M-Y
18 K-A-R-G-B-O; and Reverend Bai Mawrow B-A-I M-A-W-R-O-W.

19 MS PACK: I heard an interpretation in my ears at that
12:00:47 20 point. I'm not sure whether that's a permanent fixture.

21 PRESIDING JUDGE: So did I. Mr Interpreter, could you just
22 check. We seem to be getting both you and the witness, please.

23 THE INTERPRETER: Your Honours, what we were trying to do
24 is to convey the spelling to you from the witness.

12:01:04 25 PRESIDING JUDGE: I'm grateful for that, Mr Interpreter.
26 [Microphone not activated] Continue, Ms Pack.

27 MS PACK:

28 Q. How was it that the names that you've identified for the
29 Chamber were identified to you?

1 A. I had a number of JPU, in particular, one officer working
2 with the investigation who briefed me every morning and every
3 evening on the progress of the investigation and those names were
4 given to me as part of those briefings.

12:01:39 5 Q. At this stage do you recall if you knew either the man
6 you've named as Gullit or the man you've named as Five-Five by
7 any other name?

8 A. Initially no, but during the course of that week I did
9 become aware of their other names.

12:01:59 10 Q. How did you become aware of their other names?

11 A. When we got the list of those that were said to be
12 involved, whether they were serving or former members of the
13 RSLAF, I asked for their personnel files to be brought forward to
14 me from the armed forces personnel centre and I read those files.

12:02:27 15 Q. So which files did you read, of which personnel?

16 A. A number of those involved in the investigation whose names
17 now I can't recall, but they included amongst them the files of
18 Gullit and Five-Five.

19 Q. I'm going to ask you about those two files. What did the
12:02:49 20 files contain?

21 A. They contained a personal information sheet which is a
22 standard sheet for people who've joined the army which has their
23 army number, their name, their date of birth, their family
24 village or location, the date that they enlisted into the army
12:03:16 25 and their qualifications. There was also a photograph, a small

26 passport size photograph on each file.

27 Q. Was there anything on the front of the files?

28 A. Just a name, as I recall. I didn't pay much attention to
29 the front of the files.

1 Q. Now you've told us that you saw the files of the men you've
2 named as Gullit and Five-Five. I'm going to ask you about the
3 file of the man you've named as Gullit. Did you see another name
4 in that file?

12:03:53 5 A. Yes, I did. The file of the person who was referred to me
6 as Gullit was Tamba Alex Brima.

7 Q. And how do you know that that was Gullit's file?

8 A. Because everybody involved referred to him as Gullit. I
9 had members of the JPU with me when I was going through those
12:04:19 10 files as I asked questions and they referred to that person as
11 Gullit.

12 Q. I'm going to ask you about the file of the man you've named
13 as Five-Five. Was there another name that appeared in that file?

14 A. Yes, there was. The name was Santigie Kanu and again it
12:04:45 15 had the same details as I've previously described and again the
16 members of the JPU that were briefing me, they referred to
17 Santigie Kanu as Five-Five throughout.

18 Q. Did you find out why Gullit and Five-Five were known by
19 these names?

12:05:13 20 A. Yes, I asked and I was told that in the case of Gullit it
21 was because of a resemblance to a once famous footballer called
22 Ruud Gullit. And in the case of Five-Five it was because his
23 service number, his army number. I can't remember the full army
24 number, but I remember it being 1816, two more digits and then
12:05:44 25 the last two were Five-Five. All of the army members have got
26 eight numbers and his was 1816 something, something 55.

27 Q. How are you able to say that his army number was 1816
28 something, something 55?

29 A. Because it was written down in his personnel file.

1 Q. Do you know why part of the regimental number was used in
2 referring to Five-Five?

3 A. It's a very common way in the Sierra Leone Armed Forces of
4 remembering people. There are two reasons for that. One is that
12:06:23 5 many of the names are extremely common. There are many, many
6 soldiers called Koroma, Kamara, Mansaray. And in addition, the
7 levels of literacy in the armed forces were not high and
8 people -- a lot of people could not read and write but they could
9 remember and refer to people by their last four numbers. It was
12:06:50 10 quite remarkable how soldiers could remember the detail of people
11 by their last four numbers.

12 Q. Did you have any soldiers under your command in the JPU who
13 were known by their regimental number?

14 A. I did. I had a soldier who was known as 99 because his
12:07:10 15 last two numbers were 99. I'd known that soldier for over six
16 months before I actually found out what his real name was.

17 Q. Now, prior to this information being provided to you when
18 you were in Sierra Leone naming these individuals, Gullit and
19 Five-Five, had you heard of either of these men, Gullit or
12:07:41 20 Five-Five, before?

21 A. Yes, I had. Before deploying to Sierra Leone I underwent
22 the standard briefings which are given by the British Army before
23 you deploy to a different country. As part of that briefing I
24 was shown photographs and I had details given of the government
12:08:06 25 structures and the armed forces, in particular since 1997.

26 Q. Did you become aware in the course of those briefings of
27 other names by which either Gullit or Five-Five were known?

28 A. No, they were actually briefed to me as Gullit and
29 Five-Five during those briefings.

1 Q. Those briefings were carried out when, can you recall the
2 month?

3 A. Yes. It was September 2002, the month before I came to
4 Sierra Leone.

12:08:38 5 Q. You say you were shown photographs as well. Who were you
6 shown photographs of?

7 A. A number of people including Gullit and Five-Five. It also
8 included people like Johnny Paul Koroma. It also included people
9 like the current president and the current head of the armed
12:09:03 10 forces. But as part of the briefing, I was shown photographs of
11 Johnny Paul Koroma, Gullit and Five-Five.

12 Q. Now going back to January 2003, you've described the attack
13 on Wellington Barracks and subsequent arrests and then the
14 investigations which followed that. Did anything happen in the
12:09:23 15 following days that you're able now to recall?

16 A. Yes. Specifically the Saturday afterwards, which I think
17 is about 18th January 2003, I was at a planning meeting at the
18 OSD headquarters. The OSD, I think it stands for Operational
19 Support Department. It's the armed element of the Sierra Leone
12:09:48 20 police and their headquarters are in Bath Road, just further down
21 from the Court.

22 Q. So pausing there, what happened when you were at the
23 planning meeting at OSD?

24 A. We were planning an operation for later that day when a
12:10:05 25 member of the Special Branch came to the room and he told us that
26 members of the Special Branch had identified that Johnny Paul
27 Koroma, Gullit, Five-Five and Sammy Kargbo had been identified in
28 a house in Juba.

29 Q. Did you do anything in response to this report from Special

1 Branch?

2 A. Yes, we did. We immediately changed the plan for later
3 that day to organise an operation to go to that house and do a
4 cordon and search operation.

12:10:50 5 Q. Who organised the cordon and search operation?

6 A. It was led by the SLP. The senior assistant commissioner
7 coordinated it and with assistance from Special Branch, the OSD
8 and the JPU.

9 Q. What was the aim of the cordon and search operation?

12:11:27 10 A. It was to detain all those people that could be found
11 within the house at Juba that had been identified as to where the
12 people were.

13 Q. You said that JPU were involved in the operation. How was
14 JPU involved?

12:11:44 15 A. In two levels. The first one was to put in what it called
16 the outer cordon. That is, the cordon that is wider than the
17 house to prevent people from escaping down different roads. The
18 second thing was to have a team at the house to identify whether
19 there were any serving members of the armed forces in the house.

12:12:13 20 Q. Was the cordon and search operation then carried out?

21 A. Yes, it was.

22 Q. What happened?

23 A. We all deployed initially to Juba police station and then
24 when the police commander gave an instruction we deployed to Juba
12:12:39 25 which is -- was only about another half a mile away and we put in
26 the outer cordon as planned and then the police went into the
27 house as they had planned to do so.

28 Q. How many men were involved in the operation at Juba?

29 A. I think it was about 60 in total. There were 30 members of

1 the JPU, I'm clear on that. And I think there were about 30
2 police, the majority of which were OSD and some CID.

3 Q. You're talking about we all went on the operation. Were
4 you involved in the operation yourself?

12:13:20 5 A. Yes, I was.

6 Q. In what capacity?

7 A. I was the commander of the JPU element, so my job was to
8 make sure that the JPU were in the right places in the outer
9 cordon that we decided in the briefing and then to stay with the
10 team that were dealing with people in the house.

11 Q. Mr Petrie, you've told us that the SLP went into the house.
12 Did anything happen after that?

13 A. Yes. I don't know how many went in but approximately 10
14 members of the SLP went into the house. I could hear the
12:14:02 15 shouting telling people to get out and then after a few moments
16 people started to come out of the house and, in total, there was
17 about 23 that came out of the house.

18 Q. Were there any amongst those who came out of the house who
19 you are able to name?

12:14:21 20 A. Yes. It included Johnny Paul Koroma, Gullit and Five-Five.

21 Q. How do you know that these men came out of the house?

22 A. Firstly, I saw them all coming out and then for two
23 reasons. One of my officers who was with me at the time, he
24 pointed to him. He said, "That's JPK, that's Gullit and that's
12:14:54 25 Five-Five." In fact I actually recognised them from their
26 photographs but he pointed them out to me.

27 Q. You've told us that you were staying with the team dealing
28 with the arrests, so where were you situated at this time?

29 A. At the time people were coming out of the house, I was

1 approximately five or six metres away from the doorway where they
2 were coming out. Once they had come out I then moved to various
3 places within the courtyard. The courtyard we were in was
4 probably about the width at the widest part of this room,
12:15:39 5 possibly slightly larger and longer than this room. There were
6 about eight vehicles that had been parked into the courtyard.
7 Q. Can I just ask for the record if you're able to estimate in
8 either metres or yards, the width of this room. If not don't --
9 A. I'd say about 25 metres.

12:16:02 10 Q. Thank you. Did anything happen next after the people came
11 out of the house. In fact, let me just deal with something first
12 of all. You've identified three individuals by name who came out
13 of the house. Are you able to say whether the other people who
14 came out were men or women?

12:16:27 15 A. They were all men.

16 Q. Did anything happen after these men came out of the house?
17 A. Yes, there were a number of things happening pretty much at
18 the same time. The first thing I saw was Johnny Paul Koroma
19 being placed under arrest by a member of the CID, whose name was
12:16:55 20 Inspector Lebbie, L-E-B-B-I-E.

21 Q. Apart from the arrest of Johnny Paul Koroma, did you see
22 anything else happen in the courtyard?
23 A. Yes. There were a number of people brought out and they
24 were gathered into groups and then there was a pause while people
12:17:18 25 were almost thinking what to do next. So I gave an instruction
26 to start moving the people into the vehicles. One of those was
27 Five-Five.

28 Q. About how many people were moving into a vehicle, each
29 vehicle?

1 A. At the time it was about 23 people in total but of course
2 they were moving into the vehicles with police, so some of the
3 vehicles were bigger than others and so it varied as to how many
4 people were getting to each vehicle.

12:17:54 5 Q. Your role at this time was what?

6 A. I was making sure that the JPU continued to do what they'd
7 been asked to do; that they were identifying whether there were
8 any serving members of the army and I was told that there were.

9 Q. Did anything else happen in the courtyard that you're able
12:18:15 10 to recall?

11 A. Yes, while I was helping to get the people into the
12 vehicles there was a disturbance down to my left and I could hear
13 some shouting and noise, and so I went down to see what was
14 happening there.

12:18:36 15 Q. What was happening there?

16 A. Gullit was refusing to get into the back of a Land Rover.
17 He had put his arms like that [indicating] on the top of the Land
18 Rover.

19 MS PACK: Just for the record, the witness has raised his
12:18:48 20 arms to either side above his shoulders.

21 Q. Go on, Mr Petrie?

22 A. The Land Rover has a door that opens in the normal
23 conventional way. Gullit had his hands up there and members of
24 the OSD were shouting at him to get in and he wasn't getting in.
12:19:08 25 That's what the disturbance was.

26 Q. And do you recall anything being said at this time?

27 A. Yes. One of the members of the OSD was getting rather
28 excited and he was shouting, "Gullit, get in. Gullit, get in."
29 He was striking Gullit with the butt of his rifle at the time.

1 He struck him several times on his left arm quite hard.

2 Q. Was anything else going on whilst this was happening?

3 A. During that time a number of shots were fired by the
4 police. They were shots in the air. I asked later why that
12:19:57 5 happened. The answer I was given was to hurry people along
6 because they were getting a bit concerned that a crowd might
7 start to gather.

8 Q. Now you said that Gullit wasn't getting into the vehicle,
9 the Land Rover. What eventually happened?

12:20:15 10 A. In the end he got in of his own accord.

11 Q. Did anything else happen during this period apart from the
12 gunfire that you heard and this event?

13 A. Johnny Paul Koroma was allowed to get away but I didn't --
14 I found that out subsequently, I didn't realise that at the time.

12:20:42 15 Q. Once the men you've described were put into the Land
16 Rovers, did anything then happen?

17 A. Yes. We then, in convoy, left Juba and drove in convoy up
18 Spur Road and back to the OSD headquarters at Bath Road.

19 Q. When you got to the OSD headquarters, did anything happen?

12:21:15 20 A. Yes. All those that had been arrested were taken upstairs
21 to the OSD conference room which is a long, thin room with a long
22 table in it.

23 Q. Remind us, about how many men had been arrested?

24 A. It was about 23. So, in the room there were 23 people that
12:21:43 25 had been arrested and three or four armed police and two members,
26 plus myself, of the JPU. In addition, there were senior members
27 of the CID who had not been involved in the arrest operation but
28 had come now to take over the investigation.

29 Q. Do you recall any of the senior members of the CID by name?

1 A. Yes, the man in charge, the chief superintendent's name is
2 FUK Darbo. His initials are F-U-K and his surname Darbo,
3 D-A-R-B-O. And there was also a Superintendent Mansaray.

4 Q. You've described a room with a conference table. The men
12:22:33 5 who'd been arrested and these other individuals you've
6 identified, how were they arranged in the room?

7 A. Okay. The table running left to right, Darbo, myself and
8 Mansaray were sitting in the middle of the table and then going
9 round to the left, most of those arrested were sitting there but
12:22:57 10 Gullit and Five-Five were at the far end to my right of the table
11 and they were handcuffed. They were the only ones handcuffed.

12 Q. How were they handcuffed?

13 A. They were handcuffed together.

14 Q. What was the purpose of the men who'd been arrested being
12:23:19 15 brought to this room with all these other individuals?

16 A. It was to do the initial screening process to find out who
17 they are, what their names and addresses are, and just get those
18 sort of details. It was not to conduct any detailed
19 investigation. It was just to get the details of all the names
12:23:39 20 and particulars of those that had been detained.

21 Q. Did you have any role in this process?

22 A. I made sure that the two members of the JPU that were there
23 went round and got the details from serving members of the armed
24 forces, of which there were three. Other than that, I just
12:24:03 25 watched while Darbo, at that stage, got on with the questioning.

26 Q. I want to ask you about the questioning that was carried
27 out by Darbo. You said the purpose of the exercise was to get
28 names, addresses and other information. Do you recall any part
29 of that exercise?

1 A. Yes. At one point very early on, I think in fact it was
2 the first two people, he got the details of Gullit and Five-Five.
3 Q. Now I'm going to ask you about each of those in turn. In
4 relation to Gullit, are you able to recall what was asked by
12:24:49 5 Darbo?

6 A. Yes. Darbo just turned around -- turned his face to the
7 right and said, "Gullit, your details," and then name, age, where
8 are you living, and occupation.

9 Q. Was there any response to this questioning?

12:25:13 10 A. Yes. Gullit gave his name as Tamba Brima. I can't
11 remember anything about age and where he lived, but I do recall
12 that he gave his occupation as miner/politician.

13 Q. I meant to ask you about Five-Five. Do you recall what was
14 asked of Five-Five?

12:25:42 15 A. Yes. Again, Darbo turned and faced him and said,
16 "Five-Five," and asked him the same questions: name, age, where
17 are you from and occupation.

18 Q. Was there any response made to this questioning by Darbo?

19 A. Yes, he gave his name as Santigie Kanu.

12:26:08 20 Q. Who gave his name as Santigie Kanu?

21 A. The person who had been addressed as Five-Five. Again, I
22 don't recall details of age and where he was living but again
23 gave his occupation as miner/politician.

24 JUDGE LUSSICK: Just to clear something up you've said,
12:26:26 25 Mr witness, when you say "miner", I gather that you're not saying
26 M-I-N-O-R, you're saying M-I-N-E-R; is that correct?

27 THE WITNESS: You're Honour, that's exactly why I remember
28 it because when Gullit said minor politician, I remember at the
29 time thinking what's the difference between a minor and a major

1 politician, but he was referring to mining as in extracting
2 minerals from the ground. So it's a miner --

3 JUDGE LUSSICK: Miner/politician?

4 THE WITNESS: Correct.

12:26:59 5 JUDGE LUSSICK: Yes, very few politicians would admit
6 they're minor.

7 MS PACK:

8 Q. After this processing exercise you've told us about
9 relating to these two individuals, did you do anything?

12:27:16 10 A. Once Darbo had dealt with those two and had started asking
11 the others around the table the same questions, I got up and I
12 walked to the end of the table where they were sitting.

13 Q. Where who were sitting?

14 A. Where Gullit and Five-Five were sitting.

12:27:30 15 Q. Did anything happen when you went up to that end of the
16 table?

17 A. I spoke to them, to Five-Five in particular.

18 Q. What was said in that communication?

19 A. I'd been briefed that, as part of the deployment briefings,
12:27:45 20 he was known in part as Brigadier Five-Five and I asked him how
21 he'd got to be a brigadier at his age when I was only a
22 lieutenant-colonel at mine.

23 Q. Did you receive any response?

24 A. Yeah. He wasn't particularly amused and I think he thought
12:28:05 25 I was not being particularly nice about it, but I was just
26 passing time really.

27 Q. How did you address him?

28 A. Five-Five.

29 Q. You've told us you spoke to Gullit. What was said to

1 Gullit?

2 A. Gullit was complaining that he'd been unfairly treated by
3 the police and he showed me on his arm a lump, which was quite a
4 pronounced lump by this stage, where he said it was a bullet that
12:28:53 5 had caused the injury and I said to him that it wasn't, it was
6 caused by the butt of the gun that I'd seen being driven into his
7 arm by the police earlier.

8 Q. Did anything else happen in your communication with Gullit?

9 A. He said he wanted to complain. He asked me who I was and I
12:29:17 10 gave him one of my cards that had my name and details on it.

11 Q. How did you address him?

12 A. Gullit.

13 Q. Did you see either Gullit or Five-Five again?

14 A. Yes, I did. The next occasion, I saw Five-Five at Pademba
12:29:54 15 Road Prison.

16 Q. Why were you at Pademba Road Prison?

17 A. I was undertaking a process. There were a number of people
18 that had been arrested in the year 2000 under the Emergency
19 Provisions Act and were still in prison at that time even though
12:30:12 20 the Emergency Provisions Act had been lifted.

21 Q. Who were these people?

22 A. They were ex-soldiers or still serving soldiers, arguably,
23 because they hadn't actually left the army.

24 Q. About how many of them were there detained in Pademba Road
12:30:30 25 Prison under this Act?

26 A. I think it was 12 altogether.

27 Q. What did you do then at Pademba Road Prison?

28 A. Together with a member of the CID we interviewed each one
29 of them, asking them to give us their story as to why they were

1 arrested, what they were in prison for and really the aim was to
2 find out whether there was something more serious that justified
3 any continued detention or whether it was just a matter of
4 something that happened under the Emergency Provisions Act.

12:31:08 5 Q. Do you recall anything in particular being said by these
6 soldiers whom you interviewed?

7 A. Yes, they -- nearly all of them said that they had been
8 arrested because of a dispute with Five-Five over a car. It was
9 a very, very trivial thing.

12:31:28 10 MR GRAHAM: Excuse me, sorry for the intervention,
11 Your Honours. My client wants to use the restroom.

12 PRESIDING JUDGE: Yes. He should be escorted out, please.
13 Proceed, Ms Pack.

14 MS PACK: Thank you, Your Honour.

12:31:43 15 Q. Now you've told us you received an account from these
16 soldiers. Did you do anything after you had been told their
17 account?

18 A. Yes, I did. Because I knew that Five-Five was in Pademba
19 Road at that time because of what had now become part of a
12:32:12 20 treason trial, the coup attempt was now being heard in court as
21 part of a -- as a treason trial. So I knew he was in Pademba
22 Road Prison. So I asked the prison staff whether or not I could
23 speak to Five-Five because I wanted to clarify that what the
24 other people I'd interviewed -- were telling the truth.

12:32:33 25 Q. Whom did you ask the prison staff to bring to see you?

26 A. Five-Five.

27 Q. Did anything then happen?

28 A. Yes. They went away and then they brought back into the
29 room Five-Five who I obviously recognised, having previously met

1 him on the day of the arrests.

2 Q. what happened after he was brought to you?

3 A. we shook hands, he sat down and I asked him whether the
4 accounts that had been given by those arrested under the
12:33:15 5 Emergency Provisions Act were correct.

6 Q. Did you receive any response from him?

7 A. Yes. He said that it was pretty much correct what they
8 were saying, it was just a small thing and that he had some
9 sympathy for the fact that they were still being held in custody
12:33:34 10 at that time.

11 Q. Was anything else said by either him or you during this
12 encounter?

13 A. Yes. He said to me -- after we'd talked for a few minutes
14 about the emergency provisions arrests he said, "But I don't want
12:33:54 15 to be bothered with that, I've got too much to worry about with
16 this current case".

17 Q. Was anything said by you?

18 A. I asked him what he was particularly worried about.

19 Q. Did you receive a response?

12:34:09 20 A. He said, "I had nothing to do with it. It's because I'm
21 Five-Five. They've arrested me because I'm Five-Five just
22 because something's happened, but I had nothing to do with this".

23 Q. Anything further said in that encounter?

24 A. Not really but from what he said to me, that -- you know,
12:34:35 25 he did say at one point, "They want to hang me". But I was aware
26 from the investigation that the evidence against Five-Five was
27 not particularly strong and I had some sympathy with his views
28 that it was his -- it was who he was rather than what he'd done
29 as to why he was there.

1 Q. Did you ever see Five-Five again after that?

2 A. Yes. A couple of weeks later I had to go back to Pademba
3 Road to continue the interviews with those under the Emergency
4 Provisions Act and whilst I was there, at some point I heard
12:35:30 5 somebody shout, "Colonel" and I looked up and I saw Five-Five
6 walking past a corridor and he just raised his arm in
7 acknowledgment towards me and I nodded back and smiled and he
8 then went on back to his cell.

9 Q. After this encounter did you see either Five-Five or anyone
12:36:08 10 else who was arrested in the January 2003 cordon and search
11 operation you've described ever again?

12 A. Yes. The next time I saw them, Gullit and Five-Five, by
13 that stage I was working as chief of legal operations here at the
14 Court and I saw both of them at the old court building when they
12:36:35 15 appeared for -- I think it was the preliminary briefings or
16 something like that. I went down to the courthouse and I saw
17 both of them brought into the court that day.

18 Q. Are you able to remember approximately when this was?

19 A. January/February 2004, I think. I can't be exact about
12:37:07 20 that.

21 Q. Did anything happen on this occasion?

22 A. Yes. Five-Five saw me, recognised me and nodded towards me
23 and I nodded back.

24 Q. Now the man that you saw at the Special Court whom you've
12:37:30 25 identified as Five-Five, had you seen him before that occasion?

26 A. Yes. It was the same person that I'd seen at Pademba Road
27 Prison on two occasions, it was the same person that I'd seen on
28 the day of the arrest operation in January and I could also
29 recognise him from his photographs that I'd seen as well.

1 Q. The man whom you saw at the Special Court whom you've
2 identified as Gullit, had you seen him before?

3 A. Yes, I had. It was the same person that I'd seen on the
4 day of the arrest operation, the same person that I'd seen having
12:38:18 5 a gun butt rammed into his arm and that I'd spoken to and given
6 my card to at the OSD building afterwards. I also recognised him
7 from photographs I'd seen as well.

8 MS PACK: Thank you, Mr Petrie. Those are all the
9 questions I have to ask you, but if you'd wait there there will
12:38:42 10 be further questions for you.

11 PRESIDING JUDGE: Counsel, I note the time. Will there be
12 cross-examination of the witness?

13 MR KNOOPS: Your Honour, I have quite some questions for
14 the witness and although I'm ready to start my cross-examination,
12:39:18 15 Your Honours, I would like to suggest if, with the Court's
16 indulgence, to start tomorrow.

17 PRESIDING JUDGE: Yes. As I said, I note the time is only
18 a few minutes. In the light of that indication, plus we are
19 competing with the noise of the rain, I think it would be neater
12:39:40 20 to start cross-examination tomorrow afresh.

21 MR KNOOPS: Much obliged.

22 PRESIDING JUDGE: Mr Witness, did you hear and understand
23 what I said?

24 THE WITNESS: Yes, I did, your Honour.

12:39:49 25 PRESIDING JUDGE: There will be cross-examination from
26 counsel for the Defence. In the light of the oath you have taken
27 you are not to discuss your evidence or any matters relating to
28 this case with anyone between now and the time that all your
29 evidence is finished. Do you understand this?

1 THE WITNESS: Yes, I do, Your Honour.

2 PRESIDING JUDGE: Thank you. I should also say that
3 normally on wednesdays we do administrative matters, we sit only
4 for the half day. Madam Court Attendant, please adjourn court to
12:40:18 5 tomorrow morning at 9.15.

6 [whereupon the hearing adjourned at 12.40 p.m.
7 to be reconvened on Thursday, the 6th day of
8 october, 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit P33 58

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-296 2

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