

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

THURSDAY, 05 OCTOBER 2006
9.15 a.m.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Mr Vincent Wagana
Ms Maja Dimitrova (Case Manager)

For the accused Alex Tamba
Brima:

Mr Kojo Graham

For the accused Brima Bazy
Kamara:

Mr Andrew William Kodwo Daniels
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanuu:

Mr Ajibola E Manly-Spain

1 [AFRC05OCT06A - MD]
2 Thursday, 5 October 2006
3 [Open session]
4 [The accused present]
5 [The witness entered court]
6 [Upon commencing at 9.15 a.m.]
7 WITNESS: DBK-037 [Continued]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: Yes. Just before we start, Mr Witness,
10 I'll remind you that you are still bound by that oath to tell the
11 truth; is that clear?
12 THE WITNESS: I do, My Lord.
13 PRESIDING JUDGE: Thank you. Yes, Mr Hardaway.
14 MR HARDAWAY: Thank you, Your Honours. Good morning.
15 CROSS-EXAMINED BY MR HARDAWAY:
16 Q. Mr Witness, good morning, sir.
17 A. Good morning, Mr Lawyer.
18 Q. Before we begin today, Mr Witness, I would just ask you
19 again that just to try and answer the questions as truthfully and
20 concisely as possible. A lot of the times the answers can be
21 "yes" or "no." You cannot hear me, sir? Your Honour, he is
22 making a gesture with his hand. Lower?
23 A. I need the volume to come down a little bit.
24 Q. Is that better, Mr Witness?
25 A. It is quite clear, sir.
26 Q. Good. Mr Witness, again, as with yesterday, just please
27 listen to my questions and then answer them clearly and
28 concisely; okay?
29 A. Sir.

1 Q. And again, a lot of the times the answer can be either
2 "yes," "no," or "I don't know"; all right?

3 A. Yes.

4 Q. And if I require an explanation, I will ask it of you;
5 okay? All right, sir?

6 A. I'm listening to you, sir.

7 Q. When we left off yesterday, we had just finished discussing
8 the first accused Alex Tamba Brima; do you remember that?

9 A. Yes, sir.

10 Q. I want to backtrack a little bit, sir, to the time when you
11 were investigating Junior Lion; okay?

12 A. Yes, sir.

13 Q. And you said yesterday that you were, at that time, a
14 lieutenant when you investigated Junior Lion; correct?

15 A. Yes, sir.

16 Q. And you would agree with me, sir, that you were promoted to
17 lieutenant because of the good work you had been doing; isn't
18 that so?

19 A. Yes.

20 Q. And you would also agree with me, sir, that if others had
21 been doing good work within the troop, that they would also be
22 rewarded with promotions; isn't that so?

23 A. They do that.

24 Q. And you would also agree with me, sir, that if anyone
25 wasn't doing any good work, they could be demoted; isn't that so?

26 A. That is the military's consequences.

27 Q. So, just clearly, sir, just "yes" or "no." If a person
28 was --

29 A. Yes, sir.

1 Q. So that --

2 A. Yes, sir.

3 Q. So it would be yes, that if a person did bad work, they
4 could be demoted?

5 A. Yes, sir.

6 Q. Thank you, Mr Witness. I want to then move on to when SAJ
7 Musa arrived at Eddie Town; okay?

8 A. Yes, sir.

9 Q. Now, you had testified that when SAJ Musa arrived in Eddie
10 Town, FAT was in command; is that correct?

11 A. Yes, sir.

12 Q. I put it to you, sir, that it was the first accused, Alex
13 Tamba Brima, that was in control of the troops at Eddie Town when
14 SAJ Musa arrived; what is your response?

15 A. Do you need my explanation or you are asking me a question?

16 Q. I'm putting it to you, sir, that Alex Tamba Brima, not FAT,
17 was in command of the troops at Eddie Town when SAJ Musa arrived.
18 Do you agree or disagree?

19 A. No, sir.

20 Q. Mr Witness, I put it to you that you are lying; what is
21 your response?

22 A. I'm here to say the truth, nothing but the truth and I'm a
23 full military operation man and I'm saying the truth.

24 Q. We'll move on, Mr Witness. Now, you had also testified
25 that as you moved to Masiaka, after leaving Eddie Town, SAJ Musa
26 was in overall command, wasn't he?

27 A. Yes, sir.

28 Q. And then you also stated that FAT was second in command to
29 SAJ Musa; is that not so?

1 A. Yes, sir.

2 Q. I put it to you, sir, that it was the first accused, Alex
3 Tamba Brima, who was second in command to SAJ Musa after leaving
4 Eddie Town; what is your response?

5 A. That statement is not correct, sir.

6 Q. Mr Witness, I put it to you that you are lying; what is
7 your response?

8 A. I just want to tell the Court that this particular
9 operation, that was conducted by General SAJ Musa, the overall
10 commander of the national army for the State.

11 Q. We'll move on, Mr Witness. I now want to take you to
12 Benguema; all right?

13 A. Yes, sir.

14 Q. Now, in Benguema, SAJ Musa had communicated with General
15 Maxwell Khobe, hadn't he?

16 A. Yes, sir.

17 Q. And when he communicated with General Maxwell Khobe, he
18 told him that he, SAJ Musa, was coming to Freetown to reinstate
19 the army, didn't he?

20 A. Yes, sir.

21 Q. He contacted General Khobe via radio, didn't he?

22 A. Yes, sir.

23 Q. Now, who is General Khobe, again, sir?

24 A. General Khobe was the high commander who came to this
25 country, in Sierra Leone, under high tech force operations before
26 he was appointed to be the overall commander of the ECOMOG-led
27 intervention force. As I knew him, General Khobe, as we were
28 going to the meeting at Orugu Bridge inside Kossoh Town, he was a
29 black, tough man, short and he was very friendly. And I knew him

1 very well. And I know General Khobe very well. Thank you.

2 Q. So he was the overall head of the ECOMOG forces; yes?

3 A. He was the overall commander, sir.

4 Q. Now, during this time, this time being Benguema, SAJ Musa
5 also spoke with the Deputy Defence Minister Sam Hinga Norman,
6 didn't he?

7 A. I can tell you that he had nothing to do with Hinga Norman.

8 Q. Mr Witness, before you came to give your evidence to this
9 Court, did you give a statement to anyone from the Special Court
10 detailing your evidence?

11 A. Yes, I gave a statement that concerned about the war.

12 Q. Mr Witness, the Prosecution has been provided a summary of
13 the statement that you gave and I want to read a part of that
14 summary to you and then ask you a question about that; all right?

15 A. Yes, sir.

16 Q. The summary reads as follows that I refer to, Mr Witness:
17 "In Benguema, Captain SAJ Musa communicated with Colonel Maxwell
18 Khobe, informing him about the capture of the barracks and he
19 also spoke to the Defence Minister by then, Sam Hinga Norman."
20 Do you remember giving that in your statement, sir?

21 A. I couldn't remember.

22 Q. Okay. So it's possible that you gave it in your statement?
23 You just don't remember?

24 A. Well, it is not -- I don't think I have ever told him that
25 kind of statement. It's not to my knowledge.

26 Q. I'll move on, Mr Witness. Now, Mr Witness, after the death
27 of SAJ Musa in Benguema, there was still a military structure,
28 wasn't there?

29 A. Yes, sir.

1 Q. And that military structure consisted of battalions,
2 companies and platoons is that also not correct?

3 A. Quite correct, sir.

4 Q. And each of these units had a commander; isn't that also
5 correct?

6 A. Correct, sir.

7 Q. And that after the death of SAJ Musa there was a military
8 hierarchy; isn't that also true?

9 A. They had a hierarchy, military officers.

10 Q. And you would agree with me, Mr Witness, that this military
11 structure was able to function and move forward after a change in
12 command, meaning the death of SAJ Musa? Yes.

13 A. Yes, sir.

14 Q. And this military structure that you have described, this
15 is the same military structure that proceeded to go into
16 Freetown, isn't it?

17 A. They had to make another structure by FAT.

18 Q. But the overall structure, the battalions, the commanders,
19 the overall framework was the same framework that went into
20 Freetown, wasn't it?

21 A. They had to reorganise the structure again.

22 Q. Now, after they reorganised the structure, it still had the
23 same -- it still had battalions, companies, and platoons, didn't
24 it?

25 A. Yes, sir.

26 Q. And each of these units had commanders, didn't they?

27 A. Yes, sir.

28 Q. And there was a military hierarchy at that time as well;
29 yes?

1 A. Yes, sir.

2 Q. Now, you testified that after the death of SAJ Musa, FAT
3 was the overall commander; is that correct?

4 A. Yes.

5 Q. I put it to you, sir, that the first accused, Alex Tamba
6 Brima, was the overall commander of the troops after the death of
7 SAJ Musa; what is your response?

8 A. Well, at that day, that very sad day he brought me back
9 home because that day, to restructure that particular chain, to
10 come back to Freetown, it was a difficult cause, to lobby to the
11 troops and the way the troops were, the morale was --

12 Q. Mr Witness, I understand that it was a very sad day and I
13 do not want to cause you any discomfort or any distress by having
14 you reflect upon this sad day and perhaps any others that come
15 through the testimony. Just please answer my question directly,
16 sir, and hopefully we can avoid any discomfort; all right?

17 A. It is quite clear.

18 Q. I put it to you again.

19 A. I give the Court good information.

20 Q. I'll put it to you again, sir. I say to you, that it was
21 the first accused, Alex Tamba Brima, who led the troops after the
22 death of SAJ Musa; do you agree or disagree?

23 A. I don't agree with that, sir.

24 Q. I put it to you, sir, that you are lying; what is your
25 response?

26 A. Well, if you are telling me, Mr Lawyer, that I am lying,
27 you were not in the field. You are funny and I am not telling
28 you any lies. I'm telling the truth to this Court. I'm happy to
29 come to this Court. I appreciate everything, thank you.

1 Q. I'll move on, Mr Witness. You have also testified that
2 Eddie was second in command of the troops after the death of SAJ
3 Musa; is that correct?

4 A. Correct, sir.

5 Q. I put it to you, sir, that it was the second accused,
6 Ibrahim Bazy Kamara, that was second in command of the troops
7 after the death of SAJ Musa; do you agree or disagree?

8 A. I disagree, sir.

9 Q. On this, Mr Witness, I put it to you that you are lying;
10 what is your response?

11 A. Well, I just have to tell the Court when we were in our
12 operation -- thank you.

13 Q. Mr Witness --

14 A. Yes, sir.

15 Q. -- I put it to you, as well, that the third accused,
16 Santigie Borbor Kanu, aka Five-Five, was one of the commanders of
17 the troop -- shall I repeat the question, sir?

18 A. Yes, sir.

19 Q. I put it to you, Mr Witness, that Santigie Borbor Kanu was
20 one of the commanders of the troop after the death of SAJ Musa;
21 what is your response?

22 A. I just want to tell the Court we were not using prisoners
23 in our operation. It is not in our own command structure.

24 Q. I put it to you, sir, that you are lying, that Santigie
25 Borbor Kanu was one of the commanders of the troops after the
26 death of SAJ Musa; your response, please?

27 A. That -- you are lying.

28 Q. We'll move on, Mr Witness. Now, after leaving Eddie Town
29 on your way to Freetown, you had stated that you had come under

1 attack by ECOMOG troops and jets on several occasions; is that
2 correct?

3 A. Quite correct, sir.

4 Q. And as a result of these attacks, there were soldiers that
5 were wounded, weren't there?

6 A. Correct, sir.

7 Q. And these wounded soldiers were taken care of by the
8 medical teams that were with the troops, weren't they?

9 A. Yes, sir.

10 Q. Now, Mr Witness, you had stated that after Benguema the
11 troops went to Tombo; is that correct?

12 A. Correct, sir.

13 Q. And correct me if I am wrong, sir, but it was during this
14 trip to Tombo that you had captured an MP?

15 A. Yes. Constant Blessing.

16 Q. And it was after capturing this MP, you got information
17 from this MP, didn't you?

18 A. Yes.

19 Q. And you used this information as you and your fellow troops
20 made your way to Freetown, didn't you?

21 A. Yes.

22 Q. And you would agree with me, sir, that one of the ways that
23 you gathered intelligence as you made your way to Freetown would
24 be to interrogate soldiers and other people who you captured; is
25 that also -- is that correct?

26 A. Not at all times. As I am talking to you, Mr Witness, I
27 was one of the MIBs and I was able to get facts from the ground
28 and I came back with -- came back with a message for the
29 authorities. We don't do that. Thank you.

1 Q. Now, you captured other soldiers, other ECOMOG soldiers on
2 your way to Freetown, didn't you?

3 A. We captured soldiers. We had Guineans, Nigerians.

4 Q. And you gathered information from these soldiers who you
5 captured as well, didn't you?

6 A. What information you mean?

7 Q. You asked them about their troop strength, where their
8 troops were located, information that the troop would know to
9 prepare, wouldn't you?

10 A. Well, it is not really true.

11 Q. Mr Witness, you had stated that Rhino was in charge of the
12 operation in Tombo; is that correct?

13 A. Yes, sir.

14 Q. And Rhino was one of the commanders of the troop, wasn't
15 he?

16 A. Yes, sir.

17 Q. Rhino's real name was Tamba Fasuluku, isn't it?

18 A. Well, I don't know his surname, sir.

19 Q. Let me just back track a little bit from one of your
20 previous answers, Mr Witness. You said that you would gather
21 information for the troops; is that correct?

22 A. I was gathering information for the troop.

23 Q. And this information you would use for the troop to make
24 sure they could have a successful march to Freetown; correct?

25 A. Yes.

26 Q. You had mentioned a term "MIB"; what is MIB?

27 A. Intelligence military officer.

28 Q. Now, Mr Witness, one -- you had mentioned of -- let me
29 strike that. Did you -- did other people work with you as you

1 were gathering intelligence, gathering information?

2 A. Only the military men.

3 Q. How many military men worked with you to gather
4 intelligence, sir?

5 A. I had the overall boss, who was -- who was dead, may his
6 soul rest in peace.

7 Q. So you had a person in charge of the military intelligence
8 unit; correct?

9 A. Correct, sir.

10 Q. Now, I want you to clarify something for me, Mr Witness.
11 You had stated earlier that Junior Lion had led one of the
12 missions on the way to Freetown; do you remember that?

13 A. I wanted to call the mission.

14 Q. Junior Lion led a mission on the way to Freetown, didn't
15 he, sir?

16 A. Junior Lion, we were all in that mission.

17 Q. And it was in that mission that -- it was in that mission
18 that Junior Lion wrote a report about, didn't he?

19 A. He wrote report about who?

20 Q. He wrote a -- well, which mission did Junior Lion go on,
21 sir; was it at Hastings?

22 A. The one at Hastings?

23 Q. Yes.

24 A. I want to get the point, Mr Lawyer.

25 Q. Junior Lion went on a mission and wrote a report about the
26 mission that boosted the morale of the troops, didn't he?

27 A. Yes.

28 Q. Thank you, Mr Witness. Now, you had earlier mentioned that
29 there were approximately 90 to 100 RUF that were part of the

1 Freetown invasion; do you remember?

2 A. I could remember that; that we had a mixed force during
3 that time, which included the troops -- the troops of STFs.

4 Q. Let me backtrack just one quick second. When Junior Lion
5 gave the report we just talked about, sir, who did he give the
6 report to?

7 A. The report?

8 Q. Yes, sir.

9 A. Yes.

10 Q. Who did he give the report to?

11 A. He gave it to FAT.

12 Q. So he gave it to the overall troop commander; is that
13 correct?

14 A. Yes.

15 Q. Let me move now back to the other question I'd asked you
16 about the RUF. You said it was a mixed force that went into
17 Freetown; correct?

18 A. Yes.

19 Q. And one of those RUF was a signaller; do you remember
20 saying that?

21 A. Yes.

22 Q. That signaller was Alfred Brown, wasn't it, sir?

23 A. That name is wrong.

24 Q. What name was the name of the RUF signaller, sir?

25 A. CO Sunia and CO Alfred.

26 Q. Do you know CO Alfred's last name?

27 A. I don't know his last name. He was an STF man.

28 Q. Now, Mr Witness. King Perry was also one of the radio
29 operators that took part in the Freetown invasion, wasn't he?

1 A. King Perry, yes.

2 Q. I didn't understand, Mr Witness. You stated "yes"?

3 A. I answered you yes, Mr Lawyer.

4 Q. Thank you, sir. I apologise for not understanding you
5 clearly before. Can you name any of the other signallers that
6 took part in the Freetown invasion?

7 A. Well, the ones that I knew were the ones that I called for
8 you and those were the particular signallers.

9 Q. So you don't know the names of any of the other signallers;
10 is that correct?

11 A. Yes.

12 Q. Now, Mr Witness, Woyoh was one of the troops that took part
13 in the Freetown invasion, wasn't he?

14 A. Woyoh did not take part in the mission to come to Freetown
15 because he was a prisoner.

16 Q. I put it to you, sir -- let me rephrase that. Now, did you
17 bring the prisoners with you into Freetown?

18 A. I last saw the prisoners on my right hand at Camp Eddie.

19 Q. I put it to you, sir, that Woyoh was not a prisoner that
20 he, in fact --

21 PRESIDING JUDGE: Just a minute. I didn't understand that
22 answer. What does he mean he last saw the prisoner on his right
23 hand at Camp Eddie?

24 MR HARDAWAY: I will clarify that, Your Honour.

25 Q. What do you mean by that, Mr Witness, the prisoner on your
26 right hand?

27 A. I said, I last saw the prisoners from Camp Eddie.

28 Q. I put it to you, Mr Witness, that Woyoh in fact did take
29 part in the Freetown invasion; what is your response?

1 A. Well, I did not see him.

2 Q. I put it to you, sir, that you are lying; what is your
3 response?

4 PRESIDING JUDGE: Well, what exactly do you accuse him of
5 lying about; that Woyoh didn't take part in the Freetown invasion
6 or that this witness did not see him?

7 MR HARDAWAY: That he did not take part in the Freetown
8 invasion, Your Honour. I will clarify again.

9 PRESIDING JUDGE: Well, if he didn't see him, doesn't that
10 leave open the possibility that Woyoh could have taken part and
11 this witness is not lying.

12 MR HARDAWAY: I'll take my cue from the Bench, Your Honour.

13 Q. I'll move on, Mr Witness. You stated, in the Freetown
14 invasion, Gibril Massaquoi was given a platoon; is that correct?

15 A. Correct, sir.

16 Q. And that he was under AFRC command; is that correct?

17 A. It was not AFRC that came to Freetown. It was the Sierra
18 Leone Army that came to Freetown to reinstate the army.

19 Q. So he was under that command; is that correct?

20 A. It's correct, sir.

21 Q. Gibril Massaquoi also went to State House, didn't he?

22 A. Yes, sir.

23 Q. Now, you further testified that FAT was the commander at
24 State House during the Freetown invasion; correct?

25 A. Yes, sir.

26 Q. I put it to you, sir, that it was the first accused, Alex
27 Tamba Brima, who was in command at State House during the
28 Freetown invasion; what is your response, sir?

29 A. I've just told the Court that, to remind you again, that we

1 do not use prisoners in our military operation because they were
2 not part of us. It was FAT that was the commander.

3 Q. I put it to you, sir, that you are lying; what is your
4 response?

5 A. Well, if you say that I'm lying, Mr Witness, I was on the
6 ground. You were not on the ground. So if you say that I'm
7 lying, then the international world has got a problem.

8 Q. Mr Witness, you had also testified that FAT had called the
9 BBC during the Freetown invasion; do you remember that?

10 A. Yes, sir.

11 Q. I put it to you, sir, that it was the first accused, Alex
12 Tamba Brima, also known as Gullit, who had in fact called the BBC
13 from State House; what is your response?

14 A. Well, I'm telling you that -- I'm telling this Court the
15 truth and nothing but the truth. FAT was the overall commander.
16 He called the BBC broadcast station and told them that the
17 national army has come into Freetown and it has come to reinstate
18 the army.

19 Q. I put it to you, sir, that that part of your evidence is a
20 lie; what is your response to that?

21 A. Well, if you say that I'm lying I that was on the ground
22 you were not there. You have come you know. So it's good that
23 you weren't there when the things were happening. Thank you.

24 Q. I want to move on from Freetown, sir. You had testified
25 that after you had withdrawn from Freetown, you ultimately ended
26 up at West Side; is that correct?

27 A. Yes, sir.

28 Q. After the retreat from Freetown, Bomb Blast was also at
29 West Side, wasn't he?

1 A. We did not have that name.

2 MR HARDAWAY: With the Court's indulgence for one moment,
3 please.

4 [Counsel conferred]

5 MR HARDAWAY: I thank the Court.

6 Q. Mr Witness, Hassam Papa Bangura was at West Side after the
7 retreat from Freetown, wasn't he?

8 A. Well, he wasn't there.

9 Q. Your friend, Bobby, who you testified earlier, he was also
10 at West Side at that time, wasn't he?

11 A. Bobby was there.

12 Q. And you testified that it was FAT who was the overall
13 commander at West Side; correct?

14 A. Yes.

15 Q. I put it to you, sir, that it was the second accused,
16 Ibrahim Bazzy Kamara who was the overall commander at West Side;
17 do you agree or disagree?

18 A. Not at all, sir, I don't agree.

19 Q. I put it to you, Mr Witness, that this part of your
20 evidence you are lying; what is your response?

21 MR DANIELS: Your Honours, I would like to object and my
22 objection is that the learned counsel is not giving specific time
23 periods when it is alleged that those persons were present at the
24 West Side so maybe if he could limit to specific time frames.

25 PRESIDING JUDGE: I thought he said after the Freetown
26 invasion but what's your reply to that?

27 MR HARDAWAY: My learned friend for the second accused if
28 he feels there is an issue in that he can address that in
29 redirect but I will --

1 PRESIDING JUDGE: What time-frame are you referring to?

2 MR HARDAWAY: I am referring to the period in the
3 indictment Your Honour. If you give me a moment I will refer to
4 the exact date. I thank the Court.

5 Q. Mr Witness, you were in west side from February of 1999,
6 weren't you?

7 A. Yes, sir.

8 Q. And your friend Bobby he was also there from February 1999,
9 wasn't he?

10 A. Bobby did not stay there long.

11 Q. But he was there from February of 1999, at West Side,
12 wasn't he? "Yes" or "no"?

13 A. He was there but he did not spend much time there.

14 Q. Mr Witness, in response to one of the questions from my
15 learned friends, you had mentioned that Akim was operating in
16 Kono; do you remember that?

17 A. Yes, sir.

18 Q. And what time frame was Akim operating in Kono?

19 A. From the time that they were pulled out, 1998 to 1999 up to
20 2000.

21 Q. I put it to you, sir, that the second accused, Ibrahim
22 Bazy Kamara, was the overall SLA commander in Kono during the
23 time period you just mentioned; what is your response?

24 A. Well, I don't have any idea about that, because I had never
25 seen him during that time and I did not know anything about him.

26 Q. Now, Mr Witness, you had said that you had known the third
27 accused, Santigie Borbor Kanu; remember?

28 A. Question again?

29 Q. You testified earlier that you know the third accused,

1 Santigie Borbor Kanu. Do you remember that?

2 A. Yes.

3 Q. And you testified that you knew him when you both served as
4 bodyguards for Captain Strasser; do you remember that?

5 A. Yes.

6 Q. How long did you and the third accused served as bodyguards
7 for Captain Strasser?

8 A. It was nearly three -- three to four years.

9 Q. And exactly how long have you known the third accused?

10 A. It's the time that I've given to you.

11 Q. So from what year did you start working for Captain
12 Strasser?

13 A. From 1991 up to 1996.

14 Q. That's five years, Mr Witness, so did you work for Captain
15 Strasser for three years or for five years?

16 A. I say above that.

17 Q. Above what? Above three or above five?

18 MR DANIELS: Your Honours, I think we heard about, not
19 above. About that.

20 MR HARDAWAY: I'll move on, Your Honour.

21 Q. So you would agree with me, Mr Witness, that you have known
22 the third accused, Santigie Borbor Kanu, since 1991; correct?

23 A. Yes.

24 Q. And it is your evidence that you have never heard anyone,
25 or the accused himself, referred to as Five-Five?

26 A. No.

27 Q. I put it to you, sir, that Santigie Borbor Kanu is also
28 known as Five-Five; do you agree or disagree?

29 A. Well, I don't have that name, sir.

1 Q. I put it to you -- I withdraw that, Your Honour.

2 Mr Witness, I have no further questions of you. I thank you for
3 your time and evidence.

4 MR HARDAWAY: Your Honours, this concludes my
5 cross-examination.

6 PRESIDING JUDGE: Thank you, Mr Hardaway. Any
7 re-examination, Mr Daniels?

8 MR DANIELS: Yes, Your Honour, a few questions.

9 RE-EXAMINED BY MR DANIELS:

10 Q. Good morning, Mr Witness.

11 A. Good morning, My Lord.

12 Q. Yesterday, under cross-examination by my learned friend,
13 you told this Court that you were never taught to kill unarmed
14 civilians?

15 MR HARDAWAY: Actually, Your Honour, I believe the evidence
16 was they were taught not to kill, not that he was never taught,
17 that he was taught not to kill unarmed civilians.

18 MR DANIELS:

19 Q. You were taught not to kill unarmed civilians; do you
20 recall?

21 A. Yes, I can recall the question.

22 Q. You also told this Court that you were taught not to abduct
23 civilians?

24 A. Yes.

25 Q. And you were taught not to burn down houses?

26 A. Yes.

27 Q. And you were taught not to rape women?

28 A. Yes.

29 Q. How were you taught?

1 A. Well, when you reported at the billet, in the training
2 centre, you would be introduced into the barracks and from the
3 barracks they would take you to the muster parade ground and from
4 there you would do field craft, field craft wherein you had
5 lectures, and it was through those lectures that we were taught
6 about fighting and conflict.

7 Q. And for how long were these lessons for?

8 A. When, just like I told the Court, that we spent nearly four
9 months in training in billets before we were deployed.

10 Q. No, I'm referring in particular to teaching you not to kill
11 unarmed civilians, not to rape women; were you given lecture
12 notes?

13 A. They would write on the blackboard.

14 Q. So you were not given lecture notes?

15 A. No, no.

16 Q. And how often would you be taught this; every week? Once a
17 month in the four months? How often were you taught?

18 A. Well, if they taught you about field craft today, they
19 would teach you about some other thing about arms. The next week
20 they would teach you about armed conflicts.

21 Q. So in all, in the four months of your training, how much
22 time was spent in teaching you not to do what I just spoke about?

23 A. Well, definitely about one month because -- because it was
24 a weekly training.

25 Q. I'll move on. Mr Witness, you also told this Court under
26 cross-examination that you had medical teams who looked after
27 those who were injured in ECOMOG attacks. Did you have qualified
28 medical doctors as part of your medical team?

29 A. We had doctors, that were trained doctors from the army,

1 with whom we withdrew.

2 Q. Were you able to carry out or were they able to carry out
3 surgical operations?

4 A. Well, they were able to do some operations that were very
5 necessary.

6 Q. And what kind of equipment did you have?

7 A. We had -- we had injections. They had syringes. They had
8 gauze. They had a lot, anyway. See there are so many medicines.
9 There was no need to talk about them.

10 Q. Did you have ambulances?

11 A. In guerrilla warfare, you don't use ambulances.

12 Q. Mr Witness, you also told this Court that about 90 to 100
13 RUF personnel were with the troops as you advanced to Freetown;
14 do you remember?

15 A. I can recall.

16 Q. Now, these 90 to 100 troops, were they under the command of
17 FAT Sesay?

18 A. Yes, this joint force, RUF and what, again? All of them
19 were under the command of FAT, the STF.

20 Q. And you also testified to a report being given by Junior
21 Lion to FAT which boosted the morale of the troops this morning;
22 do you remember?

23 A. Yes.

24 Q. This report, was it written?

25 A. The report was -- was under FAT.

26 Q. Was it typed?

27 A. Guerrillas do not work with typing.

28 Q. So how was it conveyed to FAT?

29 A. Well, it was pen and paper. They had a book.

1 Q. Pen and paper?

2 A. Yes, which was a big book.

3 MR DANIELS: With the Court's indulgence for one minute.

4 [Defence counsel conferred]

5 MR DANIELS: I thank the Court.

6 Q. Mr Witness, this morning when you were referring to the
7 RUF, you also mentioned the letters STF; what do you mean by STF?

8 A. STF, these were men that came from Liberia, who had been
9 alongside with the Sierra Leone Army, who were fighting alongside
10 with the Sierra Leone Army and in they had General Bropleh and --
11 who was the overall commander.

12 Q. Thank you. These STF that you are referring to, were they
13 with the Sierra Leonean Army before or did they join you as you
14 came along to Freetown?

15 MR HARDAWAY: Objection, Your Honour. Leading.

16 PRESIDING JUDGE: Well, it is leading, Mr Daniels.

17 MR DANIELS:

18 Q. Do you know when they joined the Sierra Leone Army?

19 A. They joined the Sierra Leone Army in 1991 and they started
20 fighting side-by-side in Daru, Tongo, Kenema, and Dizi ni and Bo
21 Waterside and they even lost one of their big men, who was called
22 Free Kala during that time so it was not today that they joined
23 the war. It took, it had taken a long time when they joined the
24 army and they had been paid under the Sierra Leone Army.

25 Q. So CO Alfred, was he RUF or STF?

26 A. He was -- he was the STF signaller.

27 Q. And likewise, CO Nyaa you mentioned the name; what was it,
28 Noworeh [phon]?

29 A. CO Nyaa? He was he was an RUF.

1 MR DANIELS: That will be all for my re-examination. Thank
2 you.

3 PRESIDING JUDGE: Yes, thank you, Mr Daniels.

4 QUESTIONED BY THE COURT:

5 JUDGE SEBUTINDE:

6 Q. Mr Witness, I have a couple of questions to ask you for
7 clarification. You mentioned a certain village where SAJ Musa,
8 for the first time, constituted the troops into four companies.
9 Could you please repeat the name of that village?

10 A. Yes.

11 Q. Please tell us the name?

12 A. It was Camp Eddie.

13 Q. There was a village, I think, Mongo. What happened at
14 Mongo?

15 A. Mongo was the first -- it was the first place where the
16 troops gathered where they had the muster parade, where His
17 Excellency Tejan Kabbah gave a speech.

18 Q. Where, in which chiefdom is this village?

19 A. I wanted to give you the name of the chiefdom before I give
20 you the answer, My Lord.

21 Q. I don't know the name of the chiefdom, that's why I'm
22 asking you. We were trying to properly identify this village.

23 A. Okay.

24 Q. Is it the same as Mongo Bendugu or is this a different
25 village?

26 A. Okay. It was Mongo Bendugu. It is under the
27 Kabala District.

28 Q. Okay. Thank you, now, the second question refers to the
29 300 children you mentioned were in the custody of your troops; do

1 you remember that?

2 A. I can recall.

3 Q. Actually, you used the words 300 child combatants; do you
4 remember that?

5 A. I did not use 300 child combatants. We do not use children
6 to fight because we are soldiers.

7 Q. Now, the question is: How did these 300 children come to
8 be in your custody or in the troop's custody?

9 A. Well, some of those children that I've been talking about,
10 their relatives were soldiers and, at the end of the day, the
11 other ones became victims because they were with some youth in
12 Freetown. They had been burning and because --

13 THE INTERPRETER: Your Honours, would the witness go a
14 little bit slow.

15 JUDGE SEBUTINDE:

16 Q. Mr Witness, you just have to repeat that answer there. The
17 interpreter lost you. You said some of the children were
18 relatives of soldiers. Please begin there and continue.

19 A. Yes, because they came, they joined us because -- because
20 some were friends to soldiers and they decided to follow us
21 because they had been burning their brothers, so they had no way
22 to be rescued so they had to follow us.

23 Q. And during their stay with your troops, what was the role
24 of these children?

25 A. They did not have anything to do in the military operation.

26 Q. Now, when you withdrew with them to the West Side, I think
27 this was your evidence, you said the United Nations
28 representative came and asked you to release them; is that
29 correct?

1 A. Yes. Yes.

2 Q. Were these children under custody?

3 A. They were not under custody.

4 Q. So why, why was there a need to ask you to release them?

5 A. Because, during that time, peace had already come. So the
6 children had to tell us that, well, we had seen that the United
7 Nations had intervened, so we would like her to leave.

8 Q. So the children wanted to leave; is that correct?

9 A. Yes.

10 Q. Did you allow them to leave, when the children wanted to
11 leave, or not?

12 A. We did not capture them. See, they wanted to be rescued so
13 we rescued them. So when they asked us, we left them to go free.

14 Q. So when the United Nations representative came you released
15 these children to go with that representative; is that your
16 evidence?

17 A. Yes, My Lord.

18 JUDGE SEBUTINDE: All right. Thank you. That will be all.

19 JUDGE DOHERTY:

20 Q. Mr Witness, you were asked if you heard a radio broadcast
21 given by Gibriil Massaquoi. In your answer, you did not refer to
22 Gibriil Massaquoi, you referred to someone else. Did you hear the
23 radio broadcast by Gibriil Massaquoi?

24 A. I want My Lord to clarify that particular radio broadcast
25 because the man was a former --

26 Q. This was a broadcast referred to as a BBC broadcast.

27 A. I want to know what year because that man was the spokesman
28 for the RUF.

29 PRESIDING JUDGE:

1 Q. How many broadcasts by Gibri I Massaquoi did you hear,
2 Mr Witness?

3 A. Thank you, My Lord. Gibri I Massaquoi gave the first
4 broadcast that I knew of in 1997, so he join up with Corporal
5 Saybana Sankoh. I don't know whether that was what she meant.

6 THE PRESIDING JUDGE:

7 Q. I merely asked you: How many broadcasts by Gibri I
8 Massaquoi did you hear? Did you give me a number?

9 A. That was the only one that Gibri I Massaquoi made.

10 Q. Well, if you only heard of one, why did you ask that
11 question of Justice Doherty if there was only ever one broadcast
12 that you heard?

13 A. Well, I don't know. The one that she was referring to,
14 that was why I asked.

15 JUDGE DOHERTY:

16 Q. Very well. You've clarified that. Mr Witness, you told us
17 when you first started giving evidence that you had an injury to
18 your hand. Where did that injury occur?

19 A. My Lord, this injury, I sustained it from the Nigerian
20 ECOMOG force, around the centre of Freetown, which was PZ, where
21 we had an encounter with the Nigerian-led ECOMOG force in
22 February 1998, 5.00. Thank you, My Lord.

23 JUDGE DOHERTY: Thank you. Mr Witness. Those are all my
24 questions.

25 PRESIDING JUDGE: Well, is there anything arising from
26 those questions?

27 MR DANIELS: Respectfully, My Lord.

28 RE-EXAMINED BY MR DANIELS:

29 Q. In answer to a question by Honourable Justice Sebutinde,

1 you mentioned that some of the 300 children were rescued by you
2 and I mean by the troops. Where were these children rescued?
3 A. They followed us from Freetown. They said, "Hey, brother,
4 this time commander" -- they said, if we are to remain here, they
5 said we would be victims because here is an intervention. During
6 the intervention, what they did to us, so some of us were able to
7 run to the village. So now that if you've come back, please
8 don't leave us again. So we are going with you. There is no
9 alternative. So they had to follow us as a rescue.

10 Q. And when you say victims, what do you mean?

11 A. Because they used to burn their brothers because they had a
12 link with the soldiers. They would put tyres on soldiers and
13 burn them, so they were fortunate to live. So they did not fall
14 victims. So when they saw us, that is why they cried to us,
15 saying that we were to rescue them.

16 MR DANIELS: Thank you very much.

17 PRESIDING JUDGE: All right. Thank you, Mr Witness, for
18 coming to Court to give evidence. You will be allowed to leave
19 now. Just sit there. We will make arrangements for the curtain
20 to be pulled and then you can leave.

21 [The witness withdrew]

22 PRESIDING JUDGE: Well, Mr Daniels, I understand your next
23 witness will be DBK-005; is that correct?

24 MR DANIELS: That's correct, Your Honour.

25 JUDGE SEBUTINDE: Where is the summary of this witness to
26 be found?

27 MR DANIELS: It's part filed on 29 September and --

28 JUDGE DOHERTY: Mr Daniels, your microphone is not on. We
29 can't hear you.

1 MR DANIELS: Your Honour, we filed it on 29 September and
2 it is number 5 in the Defence witness summaries for Kamara, in
3 order.

4 WITNESS: DBK-005 [Sworn]

5 [The witness answered through interpreter]

6 EXAMINED BY MR DANIELS:

7 MR DANIELS: Your Honours, the witness be testifying in the
8 Krio language.

9 Q. Good morning, Mr Witness.

10 A. Good morning, sir.

11 Q. Mr Witness, I'm going to ask you a few questions and after
12 that the lawyers to my left will ask you some questions and after
13 that the lawyers to my right will also ask you some questions.
14 While you speak, whatever you say will be translated so I will
15 ask you to speak slowly and concisely and please listen to the
16 question before you answer. Do you understand?

17 A. Yes, sir.

18 Q. Mr Witness, you were born on xxx xxx 1967; is that
19 correct?

20 A. Yes, sir.

21 Q. You are a Muslim by religion?

22 A. Yes, sir.

23 Q. You are a Temne by tribe?

24 A. Yes, sir.

25 Q. You attended school at the xxx xxx School in
26 Freetown?

27 A. Yes, sir.

28 Q. You speak English, Krio and Temne?

29 A. Yes, sir.

1 Q. And you had to leave school at Form 4 at a time that your
2 father died; is that correct?

3 A. Yes, sir.

4 Q. And you hail from the Moyamba District?

5 A. Yes, sir.

6 Q. Mr Witness, when did you join the Sierra Leone Army?

7 MR WAGONA: Objection. The witness did not say he joined.

8 PRESIDING JUDGE: What is objection, Mr Wagona?

9 MR WAGONA: The witness has not mentioned that he joined an
10 army, Your Honours.

11 PRESIDING JUDGE: Well, is that in issue or you are just
12 objecting to the leading?

13 MR WAGONA: The leading. I'm objecting to the leading.

14 MR DANIELS: Your Honours, I don't think that is an issue
15 but I will rephrase.

16 Q. Mr Witness, what was your profession in 1991?

17 A. Well, I was a soldier. In 1991, that was the time I joined
18 the army.

19 Q. When in 1991 did you join the army?

20 A. May. May 1991.

21 Q. And where did you join the army?

22 A. Well, at Teko Barracks, Makeni.

23 Q. And for how long was your training?

24 A. Six months.

25 Q. And what training did you have during those six months?

26 A. We were given basic infantry training.

27 Q. Can you explain what that means?

28 A. Well, that means I was learned how to parade, how to fire
29 gun, field crawl tactics and other military terms.

- 1 Q. Were you given any training in the laws of war?
- 2 A. Well, it was just a short time. There was a pressure, so
3 they were not able to teach us all those sorts of things. We
4 were just trained how to fight. That was how -- what we were
5 trained for.
- 6 Q. Did you complete your military training?
- 7 A. Yes, sir. I completed the military training.
- 8 Q. And when did you complete your military training?
- 9 A. November, November.
- 10 Q. Of what year?
- 11 A. 1991.
- 12 Q. And who was your instructor?
- 13 A. Charles Bayoh, Lieutenant Charles Bayoh.
- 14 Q. Bayoh, Your Honours, is B-A-Y-O-R [sic]. And after you
15 completed your military training were you deployed anywhere?
- 16 A. Yes, sir.
- 17 Q. Where were you deployed?
- 18 A. I was deployed at Daru.
- 19 Q. In what district?
- 20 A. Well, I couldn't recall the district.
- 21 Q. And who was your overall commanding officer when you were
22 deployed at Daru?
- 23 A. Colonel Murray Conteh.
- 24 Q. And did he have a second in command?
- 25 A. Yes, sir.
- 26 Q. Do you know his name?
- 27 A. Yes, sir.
- 28 Q. Please tell the Court.
- 29 A. The second in command was Major Tucker.

1 Q. Were you issued with a military identification number?

2 A. Yes, sir.

3 Q. Mr Witness, would you be able to write it on a piece of
4 paper?

5 A. Yes, sir.

6 MR DANIELS: With the assistance of the Court attendant,
7 could we please get the witness to do so.

8 PRESIDING JUDGE: Thank you, Mr Daniels.

9 MR DANIELS: Thank you, Your Honour.

10 PRESIDING JUDGE: Do you want this paper back?

11 MR DANIELS: Respectfully, if it could be tendered as an
12 exhibit and kept under seal.

13 PRESIDING JUDGE: Any objection?

14 MR AGHA: No objection, Your Honour.

15 PRESIDING JUDGE: All right. Well, I think this piece of
16 paper, on which the witness has written his military
17 identification number, will be admitted as D29, I think it is,
18 and it will be marked confidential and under seal.

19 [Exhibit No. 29 was admitted]

20 PRESIDING JUDGE: Madam Court Attendant, will you take
21 custody of this?

22 JUDGE SEBUTINDE: I'm just wondering is it possible to get
23 the ring out of the headphones?

24 PRESIDING JUDGE: We will do that at the break.

25 JUDGE SEBUTINDE: Okay.

26 MR DANIELS:

27 Q. Mr Witness, are you still a member of the Sierra Leone
28 Army?

29 A. No, sir.

1 Q. When did you leave the Sierra Leone Army?

2 A. 2002.

3 Q. And at the time you left the Sierra Leone Army, what was
4 your rank?

5 A. I was lance-corporal.

6 MR DANIELS: I believe that is lance-corporal, Your
7 Honours.

8 Q. Mr Witness, before I go on, I want to ask you whether you
9 know the second accused, Ibrahim Kamara?

10 A. Yes, sir.

11 Q. When was the first time you got to know him?

12 A. I came to know him in 1999 when we were all on training at
13 the infantry. He was trained in Benguema and I was trained at
14 Makeni.

15 PRESIDING JUDGE: I am sorry, I missed that. Is that in
16 1999?

17 MR DANIELS: I was seeking clarification, Your Honour.

18 THE WITNESS: 1991.

19 MR DANIELS:

20 Q. You first met him in 1991?

21 A. Yes, sir.

22 Q. Do you know him well?

23 A. Well, I don't know him like how somebody would say you know
24 him well but I knew him.

25 MR DANIELS: Very well. Your Honours, I'm going into a new
26 area. I'm wondering whether this is an appropriate time.

27 PRESIDING JUDGE: Well, I think it is, Mr Daniels, because
28 I'm going to ask Madam Court Attendant to go to Court Management
29 and see if they can do anything about this annoying ring that

1 keeps appearing in the headphones every now and then. So we will
2 adjourn. We will allow an extra few minutes and we will adjourn
3 the Court until 11 a.m. but, before we do, Mr Witness, I have to
4 caution you that during the course of your evidence, you are not
5 allowed to speak to anybody at all about your evidence, or the
6 case; is that clear?

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: Right. Thank you. We will adjourn the
9 Court until 11 a.m.

10 [Break taken at 10.40 a.m.]

11 [Upon resuming at 11.04 a.m.]

12 MR DANIELS:

13 Q. Mr Witness --

14 A. Sir.

15 Q. -- where were you in May of 1997?

16 A. Well, I was in my house.

17 PRESIDING JUDGE: What was your question, Mr Daniels? We
18 didn't hear it.

19 MR DANIELS: My question was: Where were you in May of
20 1997?

21 PRESIDING JUDGE: And his answer was "I was in my house"?

22 MR DANIELS: That is so.

23 Q. Where is this?

24 A. At xxx xxx xxx.

25 Q. And what were you doing at that time?

26 A. I was with my people in my house.

27 Q. Do you recall anything significant happening in Freetown on
28 13 May 1997?

29 A. Yes, sir.

1 Q. I beg your pardon, on 25 May 1997?

2 A. Yes, sir.

3 Q. What do you recall?

4 A. During that time I was in my house. I saw people running
5 up and down and I was a soldier. I was in my house. I was in my
6 house.

7 Q. Did you do anything?

8 A. Yes. I dressed up and I went to Cockerill. I went to
9 report at Cockerill.

10 Q. Do you know why people were running up and down?

11 A. Well, according, from the information I had, they said
12 Pademba Road Prison has been broken down.

13 Q. Who told you this?

14 A. Those people who were passing by, the people that were
15 passing by.

16 Q. And do you know why the Pademba Road Prison had been broken
17 down?

18 A. I didn't know why it was broken down.

19 Q. And did you hear that the SLPP government have been
20 overthrown?

21 MR AGHA: Your Honour, it's leading.

22 THE WITNESS: Yes, sir.

23 PRESIDING JUDGE: All right. It's leading, Mr Daniels. I
24 don't think this is in any dispute whatsoever, but it is leading
25 and if there's an objection to leading, you can't lead.

26 MR DANIELS: Very well. I thought --

27 Q. So what exactly did you hear happened on 25 May 1997?

28 A. Well, that day, after I had dressed, I knew the Pademba
29 Road Prison has been broken into, so I went to Cockerill to

1 report. And I was made to understand that they had overthrown
2 the government of Tejan Kabbah.

3 Q. Did you get to know who had overthrown the government of
4 Tejan Kabbah?

5 A. During that time I didn't know who overthrew it. After
6 some time, I got to know it from people that it was
7 Corporal Gborie, who announced in the morning.

8 Q. Did you eventually get to know, apart from Corporal Gborie,
9 who else took part in the overthrow of the SLPP government?

10 A. I knew some people, but I didn't know whether they took
11 part from over throwing the government. After Gborie, I knew two
12 to three people.

13 Q. Can you please mention the names of those two to three
14 people?

15 A. Well, of course, JP Koroma, I knew him; I knew SAJ Musa; I
16 knew SO Williams; and I knew Brima Kamara, that was called
17 Avivavo; and I knew SFY Koroma; and I knew Abu Sankoh, who was
18 Zagalo, who was the PLO 1; and I knew Tamba Brima, who was the
19 PLO 2; and I knew Ibrahim Bazy Kamara, who was PLO 3; and I knew
20 Honourable Papa, who was Hassan Bangura; and I knew Honourable
21 George Adams; and I knew OU; and I knew one Honourable Santigie
22 Kanu. Those were the people that I remembered, because it has
23 taken a long time.

24 Q. How did you get to hear about this?

25 A. Well, after they've overthrown, I saw them. That time I
26 was at Cockerill, I was deployed at JP's lodge. That was where I
27 was working. It was from the lodge they were. That was where I
28 knew them.

29 Q. And you told this Court a minute ago that you went to

1 Cockerill Barracks; what did you go to do?

2 A. Because I was a soldier. Anything that happened, if I'm
3 not in my deployment, I report to the headquarter, so I went to
4 report to the headquarter. When I reported there --

5 Q. Who did you report to?

6 A. Sergeant Kargbo, one Sergeant Kargbo.

7 Q. And when you reported to Sergeant Kargbo, did anything
8 happen?

9 A. Yes, sir.

10 Q. What happened?

11 A. They said I should join them, to go and deploy at JP Lodge,
12 60 of us. They said we should go to JP Lodge, so we were taken
13 to JP Lodge.

14 Q. And where is JP Lodge?

15 A. It was at Spur Road.

16 Q. And when you went to JP Lodge, did you do anything?

17 A. Well, we were handed over to the CSO who was at the lodge.

18 Q. And who was the CSO?

19 A. CSO Rambo.

20 Q. And did he tell you anything?

21 A. Well, he said we should stay with them, where I was
22 deployed at the lodge so I was in the escort.

23 Q. What do you mean by you were in the escort?

24 A. Escort like when the VIP wants to go out, he had soldiers
25 that were in front, in their convoy.

26 Q. And who was the VIP?

27 A. JP Koroma.

28 Q. And do you know why you were deployed?

29 A. I am a soldier. I'm a soldier man. If I were a civilian,

1 I wouldn't have been deployed there.

2 Q. And for how long were you deployed at JP Lodge?

3 A. I was there up to the time of the intervention, up to the
4 intervention.

5 Q. And do you know when the intervention was?

6 A. The intervention took place in 1997.

7 Q. And where were you, in February 1998?

8 A. Well, during that time, February 1998 I was at the lodge
9 but we were deployed at State House.

10 Q. What were you deployed to do at the State House?

11 A. During that time, there was pressure. ECOMOG was
12 penetrating the city, so there was a lot of pressure, so we were
13 deployed at the State House as guards.

14 Q. And who deployed you at the State House as guards?

15 A. CSO Rambo.

16 Q. And how many of you were deployed at the State House, if
17 you know?

18 A. No, I don't know the exact number, because there were
19 soldiers and we, too, joined them, so I don't know the exact
20 number.

21 Q. And when you were deployed at the State House, did anything
22 happen?

23 A. Yes, sir.

24 Q. What happened?

25 A. I was at State House the very time the ECOMOG was trying to
26 take over the city. During that time, JP should have come to the
27 office but, because of the pressure, he couldn't come to the
28 office.

29 Q. And how do you know JP was to come to the office?

1 A. I was at lodge when CSO Al haji said, "Let the advance team
2 go ahead." So we, the advance team, went to State House before
3 they came, before the situation arise at the town. He couldn't
4 come to the State House, so he sent a radio message that we
5 should stay there. So he said we should stay there.

6 Q. And how do you know he sent a radio message that you must
7 stay there?

8 A. The corporal told us. He announced that the Pa was not
9 going to come today. He said the Pa was not coming.

10 Q. And by "Pa" who do you mean?

11 A. JP Koroma.

12 Q. And the corporal you are referring to, does he have a name?

13 A. I didn't know his name.

14 Q. And around what time of day were you deployed at the State
15 House?

16 A. We would go there in the morning. We would be there in the
17 morning, up to half past 3.00 in the afternoon.

18 Q. And while you were guarding the State House, did anything
19 happen to you?

20 A. Yes, sir, because that very day ECOMOG did not station --
21 were not stationary, so they went straightaway and attacked the
22 State House. So when we were attacked, we were trying to repel
23 the attack. During that I was shot in my left foot, so I
24 dropped.

25 Q. Are you able to show us where you were shot in your left
26 foot?

27 A. Yes, sir.

28 Q. Please, do not stand up. I would be grateful if the Court
29 identify any marks, if at all?

1 JUDGE SEBUTINDE: But his foot is in the shoe. Was he shot
2 in the foot or the leg?

3 THE WITNESS: It's not where the boot is, it's here.

4 [Witness indicates]

5 MS KAMUZORA: There are two scars on the leg of the
6 witness.

7 PRESIDING JUDGE: The witness was indicating a mark on his
8 left lower shin, not on his left foot.

9 MR DANIELS: That is so, Your Honour. Could the record
10 reflect.

11 Q. Now, do you know who shot you?

12 A. It was an ECOMOG soldier.

13 Q. And what was the date you were shot at?

14 A. I cannot recall the date, but it was in the same February.

15 Q. And did anything happen to you after you were shot?

16 A. When I'd been shot at, my friends that were around, all of
17 them ran away, so I called them for help but, by then, the
18 civilians were so many. I saw them again, some had gallons. I
19 didn't know whether there was fuel, but I thought that there was
20 fuel, so they said that we would burn these ones. They were
21 shouting. So I myself had no alternative. I was lying down on
22 the ground, so I was trying to get up, so I tried and I got up
23 with my one leg and I jumped and went down to the Cotton Tree.
24 There I was. I strained, and that was the time that I saw
25 General Issa and I blessed him. He was the one that came and
26 rescued me and they put me into his Hilux. From there, he took
27 me up to 34. Because if you are not there, perhaps I shouldn't
28 be here now, you see.

29 Q. Thank you. Mr Witness, do you know -- you just mentioned

1 the civilians were holding gallons. Do you know why the
2 civilians were holding gallons?

3 A. Because the civilians said, they said the soldiers were
4 their target and they said wherever they saw the soldier, he
5 would be killed. If they had families, sister and brother, see
6 all, they would go and vandalise the place. So that was going
7 on. And anywhere that ECOMOG had captured and they got a soldier
8 and the Kamajors, see, that is what used to go on in those areas,
9 so wherever ECOMOG was able to repel the soldiers.

10 Q. Please, witness, we would like your story, but take your
11 time. It's being interpreted, so take your time when you talk.
12 Don't talk too fast. Please carry on.

13 A. Okay. Okay.

14 Q. And do you know why the civilians said the soldiers were
15 the target?

16 A. Well, I didn't really know why they said they were their
17 target, because the whole of the country was in turmoil.
18 Everybody was confused. More the soldiers who were confused,
19 because even the mother, during that time, would disown you.
20 Even your brother would disown you, you see. So the pressure was
21 so much on the soldiers, so anywhere that you went in the
22 country, they would point a finger at you, by saying you were a
23 soldier. Even if you had left the army for five years, if they
24 saw you, if they saw you in the street, they would point at you
25 and say "This man had worn a uniform." Straightaway you would be
26 captured.

27 Q. Mr Witness, you said from the State House you went to the
28 Cotton Tree. How did you get to the Cotton Tree?

29 A. Well, I jumped with my single leg. I kept on hopping, you

1 see, with my single leg. See, my -- the leg which I shot -- the
2 leg which was shot had been --

3 THE INTERPRETER: Your Honours, would the witness go a
4 little bit slow.

5 MR DANIELS:

6 Q. Witness, this is the second and now the third time I'm
7 asking you. Please talk slowly. What you are saying is being
8 interpreted. The interpreter -- you are talking too fast for the
9 interpreter. Talk a bit slower. Do you understand?

10 A. Okay. All right.

11 Q. Could you repeat what you said?

12 A. Yes, sir. So I was hopping up to the Cotton Tree. So when
13 I arrived at the Cotton Tree, I was straining, so that was the
14 time that General Issa, Issa Sesay, he came with one Hilux. It
15 parked in front of me and he said "Put this soldier inside, in
16 the Hilux."

17 Q. Did you know General Issa before he came to the Cotton
18 Tree?

19 A. I did not know him before. But when we arrived at 34,
20 people said that it was Issa, General Issa that came with you. I
21 did not know him before.

22 Q. And what is a Hilux?

23 A. It was a Land Rover. A Land Rover that is open at the
24 back.

25 Q. And where did he take you to, exactly?

26 A. He took me to the 34 Military Hospital.

27 Q. And when you got to the 34 Military Hospital, did anything
28 happen?

29 A. Yes, sir.

1 Q. What happened?

2 A. Well, when we arrived at the hospital, we did not meet any
3 doctor at the hospital. The whole of the hospital there was
4 nobody. There were two or three patients that were there and the
5 patients who were there, some were not able to walk. Some were
6 not able to make any movement, so when I came, I was not able to
7 walk. So all the doctors -- we started going in search of the
8 doctors. There was no doctor. People had been searching for the
9 doctors. All had run away. I was there for three days bleeding.
10 I was bleeding from my foot. There was no doctor. So it was
11 before the three days that I had medical attention.

12 Q. And what kind of medical attention did you have?

13 A. Well, the sore was in the foot. They couldn't give me POP,
14 so they had something they put under, which was guarding the bone
15 so it couldn't shift, so that the sore could heal.

16 Q. And who was it that saw to you?

17 A. It was one Dr Sankoh.

18 Q. Do you know whether he was a civilian or an army personnel?

19 A. He was a soldier. He was a military doctor.

20 Q. And for how long were you at the 34 Military Hospital?

21 A. I was up to -- I was there up to May to June. Around May,
22 June. I was there before we were informed that everybody should
23 report to the DDR programme at the Lungi garrison.

24 Q. Mr Witness, what is the DDR programme?

25 A. National Committee for Disarmament Demobilisation and
26 Reintegration.

27 Q. And who asked you to report to this programme?

28 A. Well, it was the doctors who told us we were to go there.
29 All of that that had surrendered, we should go there.

- 1 Q. And where exactly was this?
- 2 A. It was at Lungi.
- 3 Q. Did you eventually go to Lungi?
- 4 A. Yes, sir.
- 5 Q. And how did you go there?
- 6 A. Well, I boarded a vehicle and I went and boarded a ferry
7 and I crossed over.
- 8 Q. And when you got to Lungi, what happened?
- 9 A. When I arrived in Lungi, I reported to the colonel that was
10 there.
- 11 Q. Did the colonel have a name?
- 12 A. Yes, sir.
- 13 Q. Please tell us the name of the colonel?
- 14 A. He was called Emile Sesay.
- 15 Q. And what did you do while you were at Lungi?
- 16 A. Well, I carry on with the programme, so I went and -- to
17 the Registry. You see, I had snapshots, passport pictures.
- 18 Q. Carry on.
- 19 A. I had snapshots and from that time I was there up to --
20 from February -- from July, August, September, October, November,
21 December. At the end of December.
- 22 Q. [Overlapping speakers] I will get there.
- 23 A. Okay.
- 24 Q. About how many were you that were at Lungi?
- 25 A. We were over 3,000 soldiers.
- 26 Q. How do you know that you were over 3,000 soldiers?
- 27 A. Because at times, during the barrack, in the barracks they
28 would say head count. Everybody would sit down and when they
29 counted, they would give the figure that it was such-and-such

1 people that we have on the ground.

2 Q. Were you reporting to anybody at the time you were at
3 Lungi?

4 A. Yes, sir.

5 Q. And who were you reporting to?

6 A. To the colonel that was in charge of us.

7 Q. Was the colonel an SLA?

8 A. Yes, sir.

9 Q. Around December, you said you were there until December
10 1998?

11 A. Yes, sir.

12 Q. Around December 1998 while you were at Lungi, did you hear
13 anything?

14 A. Yes, sir.

15 Q. What did you hear?

16 A. When we were there, we heard that soldiers were coming.
17 They were around Masiaka. They were coming.

18 Q. Do you know which soldiers were around Masiaka?

19 A. I did not know exactly the soldiers that were there because
20 I was in Lungi, but we used to get information that soldiers were
21 coming, to come and take over Freetown.

22 Q. Do you know where the soldiers were coming from?

23 A. I did not know where they were coming from, but they said
24 that they were at Masiaka and that they were coming in to town.
25 It was from Masiaka that we started having information that the
26 soldiers were coming.

27 Q. Now, these soldiers, do you know which faction they
28 belonged to?

29 A. No, sir.

1 Q. After you heard about the soldiers who were heading into
2 town, did anything happen while you were at Lungi?

3 A. Yes, sir.

4 Q. What happened?

5 A. Well, when we were at Lungi, one day the colonel told us
6 that he had sent a message to -- that all of us that were at
7 Lungi should be transferred.

8 Q. [Overlapping speakers] which colonel are you talking about?

9 A. Emile Sesay.

10 Q. And what did he say?

11 A. He said a message had been sent to him saying all the
12 soldiers who -- the soldiers who had gone into the bush, who were
13 coming, so we should not be in Lungi. He said we should leave
14 Lungi and go to the stadium hostels, that all of us should reside
15 there.

16 Q. Do you know why he told you to go to the stadium hostels?

17 A. Yes, sir.

18 Q. Why?

19 A. Because he said if those soldiers passed through the Port
20 Loko axis, there was a likelihood for them to go to the Lungi
21 garrison, perhaps we might join them. So that was what the
22 government told them and that we should leave the place and come
23 into the city.

24 Q. Did you eventually get to the stadium hostels?

25 A. Well, we were taken from Lungi. They said we should come
26 to the stadium, but when we came to town, we did not go to the
27 stadium.

28 Q. Who took you from Lungi?

29 A. Well, it was trucks that went. Trucks. They went and

1 parked the trucks and they said we were to go into the vehicles
2 and that we were coming into the stadium.

3 Q. And who instructed you to get onto the trucks to go to the
4 stadium?

5 A. It was Emile Sesay, the colonel.

6 Q. And what happened after you got to the trucks, onto the
7 trucks, where were you taken to?

8 A. Well, we crossed and came into town. When we came to town,
9 they said we were coming into the stadium, but when we reached,
10 we did not go to the stadium. They took us to Pademba Road
11 Prisons.

12 Q. And do you know how many people were taken to Pademba Road
13 Prison?

14 A. Well, we that went, we were 3,000. But we met other
15 soldiers, who had been there for so long. Then, with other
16 civilians as well.

17 Q. And when you got to Pademba Road Prison, what happened?

18 A. When we went to the prison, we did not have anywhere to
19 sleep. All the cells were filled. So they said all of us should
20 be outside the compound, so there we were, in the rain. Even to
21 give us food, they were not able to give us sufficient food.
22 Before the food could be brought from the kitchen to come to
23 where we were standing, the food had finished.

24 Q. And you said you were in an open space; did I hear you say
25 that?

26 A. Yes, sir.

27 Q. And are you referring to all the 3,000 soldiers?

28 A. Yes, sir. All of us that came from Lungi, we did not have
29 any space in the cells.

1 Q. And at that time was anything going through your mind?

2 A. Yes, something was in my mind, because I was in doubt as to
3 why when we -- when they said that we were to come from -- into
4 the stadium and now we were sent to the prison, so I started
5 getting confused. So we were there for three days, so we started
6 hearing some firing coming closer to the city.

7 Q. And after you heard the firing, did you get to know who was
8 doing the firing?

9 A. Well, we were not able to understand who was shooting
10 because the sound was from a distance but gradually, when the
11 sound was approaching, so we came to realise it was some other
12 thing that was going to happen in the country. Little did we
13 know that it was soldiers, so until when the pressure had come
14 closer to the Pademba Road Prisons, because there was pressure
15 around Pademba Road Prisons.

16 Q. And how did you get to know that it was the soldiers?

17 A. Well, they came with the pressure and all of us were alert.
18 Everybody confused. Everybody in the whole of the prisons, we
19 that were brought and those that we met, everybody was confused.
20 Who had been praying, because we did not know our fate. We did
21 not know whether they were coming for us or whether they were
22 coming to rescue anybody or they were coming to destroy
23 Pademba Road. We did not know. So all of a sudden we just saw
24 how -- the prison road, the --

25 THE INTERPRETER: Your Honours, would the witness go over
26 the last bit of his testimony about the gate.

27 MR DANIELS:

28 Q. Can you repeat what you said and a bit slowly, Mr Witness.
29 Can you repeat your last statement about the gate. What did you

1 see?

2 A. Okay. I said as the pressure was coming, gradually, on the
3 door, we who had been praying, praying, praying, without knowing
4 our fate, so -- so suddenly, without any delay, so we heard a
5 blast on the door, "bang," a very heavy blast.

6 Q. Which door are you referring to?

7 A. The main entrance gate at Pademba Road.

8 Q. And do you know what caused the blast?

9 A. Well, I did not know, but it was a gun blast but I did not
10 know the type of gun.

11 Q. And when you said Pademba Road, what do you mean? Are you
12 referring to any particular place?

13 A. The Pademba Road Prison.

14 Q. And where were you at the time the blast took place?

15 A. Well, I was, let me say, 30 to 40 yards away from the gate
16 because we were outside the compound. We were not in the cells.
17 We were outside the compound.

18 Q. And what time of day was this?

19 A. Around Sunday, in the morning.

20 Q. In the morning?

21 A. Yes, sir.

22 Q. Around what time of day?

23 A. 5.00 in the morning. Around 5.00 in the morning.

24 Q. Did you hear you say Sunday?

25 A. Sunday, Sunday.

26 Q. Suddenly or Sunday; what did you say?

27 JUDGE DOHERTY: I heard Sunday in the morning, Mr Daniels.

28 THE WITNESS: It was Sunday. Saturday, after that you had
29 Sunday morning.

1 MR DANIELS:

2 Q. Thank you very much, Mr Witness. And after the explosion,
3 did anything happen at the Pademba Road Prison?

4 A. Well, after the explosion, I saw a group of people coming,
5 coming into the gate. They were rushing into the prison.

6 Q. Who were those persons rushing into the prison?

7 A. Well, they were soldiers that were rushing into the prison.
8 They were armed.

9 Q. Do you know which soldiers these were, that entered into
10 the prison?

11 A. Well, I knew two, three, those that I saw, who were coming
12 ahead, who were the ones that entered.

13 Q. Can you tell us the names of those who entered?

14 A. Yes, sir.

15 Q. Please tell me, or tell the Court.

16 A. I saw one soldier who was called Alabama, I saw Junior
17 Lion, I saw Ashim, I saw Pi kin.

18 Q. Now, did you know Alabama before he came into the prison?

19 A. Yes, sir. I had known him before.

20 Q. Where did you know him from?

21 A. All of us went through the medical to join the army in
22 1991, it was from that time I knew him.

23 Q. Can you describe him?

24 A. Yes, sir.

25 Q. Please do so.

26 A. He was a tall man. He was gallant and huge and he has a
27 very broad face.

28 Q. Do you know where he is today?

29 A. Well, I heard that he is now a late man because he had

1 died. I heard that he had died.

2 Q. Do you know when he died?

3 A. No, sir.

4 Q. And after Alabama, Ashim and Junior Lion entered the
5 Pademba Road Prison, did anything happen?

6 A. Yes, sir.

7 Q. Please tell us.

8 A. So when they entered the prison they started asking, "Where
9 is Mammy Tina?" That is SAJ Musa's wife. "Where is Mammy Tina?
10 Where is President Momoh? Where do they keep the political
11 detainees?" I heard them asking and I saw Junior Lion, so I
12 called him, "Lion." So one of his boys they said. "Who is the
13 one who is shouting at the old man?" And I told him that,
14 "Fellow, it's I, I am his colleague," so he took the pistol that
15 he was holding and he struck me on the head and he said -- he
16 said that I was overlooking the commander and he said that it was
17 the commander that led them to come into Freetown. And they said
18 that we that were in Pademba did not know that we would able to
19 get out of Pademba and we saw the man and we were given the
20 impression that it was the first time that we knew him.

21 Q. Please, did you get to know who hit you on your head?

22 A. It was a soldier. I did not know him, but all of them came
23 together with Junior Lion.

24 Q. And what do you mean when you said he said you had over
25 looked Junior Lion. What did you mean by that?

26 A. Well, he was trying to tell me that the man had come. They
27 knew where the man took them from. They had fought, the man had
28 brought them into Freetown. And now they had broken into
29 Pademba Road so as to free people and now I'm calling him

1 ordinarily as a Junior, not knowing that he was a colonel.

2 Q. Mr Witness, did you know -- know who was in charge of the
3 soldiers who entered into Freetown. Who entered into Pademba
4 Road Prison?

5 A. You mean the one who was in charge of the people that
6 entered there?

7 Q. Yes.

8 A. Well, I wouldn't be able to know if it was Junior, but that
9 time when they entered, it was what the fellow told me, but I did
10 not know whether he was the one that came with the troop.

11 Q. I will rephrase that. Who was the commander?

12 A. Well, the commander, I did not know him. When they had
13 broken into Pademba Road when everybody had come out and they
14 said everybody should go to State House.

15 Q. Who said everybody should go to State House?

16 A. He, the Junior Lion. He, the Junior Lion, he said
17 everybody was to go to State House. Mammy Tina, the late
18 President Momoh. He had a lot of politicians that were there,
19 like Victor Foh. I can remember two to three.

20 Q. [Overlapping speakers] witness --

21 A. Yes, he had Claud Campbell.

22 Q. Did you eventually get to State House?

23 A. Yes, sir.

24 Q. And how did you get to State House?

25 A. Well, we walked from Pademba Road up to State House.

26 Q. And do you know what happened to the 3,000 soldiers that
27 you spoke about?

28 A. Well, at that time everybody had been running for his life.
29 When everybody went out, everybody went on his way and the

1 soldiers that were at Pademba Road, they themselves also said
2 that they were fed up.

3 Q. They were -- Mr Witness, the soldiers who were at Pademba
4 road said they were fed up. They were fed up at what?

5 A. They said because the government was not treating them
6 well, did not care about them. Look at where the soldiers, the
7 government had kept them. So again, added to that, they had
8 killed their people. They had burnt their houses. Then, at the
9 same time, look at where they were being put, so if their
10 brothers had come to rescue them, they did not feel that they
11 would be with their brothers to go.

12 Q. Mr Witness. Thank you. You said the soldiers said that
13 they had burnt their houses; who had burnt the soldiers' houses?

14 A. Well, during that time it was the Kamajors. Then they
15 heard Civil Defence, that they formed in each area. So this
16 Civil Defence, they knew every soldier that was around that area,
17 so, if you were there and people must have recognised you and
18 they must know your friends and even your wife, they would know
19 them, so these are the people that would go around with the
20 Kamajors, from house to house, to show, to identify soldiers.
21 The wives and the houses. That was what they were doing.

22 Q. And do you know, did the soldiers do anything as a result
23 of being fed up?

24 A. Well, because, yes, they did something. They started an a
25 massive killing.

26 Q. You said the soldiers started massive killing. Where did
27 the soldiers start massive killing?

28 A. Before we reached States house they had already started the
29 firing in front of Pademba Road. Those that had gun, some were

1 there. They said it was an advantage and the civilians were
2 thieves as well.

3 Q. Mr Witness, what do you mean by advantage?

4 A. They said they seized advantage on them. They kept them
5 unlawfully at Pademba Road.

6 Q. You said, "They seized advantage of them." I don't
7 understand what you mean?

8 A. They said the government. The government had put them into
9 an advantage from Lungi garrison to DDR programme to Pademba Road
10 Prison.

11 MR FOFANAH: Respectfully, Your Honour. Sorry, Your
12 Honour, respectfully there seems to be an interpretation problem
13 because the phrase in Krio "to seize advantage" is not the same
14 as "seize advantage" in English. As I understand it, it actually
15 connotes some mistreatment. I don't know if the interpreter can
16 correct that. They were treated badly instead of just seize
17 advantage.

18 PRESIDING JUDGE: What do you say, Mr Interpreter?

19 THE INTERPRETER: Yes, Your Honour. This simply means that
20 they were not well treated.

21 PRESIDING JUDGE: Well, look, I think the witness's answer
22 should be reinterpreted for the record.

23 MR DANIELS:

24 Q. Mr Witness --

25 A. It was the treatment. They were maltreated. They were
26 maltreating the soldiers. That is what I meant when I said
27 "advantage." They maltreated the soldiers, that is what I meant.
28 The treatment that was meted to them.

29 Q. Thank you, Mr Witness. Now, you said that the soldiers

1 started massive killing. Which soldiers started massive killing?
2 You've spoken of two groups of soldiers: Those inside the prison
3 and those who came to break open the prison. Which soldiers
4 started the massive killing?

5 A. Well, it was one that it was in -- that were in the prison.
6 Because those that came, strictly according to what they said,
7 they said that SAJ Musa said they should come and rescue Mammy
8 Tina from Pademba Road and to take out the other soldiers that
9 were detained unlawfully and the political prisoners. That was
10 what SAJ Musa said, because the soldiers had been grumbling,
11 those that came, because it was not difficult for them to be
12 identified.

13 Q. Did you see those soldiers carry out the massive killing
14 yourself?

15 A. Well, I myself did not see, but at any time a complaint was
16 brought, the soldiers who were captured, they were the soldiers
17 that were in Pademba Road, not the soldiers who came from the
18 jungle, because the ones that were at Pademba Road they were not
19 difficult to identify. Those that came from the jungle were not
20 difficult to identify.

21 Q. And the soldiers who were released from Pademba Road
22 Prison, apart from massive killings, did they do anything else in
23 Freetown?

24 A. Yes, sir.

25 MR AGHA: I object, your Honour. I don't think it's quite
26 clear from the record who is doing the massive killings yet. At
27 least, I don't understand that. I would ask my learned friend to
28 clarify whether it was inside or outside.

29 PRESIDING JUDGE: What do you say, Mr Daniels?

1 MR DANIELS: Your Honours, I think I specifically made a
2 distinction between those who were inside and released and those
3 who came to release and he answered specifically that it was
4 those who were inside, so I am just asking whether they did
5 anything else and I don't think I can be clearer.

6 PRESIDING JUDGE: No, that is the answer I understood as
7 well, Mr Agha.

8 MR AGHA: That is fine then, Your Honour. I apologise to
9 my learned friend for the interruption.

10 MR DANIELS: The Court's indulgence for one minute.

11 [Defence counsel conferred]

12 MR DANIELS:

13 Q. Mr Witness, just to take you back: I asked a question,
14 apart from the massive killings you were talking about, did those
15 soldiers, who were released from the prison, do anything else?

16 A. Yes, sir. I said, I said that they killed, at the same
17 time they would go around burning people's houses, because they
18 would force people not to sleep for the whole of the night. See
19 by then --

20 Q. Mr Witness, how do you know that they went around and they
21 were burning people's houses?

22 A. Because I used to see.

23 Q. Where?

24 A. I used to see. I was an eyewitness.

25 Q. Where did you see houses being burnt?

26 A. Well, in the city, Maulters city is one example where I saw
27 house being burnt.

28 MR FOFANAH: Respectfully, Your Honour, I think the witness
29 said Malta Street.

1 THE WITNESS: Mal ta Street.

2 MR FOFANA H: Yeah, but I heard you say I Mal ta ci ty.

3 THE WITNESS: Mal ta Street.

4 MR DANIELS:

5 Q. Just for the record we will go over that again. Where did
6 you see the houses being burnt?

7 A. At Mal ta Street.

8 Q. Thank you, Mr Witness. Now, do you know how the houses
9 were burnt?

10 A. I did not how they were burnt but I saw the fire. I saw
11 the fire.

12 Q. Apart from the burning of the houses and the massive
13 killings carried out by these people released from the prison,
14 did they do anything else in Freetown?

15 A. Well, if they did anything else, I did not know because I
16 did not go where everybody went, but the ones that I heard about,
17 those are the things that I've explained.

18 Q. Mr Witness, did you eventually get to State House?

19 A. Yes, sir.

20 Q. At what time of day did you get to the State House?

21 A. Well, the Sunday when everybody had left that morning,
22 around 8.00 to 9.00 in the morning, I was already at State House
23 because when we left Pademba Road, we went straight there.

24 Q. And those prisoners that you said were causing the massive
25 killings and the burning, do you know if they had a commander?

26 A. No, sir, they did not have any commander. They did not
27 have anybody that was commanding them. They just gathered
28 together and they started going out doing destruction.

29 Q. How do you know this?

1 A. Because when we looked at them, when we looked at them,
2 those that came from the jungle, they had their hair plaited,
3 some had rings, some had dreads on their heads. Those that were
4 at Pademba Road did not have any plaits, did not have any dreads.
5 They didn't wear uniform, some only had shirts and trousers, so
6 it was not difficult to identify them.

7 Q. And those who were causing this trouble, were they armed?

8 A. Yes, sir.

9 Q. Do you know where they got their arms from?

10 A. No, sir.

11 Q. So while you were at State House, what happened?

12 A. When we went to State House we met Colonel FAT. We met
13 Woyoh. We met O-Five. They had to tell us that everybody, all
14 the politicians and we that came, the surrendered soldiers, all
15 of us should go -- get into Paramount Hotel.

16 Q. And where did you meet FAT?

17 A. In State House.

18 Q. But where exactly in the State House?

19 A. At the compound. See, when we came, he alighted from the
20 building. He came down and they came and addressed everybody,
21 because they told us that he was the big man that came with them.

22 Q. And FAT, do you know his full name?

23 A. No, sir.

24 Q. Do you know how he was dressed?

25 A. He was in full military attire.

26 Q. And who was in charge of the soldiers at the State House?

27 A. FAT, because he was the commander that was there.

28 Q. How do you know he was the commander?

29 A. The men who came, I saw them, they were respecting him.

1 They were all respecting him. Whatever he said, they followed,
2 and he was giving instructions to the other men and he was giving
3 instructions to Junior Lion.

4 Q. Did you see him giving instructions to Junior Lion?

5 A. No, sir.

6 Q. How do you know he was giving instructions to Junior Lion?

7 A. Because he told us -- he told us that everybody, all the
8 detainees that came, they should go at Paramount Hotel, you see.
9 He was the one that was talking to us.

10 Q. And while you were at State House, did you see the second
11 accused, Ibrahim Kamara?

12 A. No, sir.

13 Q. Do you know who was second in command to FAT?

14 A. Well, I don't know exactly but when I went, I met the three
15 of them, I don't know which of the two, anyone who was in second
16 command, you see.

17 Q. You met the three of who?

18 A. FAT, Woyoh and O-Five.

19 Q. And for how long were you at State House?

20 A. Well, the whole of the troop we didn't stay for long. The
21 ECOMOG repelled them from State House.

22 Q. How do you know the ECOMOG repelled them from the State
23 House?

24 A. Because you will see them when they were advancing. It was
25 not a bushy area, so you would not -- be able to see them when
26 they were coming.

27 Q. Did you get to hear that the second accused was in State
28 House?

29 A. No, sir.

1 Q. Did you ever get to hear that the second accused was the
2 second in command of the troops that were in State House?

3 A. No, sir.

4 Q. And from State House did you go anywhere?

5 A. Well, after we repelled from State House, we came to State
6 House -- we came as far as East End Police. Sorry.

7 Q. Could you repeat that. You went as far as?

8 A. From State House -- from State House we came at East End
9 Police, at the roundabout.

10 Q. And at the time you got to East End Police, are you
11 referring to the police station?

12 A. Not the police station, the roundabout, at the clock tower,
13 the surroundings of East End Police.

14 Q. And at this time did you see Alabama?

15 A. Yes, sir.

16 Q. Where did you see him?

17 A. Well, at the front line. We were all at the front line.
18 Junior Lion -- it was just FAT that was at the rear. After they
19 removed us from State House.

20 Q. And when you say "the front line," what do you mean?

21 A. They were the advance team, in front. They were the ones
22 facing the enemies. That is the front line. They were facing
23 the enemies. They were the first target when we approached the
24 enemy.

25 Q. And do you know where they were heading to?

26 A. Well, they didn't plan to go anywhere, but when the ECOMOG
27 repelled them, we came to East End Police and the following
28 morning they came and repelled us and we went at Service Square
29 by Starco. We were at Starco one day. The following day they

1 came and repelled us and we finally came at Kissy, Kissy
2 Dockyard.

3 Q. And at the time you got to Kissy Dockyard, did you see the
4 second accused?

5 A. No, sir, I didn't see him.

6 Q. Did you get to hear that the second accused was at Kissy
7 Dockyard?

8 A. No, sir.

9 Q. And from Kissy Dockyard, what happened? Where did you go?

10 A. Well, from Kissy, finally, that was where finally the
11 ECOMOG dislodged us and everybody went in his own way. I went at
12 Benguema.

13 Q. And how did you get to Benguema?

14 A. I passed through the hill up the peninsula. We went around
15 the peninsula.

16 Q. And who did you go with?

17 A. Well, I went with civilians, some civilians that were with
18 us during that time, plus with those political detainees.

19 Q. And did you eventually arrive at Benguema?

20 A. Yes, sir.

21 Q. Who did you arrive with?

22 A. Well, I went there with some civilians, with some of the
23 political detainees that were with us during that time.

24 Q. And while at Benguema did you see the second accused,
25 Ibrahim Kamara?

26 A. No, sir.

27 Q. And how were you dislodged by the ECOMOG troops?

28 A. Where, sir?

29 Q. When you left State House to go to Benguema, how did the

1 ECOMOG troops dislodge you? How?

2 A. I was not alone. It was the whole troop that they were
3 fighting against. From East End Police, they fought up to
4 service square. From service square to Kissy Dockyard.

5 Q. The question is how? By what means did they dislodge you?

6 A. Well, they were using heavy firing artilleries on us.

7 Q. Did anything happen as a result of the artillery fire?

8 A. Yes, sir, because the soldiers, they said you were not able
9 to fight because the houses were many. If they returned firing
10 to ECOMOG, there would be a lot of destruction, and killing would
11 take place in the city, and the place was overcrowded. There
12 were civilians with us. Those that came with us, the population
13 was too many, and the only solution was that Junior Lion should
14 go at Benguema. So everybody was retreating and he was, they
15 took command from him.

16 Q. And at this stage, where was FAT, during the retreat?

17 A. FAT was with us.

18 Q. Was FAT at Benguema?

19 A. Yes, sir.

20 Q. And at Benguema who was the second in command to FAT?

21 A. Well, when we reached at Benguema, I don't know exactly
22 what was going on because I thought I had been saved. I have
23 left the city. I had reached at Benguema, so I was not
24 particular. My own, what I was looking up to was to reach at
25 Makeni.

26 Q. And did you get to Makeni?

27 A. Yes, sir.

28 Q. And how did you get to Makeni?

29 A. Well, after we reached Benguema, FAT announced that a

1 vehicle has arrived. All the political detainees, those that
2 came from Pademba Road, Mammy Tina, they should come and travel
3 to Makeni with Brigadier Mani. So I heard that, so I pretended
4 that I was not going to join them, but the last person that went,
5 I went with them. That was how I came to Makeni.

6 Q. Do you know when it was that you arrived at Makeni?

7 A. No, sir, I couldn't remember the right day and the month,
8 because this has taken a long time.

9 Q. And for how long did you stay at Makeni?

10 A. I was at Makeni up to the time they called for cease fire.

11 Q. While you were at Makeni, did you at any time see the
12 second accused?

13 A. No, sir.

14 MR DANIELS: Your Honours, I have no further questions.

15 PRESIDING JUDGE: Yes, thank you, Mr Daniels. Any
16 cross-examination from the Defence team?

17 MR MANLY-SPAIN: Yes, sir.

18 CROSS-EXAMINED BY MR MANLY-SPAIN:

19 Q. Good morning, Mr Witness.

20 A. Yes, sir, good morning.

21 Q. Mr Witness, you mentioned certain names in your
22 evidence-in-chief. I will be referring to them once in a while,
23 but what I first want to ask you is: Whether you knew the name
24 of the title of the person who was the head of the Sierra Leone
25 Army at the time when you joined the army?

26 A. [Overlapping speakers].

27 Q. The head of the army, what title?

28 A. I don't know his title, sir.

29 Q. Have you ever heard of the chief of defence staff?

1 A. What year, 1991?

2 Q. At the time when you were in the army?

3 A. Yes, sir.

4 Q. [Overlapping speakers] have you ever heard about the chief
5 of army staff?

6 A. Yes, sir.

7 Q. Thank you. At the time the AFRC was in power, do you
8 recall who was the chief of defence staff?

9 A. I didn't remember, sir. I can't remember.

10 Q. And do you recall who was the chief of army staff?

11 A. I couldn't recall those times, sir.

12 Q. You mentioned one SFY Koroma; is that so?

13 A. Yes, sir.

14 Q. Did you know him personally?

15 A. I don't know him personally, sir.

16 Q. Do you know whether he held any position in the army in
17 1997?

18 A. No, sir. I knew that he was my senior officer, but I don't
19 know the appointment he was carrying, sir.

20 Q. You mentioned SO Williams?

21 A. Yes, sir.

22 Q. Do you know whether he had any appointment -- sorry, any
23 appointment in 1997, in the army?

24 A. Well, I don't know whether he had any appointments, but I
25 knew he was the senior authority, sir.

26 Q. Thank you. You mentioned one Colonel Kamara, I believe you
27 called him Avivo?

28 A. Yes, sir.

29 Q. Do you know whether he had an appointment in the army, in

1 1997?

2 A. No, sir. I don't know, sir.

3 Q. Thank you, Mr Witness, you mentioned the word "surrendered
4 soldiers." What did you mean by that?

5 A. Well, normally, we usually when that intervention took
6 place, anyone who was not with the ECOMOG soldiers, the troops
7 that came, that means you've gone and surrendered yourself for
8 peace. That is what we did during that time. We went and
9 surrendered to the ECOMOG soldiers.

10 Q. Thank you. Mr Witness you -- were you a surrendered
11 soldier?

12 A. Yes, sir.

13 Q. And what about Colonel Emile Sesay, was he a surrendered
14 soldier?

15 A. Yes, sir.

16 Q. When you were taken to the prison at Pademba Road, was
17 Colonel Emile Sesay with you?

18 A. Well, I didn't see him inside the prison because I didn't
19 see him. I didn't know whether he was placed in another place
20 but I didn't see him where I was.

21 Q. Thank you. Mr Witness, when you were at Lungi, were there
22 any other soldiers at Lungi?

23 A. Those that didn't surrender, sir?

24 Q. No, no, no any other soldier?

25 A. Yes, sir, yes, sir.

26 Q. What were the names [overlapping speakers]?

27 A. You had the surrendered soldiers. Then you had the active
28 in-service soldiers.

29 Q. You mean active in-service Sierra Leone Army soldiers?

1 A. Yes, sir.

2 Q. Thank you. Apart from them and the surrendered soldiers,
3 were there any other soldiers at Lungi?

4 A. Yes, sir. Some of the ECOMOG soldiers were there, sir.

5 Q. Thank you. Do you know who was in charge of security at
6 Lungi?

7 A. No, sir.

8 Q. Do you know who controlled the soldiers at Lungi, which
9 group of soldiers controlled the others at Lungi?

10 A. I don't know the group, sir, because we were on our own.
11 The surrendered soldiers we were in a different place, so I don't
12 know what was happening at the other side.

13 Q. Who looked after you? Who looked after you, guarding you
14 [overlapping speakers]?

15 A. Who --

16 Q. [Overlapping speakers] and cleaning up?

17 A. Well, we were on our own. We the surrendered soldiers, we
18 had senior rank officers that were with us, so they had to place
19 us in groups, so they were in charge of us. Anything that we
20 wanted, we asked them and we put our case on to them.

21 Q. You mentioned senior officers. Apart from Emile Sesay, who
22 were the other senior officers who were with you, the SLAs?

23 A. I don't know their rank, but they had -- their number was
24 senior from me, but they are were all the ones that surrendered
25 with us. I was a corporal for one platoon at the place. I used
26 to go and collect food for my own men. They had people that they
27 choose and they asked them -- they give them some
28 responsibilities, because we were too many.

29 Q. Okay. I'm asking you about their names, the names of these

1 officers who were in charge of you. Do you remember any?

2 A. No, sir, I couldn't remember the names. It has taken a
3 long time.

4 Q. When you came to -- you were taken to Pademba Road Prisons,
5 you said, I believe, that apart from your group there were other
6 soldiers at Pademba Road Prisons. You met other soldiers there?

7 A. Yes, sir.

8 Q. Do you know how many of these other soldiers you met there?

9 A. No, sir.

10 Q. Do you know whether they were just a few or whether there
11 were many of them?

12 A. Well, I didn't know if there were few or there were many
13 but I knew that there were soldiers there.

14 Q. Thank you. Do you know why they were there?

15 A. No, sir.

16 Q. Thank you. Mr Witness, you said that when the prison was
17 broken into, some soldiers were asking for Mammy Tina; is that
18 so?

19 A. Yes, sir.

20 Q. Did you see Mammy Tina that morning, the person they were
21 referring to?

22 A. Well, I didn't see her inside Pademba Road Prison, but when
23 we reached at State House, I saw her. They showed her to me.

24 Q. And do you know whether she was alone?

25 A. No, sir. She was not alone.

26 Q. You also mentioned that they were asking for her children;
27 am I right?

28 A. Yes, sir.

29 Q. Did you see the children at State House?

1 A. Yes, sir.

2 Q. Mr Witness, apart from State House, did you see this lady
3 anywhere else?

4 A. Well, I saw her at Benguema, at Waterloo where we boarded
5 the same vehicle to go to Makeni.

6 Q. You went with her. I'm asking you again; were there two
7 children that you saw her with?

8 A. She had two children; a boy and a girl.

9 Q. Thank you. Mr Witness, after the breaking open of Pademba
10 Road Prison, and the soldiers came out of the prisons, you said
11 there were massive killings by these soldiers. What do you mean
12 by massive?

13 A. Because those things, you will see the performance that
14 they used to make. Well, for those soldiers --

15 THE INTERPRETER: Your Honours, would the witness go slow.

16 MR MANLY-SPAIN:

17 Q. Listen to the question. If you don't know, say you don't
18 know. What do you mean by massive?

19 A. Well, when I say massive killing, there was killing. I did
20 not know what you mean by "massive," because it's an English
21 word, because there were killings. You would see two or three
22 bodies lying down. That is what I meant.

23 Q. You used the word "massive"?

24 A. Yes.

25 Q. That's what I'm asking you, what you meant by that?

26 A. It's a lot.

27 Q. Thank you. Mr Witness, do you know what happened to the
28 other soldiers that you met in Pademba Road, after the prison was
29 broken open?

1 A. No, I don't know.

2 Q. Do you know whether they were part of the group whom you
3 said did massive killings?

4 A. They were not part of them, sir.

5 Q. Mr Witness, do you know a place called Mamamah?

6 A. No, sir.

7 Q. Whilst you were going with the civilians to Makeni, did you
8 go through Mile 38?

9 A. Well, I was in the vehicle. We used the highway.

10 Q. So you don't know whether you passed by Mile 38 or --

11 A. Mile 38. I don't know. I do not know, sir.

12 Q. Mr Witness, when you were taken out of the prison at
13 Pademba Road, what group did you go out with?

14 A. Well, when we came from Pademba Road, I had to be with the
15 people who came and opened because I was afraid. If I were to go
16 and meet my people, it would be a problem. If I were to leave
17 again, it would be a problem. If they were to leave me, it would
18 be a problem, so I had to be with them in order to save my life.

19 Q. Thank you. Mr Witness, you told this Court that you
20 knew -- let me ask you again. Before the AFRC coup, did you know
21 the third accused?

22 A. Yes, sir.

23 Q. Since the overthrow --

24 JUDGE SEBUTINDE: Mr Manly-Spain, it's usually good to say
25 the name of this person.

26 MR MANLY-SPAIN: Thank you.

27 Q. The third accused, that is Santigie Kanu?

28 A. Santigie Kanu no, sir.

29 Q. Let me ask you again?

1 A. But I used to see him.

2 Q. So you know him?

3 A. Yes, sir.

4 Q. After the overthrow of the AFRC, did you see him again
5 anywhere?

6 A. After the overthrow, of AFRC, no, sir.

7 Q. Mr Witness, do you know one Gibril Massaquoi?

8 A. No, sir.

9 MR MANLY-SPAIN: That is all for this witness.

10 PRESIDING JUDGE: Yes, thank you Mr Manly-Spain.

11 Mr Graham, do you have any questions?

12 MR GRAHAM: Yes.

13 CROSS-EXAMINED BY MR GRAHAM:

14 Q. Good afternoon, Mr Witness.

15 A. Good afternoon.

16 Q. You told this Court about the breaking into Pademba Road
17 Prison. Mr Witness, do you know the first accused in this case,
18 Tamba Brima?

19 A. If I know him? Yes, I know him, but I'm not acquainted
20 with him.

21 Q. During the break-in into Pademba Road Prison which you've
22 told this Court about, did you see Tamba Brima?

23 A. No, sir.

24 Q. Did anyone tell you then, or thereafter, that they had seen
25 Tamba Brima as part of the group of soldiers that broke into
26 Pademba Road Prison?

27 A. No, sir.

28 MR GRAHAM: Your Honours, I don't have any further
29 questions for the witness. I'm grateful.

1 PRESIDING JUDGE: Thank you, Mr Graham. Yes, Mr Agha.

2 MR AGHA: Yes, Your Honour. At this juncture the
3 Prosecution would be requesting an adjournment before
4 cross-examining this witness, and the reason why the Prosecution
5 is requesting the adjournment is because it received the summary
6 for this witness on last Friday, so that's about six days ago.

7 Now, as Your Honours are aware, under the orders of this
8 Court, the Prosecution is allowed 21 days in order to investigate
9 the witness and look into his credibility and the evidence which
10 he may be giving. Now, on the basis that we've only had less
11 than a week the Prosecution would seek an adjournment on the
12 basis of the content of the chief of this witness, the
13 Prosecution wouldn't be looking for an adjournment for the whole
14 21 day balance, but instead would perhaps suggest that he could
15 be cross-examined on Thursday, the 12th, next week.

16 PRESIDING JUDGE: Yes. Thank you, Mr Agha. Well, what is
17 the Defence attitude to that application for an adjournment?

18 MR DANIELS: Your Honours, we have -- we do not object.

19 PRESIDING JUDGE: Yes. Thank you. Yes, we will grant that
20 application, Mr Agha. That's until Thursday, 12 October.

21 MR AGHA: I'm grateful, Your Honour.

22 PRESIDING JUDGE: Mr Witness, we are going to ask you to
23 come back to Court to complete your evidence on Thursday of next
24 week, that is 12 October.

25 THE WITNESS: Okay, sir.

26 PRESIDING JUDGE: Well, if you just sit there for the time
27 being, we will pull the curtains and you will be able to leave.
28 But I want to caution you that between now and next Thursday when
29 you come back to complete your evidence you are not permitted to

1 discuss your evidence, or this case, with any other person; is
2 that clear?

3 THE WITNESS: Yes, sir.

4 PRESIDING JUDGE: All right. Thank you. Just sit there
5 for the moment.

6 [The witness stood down]

7 PRESIDING JUDGE: Mr Daniels, I take it your next witness
8 is DBK-012; is that correct?

9 MR DANIELS: That's correct, Your Honour.

10 WITNESS: DBK-012 [Sworn]

11 [The witness answered through interpreter]

12 EXAMINED BY MR DANIELS:

13 PRESIDING JUDGE: What is the delay, Madam Court Attendant?
14 Legal officer, will you tell the Court attendant to please put
15 her headphones on.

16 MR DANIELS:

17 Q. Mr Witness, good afternoon.

18 A. Good afternoon, sir.

19 Q. Mr Witness, I will be asking you some questions. I would
20 like you to listen to the question before you answer. After I
21 finish, the lawyers to my left may ask you some questions and the
22 lawyers to my right will also ask you some questions. Do you
23 understand?

24 A. Sir.

25 Q. I'd also like you to speak slowly and concisely because
26 whatever you say has to be interpreted for the benefit of the
27 rest of us. Do you understand?

28 A. Sir.

29 Q. Mr Witness, you were born on xxx xxx 1967; is that

1 correct?

2 A. Sir. Yes, sir.

3 Q. You attended the xxx Secondary School up to Form 4;
4 is that correct?

5 A. Yes, sir.

6 Q. You are married?

7 A. No, sir.

8 Q. You stay in Freetown?

9 A. Yes, sir.

10 Q. You are Muslim by religion?

11 A. Yes, sir.

12 Q. And what is your tribe?

13 A. I'm a Temne Madingo.

14 Q. And what languages do you speak?

15 A. Sir, I can only speak Krio.

16 Q. Do you have any children?

17 A. Yes, sir.

18 Q. How many children do you have?

19 A. I have four children, sir.

20 Q. Can you read and write?

21 A. Yes, sir.

22 Q. Thank you.

23 A. Yes, sir.

24 Q. Mr Witness, what is your profession?

25 A. I'm an ex-soldier; ex-soldier.

26 Q. And when did you join the army?

27 A. I joined the army in 1989/1990.

28 Q. And where did you join the army?

29 A. I joined the army in Freetown here.

1 Q. When you joined the army, were you attached to any
2 particular battalion?

3 A. Yes, sir.

4 Q. Please tell the Court.

5 A. I was at the 1st Battalion headquarters. From there, I was
6 deployed. I was deployed with the former President JS Momoh as
7 his security.

8 Q. Mr Witness, for how long were you trained to become a
9 soldier?

10 A. I was trained for six months and two weeks.

11 Q. And where did you train?

12 A. At Benguema BTC; Bengwema Training Centre.

13 Q. And who was your commanding, or who was your instructing
14 officer? Who trained you?

15 A. I was under Colonel SIM Turay.

16 Q. And what was the nature of your training?

17 A. I trained in weaponry and --

18 THE INTERPRETER: Your Honours, I did not get the last bit
19 of what the witness's testimony; would he be instructed to
20 repeat.

21 MR DANIELS:

22 Q. Mr Witness, I asked you a question: What was the nature of
23 your training. You said you trained in weaponry and what else?

24 A. Well, I'm an artillery soldier.

25 Q. And by that, what do you mean?

26 A. I mean, I refer to as the big weapons, as one barrel,
27 commando mortar, all those are under artillery, under GPMG,
28 general purpose gun and HMG, heavy armed machine gun. I say
29 those are the weapons for which I was trained, sir.

1 Q. Mr Witness, during your training, were you given any
2 instructions on the laws of war?

3 A. No, sir.

4 Q. You said you are an ex-soldier. When did you leave the
5 army?

6 A. Well, I left the army after the peace process. I left the
7 army.

8 Q. What year was that?

9 A. The year 2000, that was the time that I left the army.

10 Q. And at the time you left the army what was your rank?

11 A. I was a sergeant.

12 Q. And were you at any time issued with a military number?

13 A. Yes, sir.

14 Q. Mr Witness, will you be able to write it down for us, in
15 order to protect your own identity?

16 A. Yes, sir.

17 Q. Madam Court Attendant, could we have your assistance,
18 please. And Mr Witness, while you are writing this down, if you
19 have a nickname, could you also write down your nickname.

20 PRESIDING JUDGE: Yes, Mr Daniels.

21 MR DANIELS: Your Honours, I will be grateful if the paper
22 you are holding could be tendered as an exhibit under seal.

23 PRESIDING JUDGE: Any objection?

24 MR HARDAWAY: No objection, Your Honour.

25 PRESIDING JUDGE: All right. Thank you. Well, this piece
26 of paper on which the witness has written both his military
27 number, and his nickname, will be admitted into evidence as
28 Exhibit D30, and it will be marked confidential and under seal.

29 MR DANIELS: At this juncture, may I also request that we

1 have our normal lunch break, to return.

2 PRESIDING JUDGE: Madam Court Attendant, will you please
3 take custody of this Exhibit.

4 [Exhibit No. 30 was admitted]

5 PRESIDING JUDGE: Mr Witness, we are going to have our
6 lunch break now, but I have to caution you that now that you are
7 giving evidence you are not permitted to discuss your evidence,
8 or this case, with any other person; is that clear?

9 THE WITNESS: Yes, sir.

10 PRESIDING JUDGE: Thank you. Well, we will adjourn the
11 Court until 2.15 p.m.

12 [Luncheon recess taken at 12.48 p.m.]

13 [Upon resuming at 2.15 p.m.]

14 MR AGHA: Your Honours, if I may, just before we continue,
15 just to inform you that later in the session, and also for
16 tomorrow, I will not be here since I will have other matters
17 attending to the trial to attend to, but during my absence
18 Mr Hardaway will have the conduct of the Prosecution case.

19 PRESIDING JUDGE: Right. Thank you, Mr Agha. Yes, go
20 ahead, Mr Daniels.

21 MR DANIELS: Thank you very much, Your Honour.

22 Q. Good afternoon, Mr Witness.

23 THE INTERPRETER: The witness's mic is not on, Your
24 Honours.

25 MR DANIELS:

26 Q. Once again, good afternoon, Mr Witness.

27 A. Good afternoon, sir. Good afternoon, sir.

28 Q. Mr Witness, before we continue, I will ask of you, do you
29 know the second accused, Ibrahim Kamara?

- 1 A. Yes, sir.
- 2 Q. How do you know him?
- 3 A. I knew him as a soldier.
- 4 Q. When was the first time you met him?
- 5 A. Well, since the regime of NPRC at the military
6 headquarters.
- 7 Q. What was he doing at that time?
- 8 A. He was a driver.
- 9 Q. Do you know why you are here today?
- 10 A. Yes, sir.
- 11 Q. Please tell the Court.
- 12 A. I am here, I come to defend -- I, Mr Witness, I come to
13 defend Bazzy Kamara.
- 14 Q. Thank you very much. Mr Witness, you told us earlier on
15 this afternoon that you trained as a soldier. Very briefly,
16 immediately after your training, were you deployed anywhere?
- 17 A. Yes, sir.
- 18 Q. Where were you deployed?
- 19 A. I was deployed at the former President JS Momoh, as
20 security.
- 21 Q. In what year was this?
- 22 A. In 1990.
- 23 Q. For how long were you deployed?
- 24 A. Well, I was there for some months.
- 25 Q. And after that, where were you deployed?
- 26 A. I was deployed at Daru depot, the 3rd Battalion.
- 27 Q. For how long?
- 28 A. It was just for a month.
- 29 Q. After that?

1 A. After that, I had a pass. From Daru I came to town.

2 Q. Where were you in 1996?

3 A. In 1996 I was in Daru. In 1996.

4 Q. What were you doing?

5 A. I was deployed at Daru Barracks as a soldier.

6 Q. For how long were you deployed there?

7 A. Well, it was for about a month; two, three, four months I
8 was deployed at Daru.

9 Q. I'm going to take you to 1997. Where were you in 1997?

10 PRESIDING JUDGE: What, for the whole year?

11 MR DANIELS: I'm speeding up.

12 THE WITNESS: In 1997, I was then in Freetown. I had a
13 pass in Daru. I came to Freetown.

14 MR DANIELS:

15 Q. By a pass, what do you mean?

16 A. They gave me a leave pass to come and relax for a week,
17 after which I should report to my deployment area. I came to
18 solve my house problems. That was why they gave me a pass for a
19 week.

20 Q. In what month was this?

21 A. Well, it was around -- it was around the month of November,
22 the month of November.

23 Q. Do you remember anything happening in Freetown around 25
24 May 1997?

25 A. Yes, sir.

26 Q. What do you recall?

27 A. Well, I was in my house. I heard firing. The firing that
28 I heard, the AFRC overthrew the SLPP government.

29 Q. Do you know the names of some of the soldiers who were

1 responsible for the overthrow of the SLPP government?

2 A. Yes, sir.

3 Q. Can you please tell this Court?

4 A. While at my home, when I had my leave pass, I heard over
5 the media, the national media, I heard Corporal Gborie. He came
6 on the air and announced about the overthrow of the SLPP
7 government, Gborie and Adams.

8 Q. Did you get to hear of anyone else as being responsible for
9 the overthrow of the Kabbah government, that you can remember?

10 A. No. I only knew about Corporal Gborie and Adams.

11 Q. Did you do anything on 25 May 1997?

12 A. Yes, sir.

13 Q. What did you do?

14 A. As a soldier, a well-trained combatant soldier, when I
15 heard the firing, I tried to go to the nearest barracks.

16 Q. Which barracks was that?

17 A. 1st Battalion, Wilberforce.

18 Q. And when you went there, did you report to anybody?

19 A. Yes, sir.

20 Q. Who did you report?

21 A. To the commander I met at 1st Battalion, Wilberforce.

22 Q. Can you give us his name, please?

23 A. Yes, sir. Captain Sallu was the commander to which I
24 report at Wilberforce headquarters.

25 Q. And when you reported to him, did he give you any
26 instructions?

27 A. Yes, sir.

28 Q. Please tell this Court.

29 A. The instruction that he gave me, he told me that I should

1 be on the alert. He said the soldiers had overthrown the SLPP
2 government, so we should stand firm to make sure that we did the
3 military work that time.

4 Q. On 25 May 1997, did you know the second accused, Ibrahim
5 Kamara?

6 A. Yes, sir.

7 Q. Do you know whether he was responsible for the overthrow of
8 the SLPP government?

9 A. No.

10 JUDGE DOHERTY: Mr Daniels, is that "I don't know" or no,
11 he didn't do it?

12 MR DANIELS: I shall clarify, Your Honour.

13 JUDGE DOHERTY: Thank you.

14 MR DANIELS:

15 Q. When you say "no," what do you mean?

16 A. Well, through the announcement, because it was
17 Corporal Gborie and Adams that I knew of who -- Corporal Gborie,
18 he came through the media, so they were the ones that I knew that
19 they overthrew the SLPP government.

20 Q. Did you eventually get to hear that the second accused was
21 responsible for the overthrow of the SLPP government?

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

23 Q. Did you know the second accused to have any position in the
24 AFRC government?

25 A. Yes. Yes, sir.

26 Q. What position did you know him to have?

27 A. I knew that the position he held was PLO 2.

28 Q. Did you say PLO 2?

29 A. No, sir. I said PLO 3.

1 Q. Thank you very much. As PLO 3, do you know what
2 assignments he had?

3 A. No, sir.

4 Q. Mr Witness, do you know whether the second accused, Ibrahim
5 Kamara, in his position as PLO 3, had any command control over
6 the SLA troops?

7 A. No, sir.

8 Q. What do you mean by "no"? You don't know, or he did not?

9 A. Repeat it, sir.

10 Q. The question I'm asking you is whether you know, "yes" or
11 "no," whether the second accused had command control over the SLA
12 troops in his capacity as PLO 3?

13 A. No, sir.

14 Q. Did you know whether he had any bodyguards?

15 A. No, sir.

16 JUDGE SEBUTINDE: Mr Daniels, I, for one, am totally lost.
17 I don't know these yeses or nos, what they are pointing to. They
18 are very ambiguous, capable of more than one meaning.

19 MR DANIELS: Very well.

20 Q. I asked you whether you knew whether he had command --
21 whether he had bodyguards, whether the witness -- the accused,
22 had bodyguards. When you say "no," I want you to be specific.
23 No, what? You don't know, or he did not have bodyguards?

24 A. No, I don't know.

25 Q. Thank you very much, Mr Witness.

26 A. Yes, sir. Thank you yourself.

27 Q. Mr Witness, do you know whether the second accused
28 commanded troops in Kenema District during the period of the AFRC
29 rule?

1 A. No, sir.

2 Q. Mr Witness, do you know who was, or who was the army
3 commander in Kenema District?

4 PRESIDING JUDGE: Look, once more, what exactly is he
5 saying; that he doesn't know or the second accused did not
6 command troops in Kenema?

7 MR DANIELS: I will clarify.

8 PRESIDING JUDGE: This is the last reminder I will give,
9 Mr Daniels. I will let the record stand as inconclusive from now
10 on.

11 MR DANIELS: Very well. Very well.

12 Q. Mr Witness, did the second accused have any control of
13 troops in Kenema District during the AFRC rule? "Yes" or "no."

14 A. No. No, sir.

15 Q. Mr Witness, where were you in February of 1998?

16 A. I was in Freetown, sir.

17 Q. Do you recall anything happening in Freetown in February
18 1998?

19 A. Yes, sir.

20 Q. What happened?

21 A. Well, in 19 -- in February 1998, ECOMOG intervened in the
22 country by air raiding and bombardments in the city. So there
23 was serious fighting between the SLAs and the ECOMOG troops. So
24 when the fighting was going on we, the SLAs, we realised -- we
25 realised that the land is ours and we were first class citizens
26 and this is the city, and it was a built up area, so before
27 casualties -- we and the ECOMOG, innocent people were dying we
28 decided to retreat tactically.

29 Q. Mr Witness, you said innocent people were dying; which

1 innocent people were dying?

2 A. The innocent people that were dying were the civilians
3 because the ECOMOG were just bombarding artilleries. They were
4 conducting air raids with jets. The infantry was launching at
5 120mm, 82mm mortars from Lungi to the city. That they call Olu
6 Lungi and the jet was using its cluster bombs. Anti-aircrafts.

7 Q. As a result of this intervention, did you do anything?

8 A. No. We retreated.

9 Q. Who did you retreat with?

10 A. I retreated with Akim, Lieutenant Akim, and Savage.

11 Q. Who was Lieutenant Akim?

12 A. He was an SLA soldier, an officer in the military force.

13 Q. And who was Savage?

14 A. Savage was a soldier, a soldier in the military force.

15 Q. Did he have a name, another name?

16 A. Yes, sir. Yes, sir.

17 Q. What was his name?

18 A. Mr Die.

19 Q. Where did you retreat to?

20 A. We retreated in the Western Area through the peninsula, and
21 went to Tombo.

22 Q. When you got to Tombo, did anything happen?

23 A. Well, when we got to Tombo, we met Bobson and Alimamy Yapo
24 Sesay.

25 Q. Carry on?

26 A. So we met Bobson Alimamy Yaku Sesay we saw some vehicles
27 coming from the peninsula. They were heading for the city. Some
28 politicians were in the vehicle. Bobson Alimamy Yapo Sesay he
29 was the first man to give the first shot so the politicians that

1 were in the vehicle, so they all jumped out of the vehicle.

2 Q. And how long did you stay at Tombo?

3 A. I was at Tombo up to three to four hours.

4 Q. Were you alone at Tombo?

5 A. No, sir.

6 Q. Who were you with?

7 A. I was with Lieutenant Akim, Savage, with Bobson Alimamy
8 Yapo Sesay. Me, myself, Mr Witness, I myself was there, with
9 other men.

10 Q. About how many other men were with you?

11 A. The men who were around were up to around 90 men, they were
12 around Tombo crossing the sea to go to Fogbo.

13 Q. These men, were they soldiers or civilians?

14 A. They were all soldiers. Most of them were soldiers. Ten
15 per cent of them were civilians. All of them were with us.

16 Q. And who were these civilians that were with you?

17 A. Well, the civilians, they were brothers. They were
18 different people, but we were all in the same country. They said
19 they were collaborators. They were fighting to ban them. That's
20 why they were with us, because ECOMOG was just bombarding
21 civilians. ECOMOG were using them. They were putting tyre on
22 them. That is why they said they decided to join us. They said
23 they were collaborators.

24 Q. Mr Witness --

25 A. Yes.

26 Q. From Tombo, did you get to Fogbo?

27 MR HARDAWAY: Objection, Your Honour, I don't believe he
28 mentioned Fogbo. I stand corrected.

29 MR DANIELS:

- 1 Q. Mr Witness, from Tombo did you get to Fogbo?
- 2 A. Yes, sir.
- 3 Q. How did you get there?
- 4 A. Went there by boat. We loaded the boat and crossed.
- 5 Q. Was this in the day or the night?
- 6 A. It was during the daytime.
- 7 Q. From Fogbo, did you go anywhere?
- 8 A. Yes, sir.
- 9 Q. Where did you go to?
- 10 A. Masiaka.
- 11 Q. How long did it take you to get Masiaka?
- 12 A. Well, I should say some four, five hours, by foot, on foot.
- 13 Q. And when you got to Masiaka, did you see anything?
- 14 A. Yes, sir.
- 15 Q. What did you see?
- 16 A. Well, I met lot of SLAs in Masiaka.
- 17 Q. Can you estimate how many SLAs you met at Masiaka 100, 200,
- 18 500, 1,000. Just give us your guess, or give us what you know, I
- 19 beg your pardon?
- 20 A. Well, in Masiaka, I met over 350 SLAs in Masiaka.
- 21 Q. And at Masiaka, did anything happen?
- 22 A. Yes, sir.
- 23 Q. What happened?
- 24 A. Well, most of the senior military officers, they were in
- 25 Masiaka. One, the chairman of the AFRC, Johnny Paul Koroma, he
- 26 was in Masiaka and, after that, Five Star General SAJ Musa, he
- 27 was in Masiaka. Zagalo. Abu Sankoh, alias Zagalo.
- 28 Q. Mr Witness, did you see the second accused at Masiaka?
- 29 A. Yes, sir, I saw him at Masiaka.

- 1 Q. Were there any civilians at Masiaka?
- 2 A. Yes, sir.
- 3 Q. And where did they come from?
- 4 A. From the city, Freetown.
- 5 Q. And while you were at Masiaka, did JPK do anything but,
- 6 before I go on, who is JPK?
- 7 A. JPK, he was the chairman of the AFRC.
- 8 Q. Does he have --
- 9 A. Johnny Paul Koroma.
- 10 Q. Do you know his full name?
- 11 A. Johnny -- Johnny Paul Koroma. He was the chairman of the
- 12 AFRC government. Johnny Paul Koroma.
- 13 Q. I ask the question now: While at Masiaka, did Johnny Paul
- 14 Koroma do anything?
- 15 A. Yes, sir.
- 16 Q. What did he do?
- 17 A. He came through the media, the international media and told
- 18 the world that he was all over the Lion Mountain.
- 19 Q. How do you know he came over the international media?
- 20 A. I listen it through the radio, at Masiaka.
- 21 Q. And when you say that "he was all over the Lion Mountain,"
- 22 what do you mean?
- 23 A. Well, what I meant about that, to say he was over the Lion
- 24 Mountain, well, I meant that because he was trying to say that we
- 25 should retreat, we should repel the attack so that we should use
- 26 the Lion Mountain to repel the attack. The route that ECOMOG
- 27 used to enter, or the route that was used to attack them again.
- 28 Q. Where is the Lion Mountain?
- 29 A. The city. The hills right around the city.

- 1 Q. Apart from talking about the Lion Mountains, did Johnny
2 Paul Koroma do anything else in Masiaka?
- 3 A. I knew, sir. That was all. He did not do any other thing,
4 sir.
- 5 Q. For how long were you at Masiaka?
- 6 A. Just one day.
- 7 Q. From Masiaka, did you go anywhere?
- 8 A. Yes, sir.
- 9 Q. Where did you go?
- 10 A. I went to Makeni.
- 11 Q. And at the time that you were at Masiaka, where you said
12 you saw the second accused, was he exercising any command control
13 over the troops at Masiaka; "yes" or "no"?
- 14 A. No.
- 15 Q. And how long did it take you to get to Makeni, from
16 Masiaka?
- 17 A. Well, it was just two, three hours drive to get to Makeni.
- 18 Q. And when you got to Makeni, was the second accused present?
- 19 A. No, sir.
- 20 Q. Do you know where he was?
- 21 A. No, sir, I didn't know where he was.
- 22 Q. Did you go to Makeni alone?
- 23 A. No.
- 24 Q. Who did you go with?
- 25 A. I went with two, three men who were my men; they were with
26 me.
- 27 Q. Can you tell us their names?
- 28 A. I was with Sallu. I was with Man Jabbie.
- 29 Q. And who else?

1 A. I was with Ishmael.

2 MR DANIELS: Sallu, Your Honours, I have S-A-L-U [sic], Man
3 Jabbie, two words, M-A-N J-A-B-B-i-E. And Ishmael,
4 I-S-H-M-A-E-L.

5 JUDGE SEBUTINDE: Mr Daniels, are you sure this kind of
6 question will not identify your witness?

7 MR DANIELS: Your Honours, I don't think so.

8 Q. And for how long were you at Makeni?

9 A. I was there for two days.

10 Q. Did anything happen while you were at Makeni?

11 A. Yes, sir.

12 Q. What happened?

13 A. Well, I was in Makeni. I was there when I heard that the
14 ECOMOG were coming. They were advancing to push us on the wall.

15 Q. Who was in charge of the troops at Makeni?

16 MR HARDAWAY: Objection, Your Honour. There's no evidence
17 that there were troops at Makeni.

18 PRESIDING JUDGE: What do you say, Mr Daniels?

19 MR DANIELS: They are soldiers.

20 MR HARDAWAY: He also stated he went with a couple of other
21 people. There is no evidence there were soldiers in Makeni.

22 MR DANIELS:

23 Q. How many were you at Makeni?

24 JUDGE SEBUTINDE: He called -- he said he went with his
25 men. We don't know who these men were.

26 MR DANIELS: Very well. I shall continue.

27 Q. Was -- were there any senior commanders at Makeni?

28 A. Yes, senior commanders were there. There were many of them
29 who were senior commanders. Men like SAJ Musa, they were around.

- 1 Q. Were there other soldiers at Makeni?
- 2 A. Yes, sir. Many soldiers were in Makeni.
- 3 Q. About how many?
- 4 A. There were so many. There were more than four, 500.
- 5 Q. Did the senior commanders do anything while you were at
- 6 Makeni?
- 7 A. No, sir.
- 8 Q. And from Makeni, did you go anywhere?
- 9 A. Yes, sir.
- 10 Q. Where did you go to?
- 11 A. I went to Kabala.
- 12 Q. And how did you get to Kabala?
- 13 A. I used a vehicle to get to Kabala.
- 14 Q. Do you know when it was that you arrived at Kabala?
- 15 A. I arrived at Kabala around March.
- 16 Q. Of what year?
- 17 A. 1998. 1998.
- 18 Q. Were there other soldiers at Kabala?
- 19 A. Yes, sir. There were many soldiers in Kabala.
- 20 Q. Did you see the second accused at Kabala?
- 21 A. No, sir. No, sir.
- 22 Q. Who was in charge of the soldiers at Kabala?
- 23 A. It was Five Star General SAJ Musa.
- 24 Q. And for how long were you at Kabala?
- 25 A. We were there up to a month.
- 26 Q. Did anything happen while you were at Kabala?
- 27 A. Yes, sir.
- 28 Q. Please tell us what happened?
- 29 A. Well, when I was in Kabala, I got information that PLO 3,

1 they had an accident.

2 Q. By PLO 3, are you referring to the second accused, Ibrahim
3 Kamara?

4 A. Yes, sir.

5 Q. Who gave you this information?

6 A. Soldiers gave me the information.

7 Q. And do you know where the accident occurred?

8 A. No, sir.

9 Q. Do you know whether anything happened to the second accused
10 as a result of the accident?

11 A. Yes, sir.

12 Q. What happened?

13 A. According to the information I got, they said the vehicles
14 had a somersault, but I didn't see it. I wasn't there. I only
15 got the information that they had a somersault.

16 Q. Do you know who the second accused was with at the time of
17 the accident?

18 A. Well, from the information they said he was with Junior
19 Lion.

20 Q. Was he with anyone else, apart from Junior Lion?

21 A. Well, according to information that was what I was told.
22 They told me that he had an accident with Junior Lion.

23 Q. And, Mr Witness, who is Junior Lion?

24 A. Junior Lion is a man, he was a soldier.

25 Q. Does he have another name?

26 A. Yes, sir.

27 Q. What is that name?

28 A. Junior Johnson.

29 Q. Mr Witness, apart from getting information about the

1 accident of the second accused, that you heard in Kabala, did
2 anything else happen in Kabala while you were there?

3 A. Yes, sir.

4 Q. What happened?

5 A. Well, I was in Kabala. Five Star General SAJ Musa, called
6 a muster parade. And said now, the chairman of AFRC, who was
7 Johnny Paul Koroma, had decided to go to Kailahun. So he needed
8 an escort. To escort -- to escort Johnny Paul Koroma to
9 Kailahun.

10 Q. And did anything happen as a result of this announcement?

11 A. Yes, sir.

12 Q. What happened?

13 A. From there, they organised manpower to go and meet Johnny
14 Paul and to convoy him to Kailahun, Kono to Kailahun.

15 Q. When you say they organised manpower, who organised
16 manpower?

17 A. Five star SAJ Musa.

18 Q. Did you go together with this manpower to Kailahun?

19 A. No, sir.

20 Q. And apart from this announcement, did anything else happen
21 in Kabala, while you were there?

22 A. Yes, sir.

23 Q. What happened?

24 A. From there, what happened in Kabala, when Five Star General
25 SAJ Musa had organised the team to take Johnny Paul to Kono and
26 Kailahun, we heard an information that the ECOMOG was on its way
27 to capture Kabala. They understood that SAJ Musa was in Kabala.

28 Q. How did you get this information?

29 A. Well, I got the information through Five Star General on a

1 muster parade.

2 Q. Who was the second in command to the Five Star General SAJ
3 Musa?

4 A. FAT Sesay was the second in command, after SAJ Musa; FAT.

5 Q. And at the time that you were at Kabala, where was Johnny
6 Paul Koroma?

7 A. John, Johnny Paul Koroma, while I was in Kabala he was at
8 his village, according to information.

9 Q. Do you know the name of his village?

10 A. I can't recall.

11 Q. Do you know in what district his village is situated?

12 A. Well, his village is in the Northern Province. It's in the
13 north. North.

14 Q. Did ECOMOG eventually attack the troops at Kabala?

15 A. Yes, sir.

16 Q. When was this?

17 A. Around March, at the end of March.

18 Q. And do you know whether -- or please tell this Court, was
19 JPK escorted to Kono and Kailahun?

20 A. Yes, sir. He was escorted but I did not go. I was in
21 Kabala.

22 Q. And do you know who escorted him to Kono?

23 JUDGE DOHERTY: I thought it was Kailahun.

24 MR DANIELS: He said Kono and Kailahun, respectfully.

25 THE WITNESS: Repeat it.

26 MR DANIELS:

27 Q. Do you know who escorted Johnny Paul Koroma to Kono and
28 Kailahun?

29 A. Well, according to information, when Five Star General SAJ

1 Musa got -- SAJ Musa, Superman, Savage were the men who escorted
2 Johnny Paul Koroma to Kono and Kailahun.

3 Q. And who was Superman?

4 A. Superman was one of the RUF commanders. He was called
5 Denis Mingo, alias Superman.

6 Q. And when the ECOMOG attacked Kabala, where were you?

7 A. I was in Kabala Town. I withdrew tactically, without
8 firing anything. No firing. There was no sound. That was what I
9 meant by tactically.

10 Q. And where did you withdraw to?

11 A. When we withdrew, the first point that we went was Mongo
12 Bendugu. Mongo Bendugu.

13 Q. And who did you withdraw with to Mongo Bendugu?

14 A. I withdrew with Five Star General SAJ Musa.

15 Q. Did you withdraw with other soldiers?

16 A. Yes, sir.

17 Q. And where were the civilians at this time, those who came
18 from Freetown?

19 A. Well, the civilians were with us. SAJ Musa was protecting
20 them because they were civilians.

21 Q. And I'm going to ask you whether the second accused was
22 present at Mongo Bendugu?

23 A. No, sir.

24 Q. And how did you get to Mongo Bendugu?

25 A. We used vehicles to go there. It was vehicles that we used
26 to go there.

27 Q. Do you know which district Mongo Bendugu is in?

28 A. Yes, sir.

29 Q. Please tell the Court?

- 1 A. Mongo Bendugu is in Koinadugu District. Koinadugu
2 District.
- 3 Q. And for how long were you in Mongo Bendugu?
- 4 A. Well, for about a month we were in Mongo Bendugu.
- 5 Q. While you were at Mongo Bendugu, did anything happen?
- 6 A. Yes, sir.
- 7 Q. What happened?
- 8 A. Well, at Mongo Bendugu, it was there SAJ Musa, five star
9 general, called a muster parade and it was there he started
10 giving us ranks, from lieutenant to captain.
- 11 Q. Were you given a rank?
- 12 A. Yes, sir.
- 13 Q. What rank were you given?
- 14 A. Lieutenant.
- 15 Q. Who was the second in command to SAJ Musa at Mongo Bendugu?
- 16 A. Well, SAJ Musa had an adviser, who was Brigadier Mani, he
17 was the adviser to him.
- 18 Q. Did SAJ Musa give Brigadier Mani his ranking?
- 19 A. Well, no, because Brigadier Mani left here with his rank.
- 20 Q. So you mean it was an SLA rank?
- 21 A. Yes, sir. Yes, sir.
- 22 Q. Apart from giving out ranks at the muster parade, did
23 anything else happen while you were in Mongo Bendugu?
- 24 A. Yes, sir.
- 25 Q. What happened?
- 26 A. Well, at Mongo Bendugu, the ECOMOG heard an information
27 that our Five Star General SAJ Musa, stayed at Mongo Bendugu, so
28 they used an air raid. That was an Alpha Jet, to bombard Mongo
29 Bendugu. And when the Alpha Jet reached there, it used all its

1 support weapons against Mongo Bendugu. It could be MG grenade
2 launcher; AA anti-aircraft, one barrel. From there it used
3 cluster bombs and bombarded the entire town. Killed innocent
4 civilians, and soldiers, in Mongo Bendugu.

5 Q. Did you see any innocent civilians killed in Mongo Bendugu
6 as a result of the bombardment?

7 A. Yes, a lot of civilians died as a result of that, the
8 bombardment. They were just bombarding the town. So they killed
9 innocent civilians. That made SAJ Musa --

10 Q. Do you know how many civilians were killed?

11 A. Well, during that time when the bombardment was going on, I
12 was unable to count the civilians who died, but they died.

13 Q. And how do you know that the Alpha Jet was an ECOMOG Alpha
14 jet?

15 A. Well, that was the jet they used against us during the
16 intervention in the city, in February 27, 1998, so we knew the
17 Alpha Jet, so we saw it flying in the air when it was bombarding,
18 when the bombs were exploding. So we hid in corners, we deployed
19 in corners and saw.

20 Q. Apart from the killing of some soldiers, and innocent
21 civilians, did anything else happen in Mongo Bendugu as a result
22 of the air raids?

23 A. Yes, sir.

24 Q. What happened?

25 A. Well, that made the troops split into two. SAJ Musa went
26 to Kurubonla.

27 Q. Listen to the question. Did anything else happen in Mongo
28 Bendugu Town, as a result of the Alpha Jet bombardment, apart
29 from the killing of the people you mentioned?

- 1 A. Yes.
- 2 Q. What happened?
- 3 A. We avoided the town.
- 4 Q. Carry on. You were saying? You were talking about a
5 split. Carry on, Mr Witness?
- 6 A. Well, when the Alpha Jets bombarded Mongo Bendugu Town,
7 that made the troops to be divided into two. One of the groups
8 went with Brigadier Mani to Kal faya at the borderline called wall
9 Waliya. SAJ Musa, the Five Star General, withdraw.
- 10 MR DANIELS: Kal falia, I think K-A-L-F-A-L-I-A [sic].
- 11 Q. Please carry on. You said one troop went with
12 Brigadier Mani and the other went with?
- 13 A. SAJ, Five Star General SAJ Musa to Kurubonla.
- 14 Q. How do you know this?
- 15 A. It was through communication.
- 16 Q. What type of communication?
- 17 A. Signal set.
- 18 Q. Where did you go?
- 19 A. I went with Brigadier Mani at Kal faya.
- 20 Q. Where is Kal faya? In what district is it?
- 21 A. Koinadugu District.
- 22 Q. And how long is it from Mongo Bendugu?
- 23 A. It was just 9 to 11 miles, the difference.
- 24 Q. And for how long were you at Kal faya?
- 25 A. Well, we spent there a day. The next day we moved.
- 26 Q. You moved to where?
- 27 A. We moved to the highway, the Freetown Highway.
- 28 Q. How many of you went to Kal faya?
- 29 A. Up to 115.

1 Q. Your Honours, I believe I heard 150. I don't know whether
2 the interpreter?

3 PRESIDING JUDGE: I thought it was 115 that the interpreter
4 said, but you better ask.

5 MR DANIELS:

6 Q. Mr Witness, for clarity sake can you tell us about -- what
7 did you just say how many of you went to Kal faya?

8 A. We were 115.

9 Q. How do you know that you were 115?

10 A. I --

11 THE INTERPRETER: Your Honour, could the witness take his
12 answer again.

13 PRESIDING JUDGE: Mr Witness, the interpreter didn't keep
14 up with you. Could you please repeat your answer.

15 MR DANIELS:

16 Q. The question may help you. How do you know that you were
17 115?

18 A. Well, how I managed to know that we were 115, during that
19 time, I was a lieutenant and they made a muster parade and we had
20 a couple, a discipline sergeant, they were trying to know the
21 number of member that were in that muster parade. They gave a
22 total. It was 115. They gave it to Brigadier Mani.

23 Q. Who was the second in command to Brigadier Mani?

24 A. During that time, we were having Captain Serry.

25 Q. And I have to ask you this question: Mr Witness, was the
26 second accused with you at Kal faya?

27 A. No, sir.

28 Q. From Kal faya, did you go anywhere?

29 A. Yes, sir.

1 Q. Where did you go to?

2 A. We came towards Batkanu area. Bombali District.

3 Q. When was it that you went to Batkanu in the Bombali
4 District?

5 A. It was around April.

6 Q. Of what year?

7 A. 1998.

8 Q. And how many of you went to Batkanu in the Bombali
9 District?

10 A. We were 115.

11 Q. And for how long were you at Batkanu?

12 A. A month.

13 Q. Did anything happen while you were at Batkanu?

14 A. Yes, sir.

15 Q. What happened?

16 A. Well first, when we went with Brigadier Mani, we had one
17 soldier who was called Lieutenant Bushfall, who came with a
18 surrender paper. From there, he convinced some of the officers
19 and showed them the paper. He showed Brigadier Mani the paper
20 and said this is the paper that they said all soldiers should
21 report. They wouldn't do any soldier anything. All soldiers
22 should report and, from there, I looked at the paper, the
23 surrender paper and said I was a soldier. I won't surrender for
24 anybody. From there, the agreement between them, when we had
25 gone, they said we should be in front, we should fight with them.
26 They were behind. They past and surrendered to the ECOMOG
27 soldiers.

28 Q. Take your answer slowly. Mr Witness, who surrendered to
29 the ECOMOG soldiers?

- 1 A. The second. The second in command to Brigadier Mani, who
2 is Captain Serry. Lieutenant Tumani.
- 3 Q. And where did they surrender to the ECOMOG soldiers?
- 4 A. They surrendered around the Batkanu area.
- 5 Q. When -- do you know how many soldiers surrendered?
- 6 A. Up to, up to 60 soldiers.
- 7 Q. And these 60 soldiers, are they out of the 115 that were
8 with Brigadier Mani?
- 9 A. Yes, sir.
- 10 Q. And when the soldiers surrendered to the ECOMOG, did
11 anything happen?
- 12 A. Yes, sir.
- 13 Q. What happened?
- 14 A. They -- they were executed. They were killed. All of
15 them.
- 16 Q. How do you know this?
- 17 A. It was through Brigadier Mani.
- 18 Q. Who executed them?
- 19 A. ECOMOG soldiers.
- 20 Q. And where were they executed?
- 21 A. They were executed around Batkanu.
- 22 Q. So what happened to the remainder of the Brigadier Mani
23 troops?
- 24 A. Well, what happened, we were there till we were trying
25 to -- we were waiting for the next men to come. Then we saw
26 Brigadier Mani. He ran and came to us, he and his bodyguards.
27 He said "Oh, my soldiers. Those men, Captain Serry and the other
28 men, ECOMOG had killed them all, so what are we going to do now?"
- 29 Q. Just a minute, Mr Witness.

1 MR DANIELS: Your Honours, the second accused would like to
2 be escorted out.

3 PRESIDING JUDGE: Yes, Mr Kamara can leave the Court.

4 MR DANIELS:

5 Q. Mr Witness, so what happened when --

6 A. Then, Brigadier Mani met us. He told us that all the men,
7 ECOMOG had killed them all. Then I asked him, me myself,
8 Mr Witness, I asked him, "Brigadier, where did you leave those
9 men?" Then he said ECOMOG had killed them all. Then I asked him
10 where. Then he told us the place. Then I told him, the
11 Brigadier that I make sure, I will see if it's true. Then I went
12 there. I went there and saw. They cut some hands -- some heads.

13 Q. You said you went to verify whether the soldiers were
14 executed?

15 A. Yes.

16 Q. When you went, what did you see?

17 A. I saw them. They had been killed. They chopped off their
18 heads, placed them on checkpoints. Removed some their hands.
19 They removed their intestines and made them a checkpoint. From
20 there, I decided to launch an offensive against the ECOMOG
21 because they had executed our men. So we launched an attack, an
22 offensive.

23 Q. When you went to verify whether the ECOMOG soldiers had
24 been killed, did you go alone?

25 A. No, sir.

26 Q. Who did you go with?

27 A. I went with the remaining men, who were up to 55 men, who
28 left. I went with them for observation, to see it was real story
29 that Brigadier Mani came and told us. So we went and saw with

1 our own eyes. We saw Captain Serry's head on a point.
2 Lieutenant Tumani we see his head on a checkpoint and the other
3 soldiers, they were mutilated, the top of their hands, they
4 removed their entrails and made them as a checkpoint.

5 Q. All right, Mr Witness thank you.

6 JUDGE SEBUTINDE: I am sorry. He named two names that the
7 interpreter was too quick. I didn't catch them. Who had been
8 beheaded I think. Two captains.

9 MR DANIELS:

10 Q. You mentioned two captains who had been beheaded. Can you
11 go over that, please, for the Court?

12 A. Yes. Captain Serry, and --

13 Q. Can you spell captain Serry?

14 A. No, I'm unable to spell it.

15 Q. S-E-R-R-Y?

16 A. Serry, and Lieutenant Tumani.

17 MR DANIELS: T-U-M-A-N-I.

18 Q. Did you launch the attack against the ECOMOG?

19 A. Yes, sir.

20 Q. What happened?

21 A. Well, we overcame them, when we launched the offensive
22 attack and we made sure that we captured arms and ammunition from
23 them and we moved them out of Batkanu area. Batkanu area. We
24 flushed them out of that area. We captured all their arms and
25 ammunitions.

26 Q. Mr Witness, you have to get used to this question. I'm
27 going to keep asking you, was the second accused with you at this
28 time?

29 A. No, sir.

1 Q. And for how long were you in Batkanu after this offensive
2 you just told us about?

3 A. We as we moved out from Batkanu we decided to make a base
4 around Batkanu, a camp. We decided to make a base around
5 Batkanu.

6 Q. Where did you make a base? Where exactly, do you know?

7 A. We made a base around Petifu.

8 MR DANIELS: P-E-T-I-F-U-L [sic], I have as the spelling.

9 Q. And in what district is Petifu?

10 A. Bombali District.

11 Q. Mr Witness, do you know what happened to the other soldiers
12 that remained with SAJ Musa?

13 A. Well, no.

14 Q. And for how long were you in Petifu?

15 A. One month and some days.

16 Q. What month are you talking about?

17 A. Around June, July.

18 Q. Of which year?

19 A. 1998.

20 Q. And after that, did anything happen?

21 A. Yes, sir.

22 Q. What happened?

23 A. We decided to withdraw again and go to Five Star General at
24 Kurubonla.

25 Q. Did you eventually go to Kurubonla to meet the Five Star
26 General?

27 A. Yes, sir.

28 Q. How many of you went to Kurubonla?

29 A. Well, we were 55 who were going, but when we were on our

1 way to Kurubonla, we caught some soldiers who were hiding on
2 their farms and villages.

3 Q. Who were these soldiers that you caught? What faction did
4 they belong to?

5 A. They were SLA soldiers.

6 Q. And where did you go with them?

7 A. We took them to Five Star General SAJ Musa at Kurubonla.

8 Q. Was Brigadier Mani with you?

9 A. Yes, sir.

10 Q. And at this time, who was the second in command of the
11 movement back to Kurubonla?

12 A. Repeat it again.

13 Q. Who was the second command of the movement?

14 A. In Kurubonla?

15 Q. From Petifu to Kurubonla?

16 A. Well, it was Brigadier Mani. He was the commander and the
17 next in command was Jegbe Musa, the second in command.

18 Q. And when did you arrive at Kurubonla?

19 A. Towards the end of July.

20 Q. And when you got to Kurubonla, did anything happen?

21 A. Yes, sir.

22 Q. What happened?

23 A. We met SAJ Musa there, the Five Star General, with SLA
24 soldiers.

25 Q. How many were you at the time you got to meet SAJ Musa?

26 A. Well, at that time we were around 62 men, 62 manpower.

27 Q. And at the time you went back to meet SAJ Musa, did you see
28 the second accused present?

29 A. No, sir.

1 Q. And after you met with SAJ Musa, did anything happen in
2 Kurubonla?

3 A. Yes, sir.

4 Q. What happened?

5 A. We met our -- we met about 5 to 7 miles in Kurubonla,
6 ECOMOGs were based there. They were -- they were on brigade
7 advancing towards Kurubonla, to capture SAJ Musa. Then SAJ Musa
8 gave us the task to move them from there. That was Mongo
9 Bendugu. So we met ECOMOG, they were well-fortified with
10 45-barrel tanks, armoured cars and canons, and with -- we
11 assaulted the ECOMOG troops at Mongo Bendugu. We repelled them
12 from the ground. We captured all the artilleries from them. The
13 44 barrels -- that is, that is 44 calibre, that is 40 barrels.
14 From there, we captured tanks. We captured armoured cars and
15 canons and AAs from them with 354 box of ammunitions.

16 Q. Mr Witness, were you part of that offensive? Did you take
17 part in that offensive?

18 A. Yes, I was there.

19 Q. Who led the attack?

20 A. Well, it was Major T.

21 Q. What faction did he belong to?

22 A. SLA.

23 Q. And after this attack on the ECOMOG, this successful
24 attack, did anything happen?

25 A. Yes, sir.

26 Q. What happened?

27 A. From there, we withdrew to Kurubonla. We -- we gave the
28 situation report to Five Star General, SAJ Musa.

29 Q. And for how long were you in Kurubonla when you withdrew to

1 Kurubonla?

2 A. Well, after the Mongo Bendugu attack when we were going we
3 didn't take four days in Kurubonla. We left.

4 Q. And when you got to Kurubonla, who was second in command to
5 SAJ Musa?

6 A. It was Brigadier Mani.

7 Q. And when you withdrew to Kurubonla, after the successful
8 attack, did anything happen in Kurubonla?

9 A. Yes, sir.

10 Q. What happened?

11 A. Five Star General called up a muster parade, SLA muster
12 parade, and he told us that now some of our brothers had left so
13 open up a base.

14 Q. He told you that some of your brothers had left to open a
15 base. Are you referring to soldiers?

16 A. Yes, sir.

17 Q. And do you know where they had left to, to open a base?

18 A. Yes. Yes, sir.

19 Q. Where had they left to?

20 A. They went, they went through Rosos and Colonel Eddie Town.

21 Q. What month was this?

22 A. Well, at that time, when they went, I cannot recall the
23 exact month.

24 Q. Do you know which soldiers had left to open a base in Rosos
25 and Eddie Town?

26 A. Yes, sir.

27 Q. Please tell the Court.

28 A. Well, the troops that the Five Star General SAJ Musa sent
29 to open up a base at Rosos, the first in command was FAT. The

1 second in command Captain Eddie adjutant. The third in command
2 Captain King, military police.

3 Q. How do you know this?

4 A. Well, it was through the Five Star General, SAJ Musa, I
5 knew that.

6 Q. And after you had been told that some of your soldiers had
7 gone to form a base, did anything else happen in Kurubonla?

8 A. Yes, sir.

9 Q. What happened?

10 A. The Five Star General, he called O-Five. He said, "Well,
11 you, O-Five, you should be the commander. You," I'm the witness,
12 "Junior Sheriff, you should go and find your brothers."

13 Q. Who was O-Five?

14 A. O-Five, he was the operation commander for the second troop
15 that SAJ Musa formed to find the men at Rosos and
16 Colonel Eddie Town.

17 Q. Did he have another name apart from O-Five?

18 A. Well, I only knew about O-Five.

19 Q. And what was his rank?

20 A. At that time, he was a major.

21 Q. Did you eventually go to find those who had found a base at
22 Rosos and Eddie Town?

23 A. Yes, sir.

24 Q. Do you know when it was that you left to go to Rosos and
25 Eddie Town?

26 A. I can't recall the time.

27 Q. Why was he asking you to find the advance group?

28 A. The reason why he asked us to look for the advancing was
29 that they had lost communication. That was between Five Star and

1 Colonel F --

2 THE INTERPRETER: Your Honour, could the witness repeat his
3 testimony.

4 MR DANIELS:

5 Q. Can you just repeat what you said a minute ago, the reason
6 why he sent you to follow the advance troop?

7 A. Well, he sent us -- he said we should go and look for the
8 first troop that was FAT's troop at -- which was at Rosos --
9 because he understood that some men wanted to surrender.

10 Q. I also heard you mention something about communication, if
11 I'm right. What did you say?

12 A. Yes. There was lack of communication. There was no confer
13 between Five Star General and FAT.

14 Q. So did you eventually go to find the advance party?

15 A. Yes, sir.

16 Q. And did you find the advance party?

17 A. Yes, sir.

18 Q. How many of you left to find the advance party?

19 A. Well, it was one company which was, which comprised 115
20 men. One company.

21 Q. And which route did you take?

22 A. Well, the route that we used, we passed through Masofinia
23 Yarya.

24 Q. And when you got to Eddie Town -- did you get to Eddie
25 Town?

26 A. Yes, sir. Yes, sir.

27 Q. And when you got to Eddie Town, what did you see?

28 A. Well, when I reached Eddie Town, I met the arrested
29 soldiers who were AFRC men. They arrested them. They said they

1 wanted to go and surrender. I met them in a box. They were
2 tortured and locked in a box.

3 Q. At the time you got to Eddie Town, who was the commander of
4 the troop?

5 A. The commanders for the troops that I met, FAT.

6 Q. And who was the second in command?

7 A. Captain Eddie.

8 Q. Do you know why Eddie Town was called Eddie Town?

9 A. Well, according to the information that I got from the man
10 himself, who was the second in command, Captain Eddie, he said he
11 was the founder of Colonel Eddie Town. They named the town after
12 his name. He was the founder. He founded the town.

13 Q. Did the town have another name?

14 A. Yes, sir.

15 Q. What was the name?

16 A. Rogberi.

17 Q. And who were these persons that you said you saw were under
18 arrest at Eddie Town?

19 A. I met Tamba Brima under arrest.

20 Q. And by Tamba Brima --

21 A. I met --

22 Q. -- do you mean the first accused?

23 A. Yes, sir.

24 Q. Who else did you meet?

25 A. I met the second accused, Ibrahim Kamara. After that, I
26 met the third accused, who is Borbor Santigie Kanu. From there,
27 I met Abdul Sesay. I met Biobo. And I met Honourable Woyoh.

28 Q. Do you know who arrested them?

29 A. Yes, sir.

1 Q. Please tell us.

2 A. Junior Lion, Baski, O-Five, and Foday Bah Marah, and Bobson
3 Alimamy Yapo Sesay.

4 Q. Do you know why they were arrested?

5 A. Yes, sir.

6 Q. Please tell this Court.

7 A. Well, why they were arrested, they said they were the one
8 that caused the soldiers to go into the bush. Now they wanted to
9 go and surrender. They were in hiding. This one had a gun and
10 hid in his village. Zagalo was run away, ECOMOG had caught him
11 and he had been killed. This one again was fighting to run away
12 so that was --

13 Q. Mr Witness, please take your time.

14 A. Yes, sir.

15 Q. Please carry on, but a bit slowly.

16 A. Yes, sir.

17 Q. You mentioned Zagalo.

18 A. Yes, sir. They said Zagalo had surrendered. ECOMOG had
19 caught him and they had killed him. These other men again they
20 were in hiding. That was why they dispatched troops to capture
21 them and bring them.

22 Q. Can you describe precisely where they were being kept? You
23 said in a box. But can you give some more information? Where
24 exactly would they be? Can you describe the area where they were
25 kept?

26 A. In Colonel Eddie Town.

27 Q. When exactly was it that you arrived at Colonel Eddie Town?

28 A. Well, I arrived at Colonel Eddie Town around -- because I
29 took, I arrived at Colonel Eddie Town around -- around August.

1 Q. Of what year?

2 A. 1998.

3 Q. Can you describe the box that you were talking about, where
4 you saw the accused kept?

5 A. Yes, sir. Yes, sir.

6 Q. Go ahead.

7 A. The box was a wooden box, the box in which people put the
8 country rice. It is a square box. They placed them there, in
9 batches of two. A wooden box.

10 Q. How do you know that Junior Lion arrested them?

11 A. Well, I saw him. I saw him there and I saw the men inside
12 the box, and they told me that this was the reason why they
13 arrest them. They arrested them. It was Junior Lion who
14 arrested them because they wanted to go and surrender and they
15 were the ones that caused for our being in the bush. I went
16 there and I saw them inside of the box.

17 Q. At this time, where was the Five Star General, SAJ Musa?

18 A. SAJ Musa was at Kurubonla at -- during that time.

19 Q. Did he eventually come to Colonel Eddie Town?

20 A. Yes, sir.

21 Q. Do you know when it was that he came to Colonel Eddie Town?

22 A. Around November. Around November the 25th, 1998, he came
23 to Colonel Eddie Town.

24 Q. Were you there when he came?

25 A. Yes, sir. I was there, sir.

26 Q. And who did he come with?

27 A. Well, he came with Colonel Terminator, with Alabama, and
28 Gold Teeth, with Ashim Pikin, MPFL, they were the commanders I
29 knew that he came with.

1 Q. Apart from the commanders, did SAJ Musa come with any other
2 soldiers?

3 A. Yes, he came with soldiers. He came with soldiers from
4 Kurubonla.

5 Q. And about how many were there?

6 A. Well, I did not know the number, but he came with a lot of
7 men who were soldiers.

8 Q. And at this time where was Brigadier Mani?

9 A. He remained at the rear. He remained behind. SAJ Musa
10 left him behind in Koinadugu District.

11 Q. And where were the civilians?

12 A. SAJ Musa still moved with them. He secured them.

13 Q. Were you there when the civilians arrived?

14 A. Yes, sir. I was there, sir.

15 Q. And these civilians, were they men, women, children?
16 Please describe.

17 A. Well, they were mixed. They had men, women. Men were
18 there, women were there with us.

19 Q. And these civilians, were they free to go or did they come
20 voluntarily?

21 A. Well, the civilians, because they saw --

22 THE INTERPRETER: Your Honour, could the witness take the
23 answer again.

24 MR DANIELS:

25 Q. Can you repeat your answer, please?

26 A. Yes; repeat the question.

27 Q. I was asking whether the civilians were there voluntarily
28 or whether they were brought there by force?

29 A. They were willing to join the troops because they were of

1 the opinion that if they remained their companion civilians will
2 kill them. That was why they were killing to join us.

3 Q. So who was the overall commander after SAJ Musa arrived at
4 Colonel Eddie Town?

5 A. Well, when SAJ Musa arrived at Colonel Eddie Town, he
6 called a muster parade. FAT called the muster parade and handed
7 the power to SAJ Musa. SAJ Musa became the overall commander.

8 MR DANIELS: Your Honours, I'm looking at the time and I'll
9 be moving on to another area.

10 PRESIDING JUDGE: Yes. Thank you, Mr Daniels. Mr Witness,
11 we are going to adjourn now until tomorrow morning. I will just
12 repeat that warning we gave you, that you are not permitted to
13 discuss your evidence or the case with any other person.

14 THE WITNESS: Yes, sir. No problem. Thank you.

15 PRESIDING JUDGE: Thank you. We will adjourn until 9.15
16 tomorrow morning.

17 THE WITNESS: Okay, sir. Thank you.

18 [Whereupon the hearing adjourned at 4.00 p.m.,
19 to be reconvened on Friday, the 6th day of
20 October 2006, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. 29	32
Exhibit No. 30	76

WITNESSES FOR THE DEFENCE:

WITNESS: DBK-037	2
CROSS-EXAMINED BY MR HARDAWAY	2
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