

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

THURSDAY, 6 OCTOBER 2005  
9.20 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Mr Geoff Walker Ms Susan Gunstone
For the Prosecution:	Ms Lesley Taylor Ms Wambui Ngunya Ms Melissa Pack Mr Jim Hodes Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	Mr Ibrahim Foday Mansaray
For the accused Alex Tamba Brima:	Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Geert-Jan Alexander Knoops Mr Ajibola E Manly-Spain

1 [AFRC06OCT05A - RK]  
2 Thursday, 6 October 2005  
3 [Open session]  
4 [The accused present]  
09:11:09 5 [Upon commencing at 9.20 a.m.]  
6 WITNESS: JOHN CHRISTOPHER PETRIE [Continued]  
7 PRESIDING JUDGE: Good morning. Unless there are some  
8 other matters I will remind the witness of his oath and we will  
9 proceed with cross-examination. Mr Knoops, you have a matter to  
09:19:43 10 raise?  
11 MR KNOOPS: No.  
12 PRESIDING JUDGE: Mr Witness, you recall yesterday you  
13 swore to tell the truth, you took the oath. That promise is  
14 still binding on you today and you are to answer questions  
09:19:56 15 truthfully. Do you understand this?  
16 THE WITNESS: Yes.  
17 PRESIDING JUDGE: Thank you. Now counsel for the Defence,  
18 who is the first counsel?  
19 MR KNOOPS: I am, Your Honour. That was the reason why I  
09:20:06 20 was on my feet, sorry.  
21 PRESIDING JUDGE: I try and have a little routine of  
22 reminding witnesses. Please proceed, Mr Knoops.  
23 CROSS-EXAMINED BY MR KNOOPS:  
24 Q. Good morning, Mr Petrie.  
09:20:28 25 A. Good morning.  
26 Q. Thank you for joining us again today. I have some  
27 questions which will relate to both your testimony in chief  
28 yesterday and your statement of 8th August of this year. First  
29 of all, I would like to draw the attention to your statement on



1 page 1 in the fourth paragraph. I will read out the sentence  
2 which I would like to ask a question about to you. It says:  
3 "Soldiers are often known by their numbers because of the  
4 commonality of names." My first question is could you first  
09:21:07 5 specify what do you mean by the word "often" in this statement?

6 A. Frequently. When you ask a soldier -- because I commanded  
7 the military police obviously most of the work that I was doing  
8 was related to soldiers' disciplinary offences. For example, if  
9 there was a Kamara, which is a very common name, the NCOs doing  
09:21:35 10 the investigation would always refer to them by their last four  
11 numbers. It was an incredibly common thing and it was something  
12 which in the British Army just simply isn't done. I was amazed  
13 at the ability of the Sierra Leoneans to recall, in such  
14 accuracy, the detail. And they frequently in the course of  
09:22:01 15 business referred to them by their last four digits.

16 Q. At the time, Mr Petrie, you were involved in this  
17 investigation how many soldiers the Sierra Leone Army existed,  
18 approximately?

19 A. Sorry?

09:22:18 20 Q. How many soldiers were in the Sierra Leone Army in the time  
21 you were a member of the JPU?

22 A. Approximately 10,000.

23 Q. And if you could make a rough estimation, would you say  
24 that on every tenth soldier, this commonality, or this use of two  
09:22:41 25 digits, the last two or four digits of the name, was used in  
26 practice?

27 A. Within the JPU much, much more often than that. Much more  
28 often than one in 10. But across the army, I'm not in a position  
29 to say how often it was used then. What you must understand is



1 that the JPU are, within the RSLAF, the most literate of the  
2 units. There is a high standard of literacy before you can get  
3 into the JPU. Therefore perhaps it would be expected that my  
4 soldiers would have been able to do that more readily.

09:23:22 5 Q. Were you familiar with the fact that these numbers were  
6 given during the training of the soldiers in Benguema?

7 A. That's correct. It is normal in every armed force when a  
8 person joins the army they get their service number at the time  
9 they go through basic training.

09:23:42 10 Q. At the time you were writing your statement on 8  
11 August 2005, were you familiar with or have access to the list of  
12 all the soldiers' numbers pertaining to the soldiers of the SLA?

13 A. Sorry, I didn't quite understand.

14 Q. At the time you wrote your statement on 8 August, did you  
09:24:04 15 have access to the full list of regimental numbers of all the SLA  
16 soldiers?

17 A. No, I was in London at the time.

18 Q. Are you familiar with the system of the regimental numbers?

19 A. Yes, I am.

09:24:25 20 Q. May I please give you one example, and you can correct me  
21 if my resume of this system is not correct. The soldier number  
22 of Mr Kanu was 18164955. Is it correct that, within the army,  
23 the next regimental number was 18165055, and the subsequent  
24 number was then 18165155?

09:25:08 25 A. No, that's not correct. The numbers were consecutive as  
26 people joined. By the time I'd arrived here in Sierra Leone in  
27 2002, it moved forward to 1817. So from 1817, it would have  
28 started 18170001, then 18170002, 18170003, so it was  
29 chronological.



1 Q. But the numbers I just mentioned, did they occur, within  
2 your knowledge, within the Sierra Leone Army before the army was  
3 reformed?

4 A. They did occur, but not in the way you asked the question.  
09:25:51 5 You asked me would the next number be have been that, and that is  
6 not correct.

7 Q. But the numbers, as such, irrespective of the order in  
8 which they occurred, these numbers, to the best of your  
9 knowledge, existed in the army?

09:26:07 10 A. If you're asking me whether there were other military  
11 numbers that ended in 55 other than Kanu's, then the answer is  
12 yes.

13 Q. Could you please give an estimation on how many regimental  
14 numbers ended with 55?

09:26:23 15 A. You're asking me to be a mathematician now.

16 Q. No --

17 A. In every 100, there would be one.

18 Q. So it is fair to say there were at least over --

19 A. Well, if there are 10,000 soldiers and in every 100 there  
09:26:42 20 is a number that ends in 55, then out of out of 10,000, there  
21 would be 100, I think.

22 Q. Thank you. Are you familiar with the fact, Colonel, at  
23 this moment whether the RSLAF soldiers are serving with the same  
24 two digits, 55, at the end of their regimental number?

09:27:14 25 A. There are. There are still soldiers serving who would have  
26 55 at the end of their regimental number.

27 Q. Again, if you could make an estimation. To we speak about  
28 a few tenths, hundreds,

29 A. Well, again, in a ratio of 1:100, roughly speaking,





1 obviously some soldiers leave and others join but, roughly  
2 speaking, one in every 100 would have the last two digits of 55.

3 Q. Thank you, Colonel. I would like to draw your attention to  
4 page 2 of your statement, 5 August, in the third paragraph.

09:27:51 5 MS PACK: Sorry to interrupt my learned friend. I just  
6 wanted to make sure we have on the record the Registry number,  
7 which is 14522 for the first page of the statement of 8 of August  
8 2005.

9 PRESIDING JUDGE: Thank you, Ms Pack. That is the figure  
09:28:07 10 on my copy as well, and all the copies. Please continue.

11 MR KNOOPS: Thank you, Your Honour. This reference is to  
12 be found on page 14523. It's third paragraph of the statement of  
13 Colonel Petrie.

14 Q. Colonel, this refers to an occasion you talked about  
09:28:37 15 yesterday in your examination-in-chief, namely the taking of  
16 details by Mr Darbo. Can you recall whether Mr Brima or Mr Kanu,  
17 at that time, had referred to themselves as Gullit or Five-Five?

18 A. Mr Darbo referred to Gullit and Five-Five as Gullit and  
19 Five-Five, and they responded to him. Firstly, it was Gullit who  
09:29:05 20 was asked the question. Then it was Five-Five and Mr Darbo said,  
21 "Gullit, your details," then took the details and asked his name.  
22 Mr Brima then gave his name as Mr Brima and likewise for Mr Kanu.

23 Q. But is it correct that Mr Brima and Mr Kanu themselves  
24 never used the words "Gullit" and "Five-Five" during the taking  
09:29:35 25 of these details?

26 A. That's correct but they did respond to Mr Darbo calling  
27 them by those names.

28 Q. Yes, but my question was whether they --

29 A. No, they didn't answer, no.



1 Q. Thank you, Colonel. At one point, this was also your  
2 testimony in-chief, you were able to read the files of both of  
3 them. I also observed that in your statement on page 14522, the  
4 third paragraph you say, "I personally examined the files of  
09:30:13 5 Brima and Kanu which had photographs and personal details of  
6 their military records." Is that correct?

7 A. That's correct, yes.

8 Q. Colonel, did this review by you of the military records of  
9 both Mr Brima and Mr Kanu include the so-called soldier's  
09:30:41 10 discharge book?

11 A. No, it didn't. It was an A4 green cardboard folder. In  
12 there, there were, I guess, maybe two or three sheets of paper,  
13 nothing more than that. The front sheet of paper was the  
14 standard enlistment criteria, the details that I gave yesterday:  
09:31:10 15 name; service number; address; date of joining.

16 Q. Did it, Colonel, enhance the information as to when Mr Kanu  
17 was enlisted in the army and when he was discharged from the  
18 army?

19 A. It certainly had the information of enlistment. I can't  
09:31:31 20 recall whether it had discharge.

21 Q. Did it enhance the name of the last commanding officer of  
22 Mr Kanu?

23 A. Not the sheet of paper I was looking at because the sheet  
24 of paper I was looking at was the sheet that was completed when a  
09:31:52 25 person joins the army.

26 Q. Is it correct, to the best of your knowledge, based on that  
27 military record, or from other sources, that Mr Kanu was  
28 honorarily discharged from the army on 28 August 2002?

29 A. I don't know that. I didn't look at a discharge paper, but



1 I've got no reason to believe that that is not correct.

2 Q. Did you see any qualifications regarding Mr Kanu as to how  
3 he served as a military man?

4 A. There would have been, but I can't recall what they were.

09:32:43 5 I was looking at the top few lines of the personnel files and  
6 nothing more than that.

7 Q. But it is your statement, Colonel, that you personally  
8 examined the files of Brima and Kanu and their personal details?

9 A. The personal details, that's correct.

09:33:04 10 Q. Right. Colonel, to the best of your knowledge, is it  
11 correct that this information didn't indicate any misbehaviour on  
12 part of Mr Kanu, in specific, any violations of military code  
13 rules, or any disciplinary --

14 A. That's correct.

09:33:28 15 Q. -- convictions?

16 A. That's correct.

17 Q. Is it correct, Colonel, to the best of your knowledge, that  
18 assuming that the date, 28 August 2002, the date of discharge of  
19 Mr Kanu from the army, that at that time the discharge was  
09:33:55 20 approved by members of IMATT? Can that be correct?

21 A. I'm not sure when IMATT actually started. There was the  
22 process of DDR, demobilisation, discharge and reintegration,  
23 which was undertaken, I believe, by a combination of the British  
24 army, plus IMATT and partly the UN. That may have been done, but

09:34:35 25 I really don't know that.

26 Q. But it doesn't sound unrealistic?

27 A. No, not at all. It would be a realistic date.

28 Q. It isn't realistic to assume that members of IMATT were  
29 involved in the discharge of Mr Kanu?



1 A. To be honest with you, by the time I arrived in  
2 Sierra Leone, the DDR process had been completed. Therefore, I'm  
3 not sure to what extent IMATT had changed its direction, but it  
4 is possible.

09:35:09 5 Q. Are you familiar, Colonel, with the names of Major Ellis  
6 and Colonel Dent from IMATT?

7 A. Colonel Dent, yes?

8 MR KNOOPS: I will spell, Your Honours, D-E-N-T, Dent. And  
9 Ellis, E-L-L-I-S.

09:35:22 10 Q. You're familiar with Colonel Dent?

11 A. Yes.

12 Q. Can it be correct that Colonel Dent was here as part of  
13 IMATT before you came?

14 A. That's correct, he was, yes.

09:35:37 15 Q. When we put it to you that Major Ellis and Colonel Dent  
16 were involved in the discharge of Mr Kanu in August 2000, do you  
17 think this could have been possible?

18 A. It could have been possible, yes.

19 Q. If I were to say that Major Ellis signed the discharge book  
09:36:08 20 as commanding officer of Mr Kanu upon approval by Colonel Dent,  
21 were you able to agree on that?

22 A. I really don't know. I wasn't there and I wasn't part of  
23 that process, so you'd really have to ask them.

24 MR KNOOPS: Your Honours, I would like to approach the  
09:36:26 25 witness with a document which we also would like to tender as  
26 defence exhibit. It is a copy, Your Honours, of the discharge  
27 book of Mr Kanu. I believe it was already submitted with one of  
28 the Defence motions in the past. We would like to submit it as  
29 an official document. I would like the witness to have a look at





1 page 2 of the discharge book, and ask him some questions about  
2 the discharge book.

3 PRESIDING JUDGE: Has this been shown to counsel for the  
4 Prosecution, Mr Knoops?

09:37:08 5 MR KNOOPS: Not yet.

6 PRESIDING JUDGE: Perhaps if counsel for the Prosecution  
7 would first look at it. Mr Court Attendant, please assist  
8 showing the document to counsel for the Prosecution.

9 MR KNOOPS: We have also, Your Honours, the original.

09:37:24 10 PRESIDING JUDGE: Oh, you've got an original, have you?

11 MR KNOOPS: Well, we have six copies for Your Honours and  
12 the Prosecution, but we're not able to submit the original one,  
13 just here for verification, because it is the only exemplar we  
14 have. But if counsel for the Prosecution, or the witness wishes  
09:37:41 15 to verify the copy we tender with the original soldiers'  
16 discharge book, it is available today.

17 PRESIDING JUDGE: Please show it to counsel for the  
18 Prosecution and we will then see if they require to look at the  
19 original. Mr Court Attendant, please show it to counsel.  
09:38:05 20 Mr Knoops, if you could make the original available, please, to  
21 all counsel.

22 MR KNOOPS: Yes, of course.

23 MS PACK: Your Honour, I would ask to look at the original.

24 PRESIDING JUDGE: It is on its way, Ms Pack.

09:38:40 25 MS PACK: I'm grateful. Your Honours, it is the  
26 Prosecution submission that the original should be tendered.  
27 Your Honours will see that there is a photograph in the original  
28 which hasn't shown up on the photocopy. There is one page on  
29 the --



1           PRESIDING JUDGE: I'm not interrupting you, Ms Pack, but I  
2 am just about to say that the documents have not been put to the  
3 witness yet, therefore there has not been a formal tender in  
4 which case perhaps what you are saying now is a little premature.

09:41:39 5           MS PACK: Yes, Your Honour.

6           PRESIDING JUDGE: So perhaps we should go through the  
7 steps. Mr Knoops has asked that they be shown to the witness and  
8 after that then we will deal with the points you raise.

9           MS PACK: Thank you, Your Honour. I should just make it  
09:41:56 10 clear that there is a bit of paper that is loose in this that has  
11 not been photocopied, just so it doesn't fall out, so that Your  
12 Honour is aware of that.

13           PRESIDING JUDGE: Yes, Mr Court Attendant I have no doubt  
14 will be careful. Mr Court Attendant, please first show the  
09:42:23 15 witness the original document and only after that the copy  
16 becomes relevant. Excuse me, Mr Court Attendant, has the witness  
17 got both documents in front of him? I think you should leave the  
18 original with him as well, Mr Court Attendant, and then allow  
19 counsel for the Defence to ask his questions. So please give him  
09:44:06 20 the original as well.

21           Mr Knoops, the witness has the documents, if you would  
22 please proceed with your questions.

23           MR KNOOPS: Thank you, Your Honour, I'm grateful.

24 Q.   Colonel, could you please draw your attention to page 2 of  
09:44:34 25 the discharge book titled "Final assessment of conduct and  
26 character on leaving the colours".

27 A.   Yes, I've got that in front of me.

28 Q.   Could you please read out for us what is written there?

29 A.   Certainly. "Corporal Kanu offered a loyal, faithful



1 service to the RSLMF. His approach and respect for authority  
2 have always been outstanding. I can strongly recommend that if  
3 given the opportunity by any employer he will measure up to the  
4 task."

09:45:12 5 Q. Could you please read out what is said after "military  
6 conduct"?

7 A. Sorry, where is that?

8 Q. It's at --

9 A. "Military conduct, good."

09:45:21 10 Q. Colonel, do these qualifications match with your findings  
11 as to the file of Mr Kanu insofar as you were able to review it?

12 A. No, this was not on his file that I reviewed. It was an  
13 earlier -- clearly an earlier file. The discharge books were not  
14 in the personnel files that were brought to me.

09:45:46 15 Q. That is correct. It was your answer. But my question was:  
16 Do the qualifications, as such, occur within the file you saw in  
17 another form? For instance, with the form of description?

18 A. Sorry, when you refer to qualifications, which  
19 qualifications are you talking about?

09:46:03 20 Q. You just read out.

21 A. Okay. No, there is nothing of that nature in the original  
22 file because at that stage Mr Kanu had only just joined the armed  
23 forces and the documentation I was looking at were his enlistment  
24 papers and early -- well, clearly on here this was written after  
09:46:22 25 he had nine years and 268 days' service. So this is a report

26 which is to reflect his nine years of service. Whereas the  
27 personnel file that I reviewed were of the joining documentation.

28 Q. Colonel, could you please look at the bottom of page 2  
29 where you will find the stamp, commanding officer, and then four



1 letters are being put below the word "commanding officer" at page  
2 2?  
3 A. Yes.  
4 Q. Could you read out the spelling please of that name?  
09:47:06 5 A. No, I can't read the name.  
6 Q. It is AFPC?  
7 A. Sorry, the letters at the bottom. AFPC, Armed Forces  
8 Personnel Centre.  
9 Q. Yes. To your recollection, was IMATT involved with AFPC or  
09:47:25 10 in charge with AFPC at the time of the discharge of Mr Kanu in  
11 August 2000?  
12 A. I don't know, but IMATT was involved in the AFPC by the  
13 time I arrived in 2002. Perhaps it would just help if I give a  
14 little bit of background. When the British armed forces came  
09:47:47 15 into Sierra Leone in 2002, IMATT was a very, very small part of  
16 overall force package. Later on, the battalions withdrew and  
17 IMATT was at a strength -- by 2002 when I arrived, IMATT was at a  
18 strength of 115 people and its mandate was to train the armed  
19 forces. In the period preceding that, the period of what was  
09:48:24 20 called DDR, demobilisation and re-integration, I'm not sure to  
21 what extent IMATT was involved. The IMATT that I joined in 2002  
22 was different because all of that process had been completed. So  
23 I can't really comment on that, on what was going on in 2000 and  
24 2001, because I do know that it was different to what was there  
09:48:51 25 when I arrived in 2002. By 2002, IMATT had settled into a fairly  
26 logical training structure.  
27 Q. But you are familiar --  
28 MS PACK: My apologies again for interrupting my learned  
29 friend, just to point out the date in case my learned friend





1 can't read it on his photocopy. I recall from the original the  
2 dated 18 June. The last two digits there are 02, rather than 00.

3 PRESIDING JUDGE: You're referring to the discharge,  
4 Ms Pack, are you?

09:49:23 5 MS PACK: Yes, the date on the discharge book is 180602, as  
6 opposed to 2000. This is on page 2, there is an earlier date on  
7 a later page, but the date on this particular page is 2002 it  
8 looks like.

9 MR KNOOPS: That's correct, thank you for your remark.

09:49:38 10 Q. But if you draw your attention, Colonel, to page 5, at the  
11 top you see "date of discharge, 28 August 2000". Could it be so  
12 that the date of discharge was 28 August 2000 that the actual  
13 signature under the discharge was issued in 2000?

14 A. That wouldn't make sense normally, because when you  
09:50:21 15 complete a discharge of a soldier, the commanding officer tends  
16 to deal with it in just one day to fill out this book. I did  
17 that for a number of soldiers in my unit whilst I was here. And  
18 you would do the whole book in one day. So, however, the period  
19 of time between 2000 and 2002 I think could be described as  
09:50:46 20 exceptional and, therefore -- or it may just have been a mistake  
21 in whoever has filled it out. I don't know.

22 Q. You just said that you yourself also filled out several  
23 discharge books.

24 A. That's correct.

09:50:59 25 Q. So, it was a fact that IMATT was involved in the discharge  
26 of members of the SLA?

27 A. I don't know, because by the time I arrived it was very  
28 different. There were two distinct processes. What you call the  
29 SLA, that was the collective for the armed forces that existed in



1 2000, and there was a process of DDR to reduce that and select  
2 people to serve in the RSLAF; the Republic of Sierra Leone Armed  
3 Forces. A new name for the armed forces. Once that had  
4 happened - and it had by the time I arrived in October 2002 - the  
09:51:47 5 structure of the armed forces had been determined with the  
6 respective commands and three brigades, and IMATT was integrated  
7 into that structure. So by that stage, I would describe it as  
8 normal army procedure. So the fact that I was involved in a  
9 number of discharges of soldiers as their commanding officer is  
09:52:14 10 perfectly normal. If, for example, I had been the  
11 second-in-command of the JPU, then I would not have been  
12 involved. It was only because I was the commanding officer.

13 Q. Colonel, could you please tell us whether prior to issuing  
14 this discharge and coming to this testimonial which we find in  
09:52:30 15 this discharge book on page 2, whether the commanding officer or  
16 his second-in-command did any investigation into the conduct of  
17 the military?

18 A. I can't answer that because I wasn't part of the process.  
19 I'm aware that there were an enormous number of people going  
09:53:04 20 through DDR. My estimation is that there would have been very,  
21 very limited investigation because of the time allowed.

22 Q. Would you think, Colonel, it is likely or not likely that  
23 somebody, either IMATT or somebody from the army itself, would  
24 have written this testimonial without any verification of the  
09:53:41 25 information we find in this testimonial?

26 A. I would like to believe that there was some proper checking  
27 undertaken, but given the volume of people going through it, I  
28 would suspect it was very limited. But I would hope that if  
29 somebody in an army writes a testimonial and puts their



1 signature, that they are prepared to stand up and say that  
2 they've done the proper investigation into that. But whether  
3 they did, I really don't know.

4 Q. Let us assume that a military man was involved in serious  
09:54:10 5 violations of the war -- laws of war, and was in the army for 9  
6 years and 268 days, such as the case with respect to Mr Kanu,  
7 would you agree that such a testimonial would not have been very  
8 likely?

9 A. Sorry, not very likely? I don't understand.

09:54:41 10 Q. Suppose that with respect to one soldier, the information  
11 within IMATT or the army itself, would amount to this soldier was  
12 involved in serious violations of the law of war?

13 PRESIDING JUDGE: Are you asking the witness to speculate  
14 on something here?

09:55:05 15 MR KNOOPS: No, Your Honours, I detected that the colonel  
16 also himself was involved in the discharge of soldiers. So I'm  
17 asking him about his personal experience whether that would have  
18 been a likely process.

19 PRESIDING JUDGE: I see. Continue, please.

09:55:24 20 THE WITNESS: So you're talking about after the DDR  
21 process, in the normal course of a normal army, not one that's  
22 just downsizing following a war. Because there is a difference.  
23 At the end of a big conflict, where you have a massive number of  
24 soldiers, and whether that be in this country or the end of  
09:55:43 25 Second World War, where people discharge quickly, clearly the  
26 process is less thorough. When I would discharge a soldier,  
27 depending on the reason for that, I would ask his subordinate  
28 commander to write a draft testimonial for me, because his  
29 subordinate commander would know the soldier better than I. I



1 would then conduct an interview with the soldier, depending on  
2 the reasons for his discharge, and add my comments to it. On the  
3 new discharge book there is two little bits, one for the  
4 subordinate commander and one for the commanding officer to  
09:56:27 5 complete. So in a peace-time army you would expect the  
6 commanding officer to know the soldier and know the details, but  
7 to consult with the subordinate commanders to make sure they were  
8 correct. At the end of a war, where there has been a large  
9 number of people that are coming up for discharge, that process  
09:56:51 10 by definition will be less thorough and less complete.

11 I certainly would not expect a member of British Army or  
12 any other army who is involved in the DDR process to have the  
13 time or knowledge of the soldiers that they were writing on, and  
14 what process they undertook to be able to write something like  
09:57:12 15 that, I don't know. You would really need to call whoever's  
16 signature this is to ask them.

17 Q. So there was not a standard procedure how to conduct  
18 testimonial research?

19 A. There is a fairly standard procedure in a peace-time army,  
09:57:34 20 because it is an administrative issue that comes through in a  
21 nice, steady phase. But during DDR there were so many soldiers  
22 going through Benguema as part of the discharge process, to  
23 describe that as being standard and routine would not be correct.

24 Q. Thank you. Colonel, I would like to move on to the next  
09:57:58 25 topic. In this regard I refer to page 2 of your statement. It  
26 is page 14523 in the third paragraph. You also testified about  
27 this yesterday in chief. When you were able to speak to Mr Kanu  
28 after Mr Darbo took the details of Mr Kanu and Mr Brima, at one  
29 moment you asked him how he had managed to get to be brigadier at





1 his age when I had only made lieutenant-colonel; isn't that

2 correct?

3 A. That's correct, yes.

4 Q. Did you know at that time that Mr Kanu held the rank of a  
09:58:57 5 corporal?

6 A. I was -- the reason I made that comment was because others  
7 referred to him as Brigadier Five-Five. I believe at the time I  
8 spoke to him he was no longer in the armed forces, therefore he  
9 didn't hold any rank whatsoever.

09:59:15 10 Q. At the time that he was in army were you familiar with the  
11 fact that he at that time held the rank of corporal?

12 A. No, the ranks that were held at the time bore little  
13 relation to the command status of the individuals at the time.  
14 The official SLA rank did not necessarily translate to being  
09:59:36 15 relevant to the appointment and command status that individuals  
16 had when they were part of the AFRC/RUF. And certainly in the  
17 attack on Freetown, they bore little relevance to the rank they  
18 held in the armed forces.

19 Q. Colonel, to the best of your knowledge was there any  
09:59:56 20 specific training course in the period 1990 to 2004 for corporals  
21 to become full corporal, lance-corporal?

22 A. Certainly from 1990 to 2002, I can offer you no answer on  
23 that. But between 2002 and 2004 there was the introduction of  
24 what was called the Junior NCO's Carda [phon], which was a  
10:00:31 25 training course for junior NCOs.

26 Q. That is the only course you can recollect?

27 A. I wasn't here before then, so.

28 Q. Thank you. Colonel, when you were able to review the  
29 military files of Mr Kanu, his military record, can you recall



1 that in that military record any reference was made to any  
2 specific training Mr Kanu underwent?

3 A. I can't recall, but that doesn't mean that there wasn't a  
4 reference. I was focused on the top part of the report, which  
10:01:05 5 were the personal details. The key question that was being asked  
6 of the JPU were of those allegedly involved in the coup attempt  
7 which ones are serving members of the armed forces and which ones  
8 are former members of the armed forces, and by virtue of that,  
9 which ones are civilians. That was the process and I was just  
10:01:26 10 simply getting confirmation as to who was and who wasn't. And if  
11 I was able to identify the name that had been given to us by the  
12 police corresponded with the name and the details at the top of  
13 personnel file, that is what I had.

14 Q. But as a military man, weren't you focused on the specific  
10:01:46 15 military background?

16 A. No, that wasn't relevant to what we were looking the. It  
17 was identification of the person.

18 Q. Mr Petrie, you're yourself a lieutenant-colonel. From your  
19 view as a senior officer, do you believe it is a normal military  
10:02:08 20 structure, factually possible let alone realistic, that somebody  
21 can be promoted from corporal to brigadier?

22 A. In a normal, conventional military structure, no. But this  
23 was not a normal, conventional military structure.

24 Q. I'm not asking you, please, sir -- I'm not asking you to  
10:02:29 25 comment on further issues. Would you please confine yourself to  
26 my questions. My question is simply do you believe that in a  
27 normal military structure it is factually possible, let alone  
28 realistic, that somebody can be promoted from a corporal to a  
29 brigadier?



1 A. As I said, in a normal military structure that would not  
2 happen.

3 Q. Thank you, Colonel. How many years it took you to become  
4 lieutenant-colonel?

10:03:00 5 A. Sixteen.

6 Q. How many officers' courses did you undergo before obtaining  
7 the rank of lieutenant-colonel?

8 A. Substantive courses, three.

9 Q. Do you agree with me that a corporal, either a lance or a  
10:03:21 10 full corporal, in general, do not have the military skills,  
11 knowledge, capabilities to executes or fulfil the duties and  
12 military responsibilities of a brigadier?

13 MS PACK: Your Honour, I object to this question. It is  
14 highly speculative.

10:03:42 15 MR KNOOPS: Your Honour, I believe Mr Petrie is a  
16 lieutenant-colonel senior commander. He is competent to answer  
17 the question I asked him, whether this in general is the case.  
18 It is not speculation. I believe the lieutenant-colonel, with  
19 16 years experience before coming a lieutenant-colonel, is  
10:04:06 20 entitled to answer a question whether somebody with rank of  
21 corporal is able to fulfil their responsibilities in military  
22 operational sense of a brigadier. It certainly falls, I think,  
23 within the competence of Lieutenant-Colonel Petrie. And I think  
24 he can answer himself whether it would be speculation or not.

10:04:36 25 PRESIDING JUDGE: Just pause and have a seat, Mr Knoops.  
26 We uphold the objection and do not allow the question. Please  
27 proceed.

28 MR KNOOPS: Much obliged, thank you.

29 Q. Mr Petrie, I have one final question on this topic before



1 moving on. Is it correct that Mr Kanu himself denied ever being  
2 a brigadier?

3 A. He didn't actually deny it. He wasn't amused by the  
4 comment I made, because I think he knew that I knew that use of  
10:06:07 5 the term "brigadier" did not refer to brigadier as in the normal  
6 professional army any more than the term Superman referred to  
7 Superman. It was just a name that was used.

8 Q. Thank you. I will move on to the next topic of my final  
9 questioning. Page 2, 4th paragraph of your statement, also  
10:06:34 10 introduced yesterday with the examination-in-chief. It refers to  
11 your visit to Pademba Road. You say that you spoke to Mr Kanu in  
12 Pademba Road. At that time were you alone with him?

13 A. No.

14 Q. Were there members of the army with you?

10:06:57 15 A. Yes, there was a legal officer from the army, Major Pepper  
16 Davis [phon], and Superintendent Mansaray from CID.

17 Q. This was in January 2003; is that correct?

18 A. No, it was after that. I think it was about April, May  
19 2003.

10:07:20 20 Q. 2003.

21 A. Yes. It was after the treason trial had started, because  
22 at one point on the second occasion I saw him, I think Mr Kanu  
23 was coming back from court that day. So I guess about April, May  
24 time.

10:07:37 25 Q. Can it be correct, Colonel, that during that occasion you  
26 also approached Mr Kanu in order for him to testify against  
27 Johnny Paul Koroma before the Special Court of Sierra Leone? Is  
28 that correct?

29 A. No, that's not correct.





1 Q. You're sure about that?

2 A. Hundred per cent sure.

3 Q. Is it correct at that time you spoke with Mr Kanu or Brima  
4 about the indictment against Johnny Paul Koroma?

10:08:15 5 A. No. At the time I spoke to Gullit, that was back in  
6 January and that was before any of the indictments were served.  
7 And by the time I spoke to Five-Five at Pademba Road, it was  
8 already public knowledge that there was an indictment against  
9 Johnny Paul Koroma because that had been at the beginning of  
10:08:50 10 March.

11 Q. You testified yesterday that you interviewed 12 soldiers  
12 detained under the Emergency Provisions Act?

13 A. Yes.

14 Q. Is it correct that these soldiers, or any of them, were  
10:09:04 15 approached by yourself or members of the JPU or others were  
16 present during these meetings to testify against Johnny Paul  
17 Koroma, Mr Kanu or Mr Brima?

18 A. They were not approached by me. Two of the -- two of the  
19 soldiers that we interviewed went on at great length regarding  
10:09:35 20 matters that had happened. Two of the soldiers -- most of the  
21 soldiers interviewed had very short statements about an indent  
22 that happened in Juba Hill that resulted -- I seem to recall it  
23 being something to do about a dispute with Five-Five over a car.  
24 It was very, very trivial. It resulted in Johnny Paul Koroma  
10:10:12 25 then taking them to Pademba Road. Two of them - one of whose  
26 name I can remember, I can't remember the other name - they  
27 launched into a lengthy exposition as to what had happened during  
28 the war, the conflict, the involvement, because we asked them  
29 questions to find out why they were there. I wanted to be very,



1 very clear that they were being held in Pademba Road solely for  
2 the incidents under the Emergency Provisions Act and not for any  
3 other reason. Obviously we asked them about what they had been  
4 doing since 1997. Two of them gave very, very lengthy and  
10:10:54 5 detailed statements which the CID recorded and, I believe I'm  
6 correct in saying, the CID took further lengthy statements and I  
7 know for a fact in the case of one of them that information was  
8 given to the Special Court and I believe the person concerned has  
9 given evidence here.

10:11:16 10 Q. Thank you, Colonel. I'll come back to this issue in a few  
11 seconds if you agree. Could you first explain to us why, in your  
12 opinion, this was a trivial incident. I believe you used  
13 yesterday the word "sensitive" in your testimony in chief. Could  
14 you explain why in your opinion this was trivial or sensitive  
10:11:43 15 incident or matter?

16 A. Yes, for people who by the time I had interviewed them had  
17 been held in prison for two years. They were arrested under the  
18 Emergency Provisions Act. The Emergency Provisions Act had been  
19 lifted and yet these people were in prison still. When I went to  
10:12:02 20 interview them initially, I was expecting to find that they had  
21 been put in prison for something quite serious. The incident  
22 that they described and which Mr Kanu helpfully clarified was  
23 pretty much the case, was an incident that in the normal course  
24 of events would not have resulted in any custodial period of  
10:12:32 25 time. That is why I regarded the offence that they had been  
26 detained for as trivial and why I wanted to find out whether  
27 there was any other reason as well.

28 Q. You've just indicated that to the best of your knowledge  
29 that one of these 12 persons ultimately gave evidence before the



1 Special Court, or gave a statement for the Prosecution. Are you  
2 aware that there were other members amongst these 12 individuals  
3 who gave evidence against Mr Kanu in court?

4 A. I'm not aware that there were.

10:13:14 5 Q. I'm not asking you to mention the name now in court, but  
6 are you able to write down the name you just referred to?

7 A. The person that I believe gave evidence in court?

8 Q. Yes.

9 PRESIDING JUDGE: Just pause. I do not know who we're  
10:13:36 10 talking about, obviously, but if this is a person who is a  
11 protected witness then care will have to be taken.

12 MR KNOOPS: Your Honour, that is the case. Actually we  
13 have two names we would like to put to the witness. I can either  
14 write it down myself or can ask the witness to write down the  
10:13:57 15 name himself.

16 MS PACK: It seems reasonable, Your Honour, so long as  
17 there is not any name of any witness -- the name of a protected  
18 witness isn't called out in public.

19 PRESIDING JUDGE: Thank you, Ms Pack. Mr Court Attendant.

10:15:27 20 MR KNOOPS: Your Honours, in the meantime is Mr Kamara  
21 allowed to use the bathroom?

22 PRESIDING JUDGE: Escorted out, please, Mr Knoops.

23 MR KNOOPS: Thank you.

24 PRESIDING JUDGE: Yes, we've read the name in question,  
10:15:54 25 Mr Knoops, we've seen the document.

26 MR KNOOPS: Your Honours, it is the Defence request to  
27 tender this as an exhibit.

28 PRESIDING JUDGE: Thank you, Mr Knoops. Ms Pack, you've  
29 heard the application.



1 MS PACK: No objection so long as it is under seal, Your  
2 Honour. I'm grateful.

3 PRESIDING JUDGE: I think that will be Exhibit D9 and in  
4 the light of the content it will be under seal.

10:16:17 5 Mr Court Attendant, please mark the exhibit accordingly.

6 [Exhibit No. D9 was admitted]

7 PRESIDING JUDGE: Proceed on, Mr Knoops.

8 MR KNOOPS: Thank you, Your Honour. I have a second name  
9 which I would like to show to the witness on a piece of paper  
10:16:36 10 written down by myself. And my question is whether the witness  
11 is able to identify whether this person was amongst the 12 in  
12 Pademba Road.

13 PRESIDING JUDGE: Please show it first to counsel for the  
14 Prosecution. Mr Knoops, the witness has the document, so please  
10:17:35 15 put your question.

16 MR KNOOPS:

17 Q. Mr Witness, can you recall the person mentioned on the note  
18 as one of the 12 individuals in Pademba Road?

19 A. Not by the full details that are on this piece of paper.  
10:17:58 20 There was certainly one who had the family name that is written  
21 on this paper. So it is possible. It is possible. The full  
22 list of people that were interviewed is held by the CID, because  
23 the CID recorded a brief statement on each one. If you wanted to  
24 clarify that, you could easily do so. But looking at that full  
10:18:35 25 name there, I cannot put my hand on my heart and say that I am  
26 certain that was the correct name. I've got no reason to believe  
27 that someone is suggesting it is not, but I interviewed 12 of  
28 which I can recall probably two or three of the names clearly,  
29 because it was quite some time ago. The others, if I saw them





1 written down in a list of 12, it would be fine.

2 Q. Thank you, Colonel.

3 MR KNOOPS: Your Honours, we would like to tender this as  
4 the next Defence exhibit.

10:19:09 5 PRESIDING JUDGE: The witness has not identified it,  
6 Mr Knoops. You're now seeking to tender it. I will ask counsel  
7 for the Prosecution to respond to that.

8 MS PACK: I've no objection, Your Honour. Again, if it is  
9 under seal.

10:19:27 10 MR KNOOPS: Just for clarification, Your Honour, the  
11 witness did say that he recognised the family name.

12 PRESIDING JUDGE: He did indeed say that.

13 [AFRC06OCT05B - SV]

14 THE WITNESS: If it would help, one of the reasons that  
10:19:52 15 it's difficult is that all of the list of people I was  
16 interviewing, they were just by rank and name. So, it was  
17 corporal this, private that, which is why the full name is --

18 JUDGE SEBUTINDE: Mr Knoops, we just want to be sure here  
19 on the Bench, you're asking us to admit this name as evidence of  
10:20:11 20 what? In light of the answer that the witness has given which,  
21 in our estimation, is that he's not sure - though he recognises  
22 the last name - he's not sure if this indeed is one of the 12 or  
23 the people that were detained. So, what are we admitting this as  
24 evidence of?

10:20:32 25 MR KNOOPS: Of evidence, your Honour, that the witness did  
26 recognise the family name of that person.

27 THE WITNESS: No, I recognised the family name, but not  
28 necessarily that.

29 JUDGE LUSSICK: [Overlapping speakers] he recognised a



1 family, Mr Knoops, he recognised a family name. He did not say  
2 of that person.

3 THE WITNESS: That's correct.

4 MR KNOOPS: So then it could serve as evidence for the  
10:20:53 5 remark of the witness he has just mentioned. Otherwise,  
6 Your Honours will have no reference to his name at all if that is  
7 him.

8 JUDGE SEBUTINDE: Yes, but, Mr Knoops, we are taking  
9 evidence and we're asking you now, what do you want us to take  
10:21:10 10 cognizance of in light of the answer that the witness has given  
11 that he recognises a family name, but is not sure if this person  
12 was actually detained. Where does that leave us as a Bench?  
13 What is this evidence of? What is the probative value of what  
14 you're asking to do?

10:21:32 15 MR KNOOPS: Your Honour, with all due respect, I think any  
16 indication about the probative value is too early. We simply  
17 want to establish that the witness, confronted with this name,  
18 was not able to identify it fully, but could make a link to the  
19 family name and I think, without having any documentation in  
10:21:53 20 record, Your Honours will -- if Defence will refer to this  
21 statement, to this testimony, which could be elaborated on later  
22 on by the Defence in the Defence case, we would not have an  
23 official documentation of what the witness saw and his reply to  
24 it. So, we are not tendering this as evidence, we are tendering  
10:22:16 25 this as information with which the witness was confronted with.

26 PRESIDING JUDGE: Thank you, Mr Knoops. I'm clear on that  
27 and I also note that the Prosecution has consented.

28 We note the submissions and this will become Exhibit D10  
29 and I think it will have to be under seal. Has either counsel



1 any comment on that?

2 MS PACK: If it could be under seal, Your Honour, yes.

3 PRESIDING JUDGE: Under seal. Thank you. There are two  
4 pieces on writing on this paper and I'm not clear whose writing  
10:23:11 5 it is. I would like that clarified, please.

6 MS PACK: Perhaps, Your Honour, just for the sake of  
7 clarity, it may be that the witness should be asked to underline  
8 the name which he recognises on that sheet of paper, just so that  
9 Your Honours have that clearly before you because there are  
10:23:27 10 different handwritings on that paper and it could mean anything.

11 MR KNOOPS: I agree, Your Honour. I think that's a fair  
12 proposal.

13 PRESIDING JUDGE: Yes. I will pass the document back.  
14 Mr Court Attendant, please assist by passing the document back to  
10:23:41 15 the witness. Mr Court Attendant, please show it to counsel.

16 For purposes of records, Mr Knoops, can you please put on  
17 record the procedure you followed with the underlining so we are  
18 aware of it.

19 MR KNOOPS: Yes, Your Honour. The witness was given a note  
10:24:37 20 from the Defence written by both my self and Mr Spain. The  
21 witness was shown the note and underlined the family name he was  
22 able to recognise.

23 PRESIDING JUDGE: Thank you. That will be the record and  
24 that detail will be under seal. Thank you, Mr Knoops. Please  
10:25:32 25 proceed.

26 [Exhibit No. D10 was admitted]

27 MR KNOOPS: Thank you, Your Honour, I am very grateful.

28 Q. Colonel, with respect to this investigation in Pademba  
29 Road, were you able to inquire into any potential motive



1 regarding or stemming from the car dispute as to whether these  
2 individuals who talked with you about this incident, which you  
3 qualify as trivial, were revengious to Mr Kanu and were  
4 incriminating him?

10:26:09 5 A. Are you talking about with respect to the incident that  
6 resulted in --

7 Q. Yes, the car incident?

8 A. They'd been there for over two years. That particular  
9 incident, I felt, in their minds was long gone. They were -- I  
10:26:34 10 didn't sense that they were particularly vengeful towards  
11 Mr Kanu. They had -- they gave us the reason that they were  
12 picked up that night, the dispute over a car. Not one of them  
13 really came across saying that the dispute over the car was one  
14 person's fault or another. I mean, they blamed Five-Five, but  
10:26:58 15 equally what they were saying could have been their fault. But  
16 the two people that spoke at length, they were not particularly  
17 specific about Five-Five's role in the conflict. It was more of  
18 a -- it was a general explanation of their role and where they  
19 were and who they were with and it included a lot more people  
10:27:28 20 than just Five-Five.

21 Q. Colonel, did they blame Mr Kanu for their arrest or  
22 detention?

23 A. I got the impression that they blamed Johnny Paul Koroma  
24 more for the detention. The reason that they got taken to  
10:27:47 25 Pademba Road was the dispute with the car with Five-Five, but it  
26 was Johnny Paul Koroma that had them put into a vehicle and they  
27 told me - and it was confirmed by the prison - that he personally  
28 then escorted them to Pademba Road and I felt that they were more  
29 affronted by that. But, of course, at the time that they were





1 taken to Pademba Road they had absolutely no reason to believe  
2 they were still going to be in prison a week later, let alone two  
3 and a half years later.

4 Q. Colonel, yesterday you indicated that you had certain  
10:28:27 5 sympathies for the concerns of Mr Kanu in this regard. Were  
6 these sympathies founded on any estimation that he could have  
7 been falsely accused?

8 A. No, I think you've got that slightly wrong. My sympathies  
9 for Mr Kanu were not in relation to the Emergency Provisions  
10:28:52 10 issue. It was in relation to the treason trial that he was at  
11 that stage undertaking. And Mr Kanu, when we were talking, you  
12 know, he said, "I don't really want to worry about that," that  
13 being the Emergency Provisions, "I've got enough to worry about  
14 with my current thing". And I asked him what he was worried for  
10:29:12 15 and he said, "I had nothing to do with it. I'm here because I'm  
16 Five-Five and they'll hang me because I'm Five-Five." And from  
17 the investigation that had been briefed to me and the bits that  
18 I'd been involved with, I was aware that of the three names --  
19 high profile names, Johnny Paul Koroma, Gullit and Five-Five,  
10:29:38 20 that the evidence against all three of them was not strong. In  
21 the case of JPK, he's never been questioned on it because he ran  
22 away. In the case of Gullit, he was detained and then released,  
23 not charged with the treason trial. And from the evidence that I  
24 was aware of, I didn't think it was particularly strong against  
10:30:05 25 Five-Five and I had some sympathy with him that he was -- because  
26 he was Five-Five that's why he was there and, yeah --

27 Q. Colonel, did his worries - I'll come back in a few seconds  
28 to your last remark - but did the worries of Mr Kanu also extend  
29 to members or former members of the SLA who, in his view, were



1 able and willing to testify against him for revenge? Did he  
2 indicate so during the meeting with you?

3 A. No, he didn't.

4 Q. Were his worries also expanding to the issue of the use of  
10:30:54 5 his regimental number?

6 A. No, he didn't. He didn't express that. In fact, when he  
7 spoke to me he said, "It's because I'm Five-Five".

8 Q. Were you able to determine whether that name Five-Five was  
9 actually misused by others in your inquiry?

10:31:21 10 A. No. When the term Five-Five has been used by members of  
11 the police and members of the armed forces they've always used  
12 the name Five-Five in reference to Mr Kanu. He's known by that  
13 name. If you were to bring a thousand members of the RSLAF into  
14 the Court one at a time and ask them a simple question, you know,  
10:31:49 15 "Who's this?" They'd say Five-Five, because that's how he's  
16 known. So, but in terms of -- because he's Five-Five and because  
17 his name is high profile, that's how I, you know, thought it was  
18 a problem. You know, the point that you talked earlier about  
19 being called Brigadier Five-Five, again that's something that  
10:32:17 20 grows.

21 Q. Colonel, you used the word "problem". Can you yourself,  
22 based upon your inquiry and the knowledge about events at that  
23 time, exclude the possibility that that actually happened, that  
24 the last two digits of Mr Kanu's regimental number were used by  
10:32:39 25 others during the war?

26 MS PACK: I don't think that question is particularly  
27 clear. Others, I'm not sure who my learned friend is referring  
28 to when he says "by others", whether it's others in referring to  
29 Mr Kanu or others adopting that set of initials for themselves.



1 If he could make that clearer.

2 MR KNOOPS: I think that the witness hasn't indicated yet  
3 whether he's able to answer the question or not, but I'm willing  
4 to specify.

10:33:11 5 JUDGE LUSSICK: Well, it is very vague at the moment,  
6 Mr Knoops. There's already evidence of one in a hundred had the  
7 same last two figures, so when you ask the witness, "Is it  
8 possible that the last two digits were used by others?" In  
9 relation to what?

10:33:32 10 MR KNOOPS: In relation to the events which happened during  
11 the war. In relation to certain -- to certain crimes.

12 JUDGE LUSSICK: That's still extremely vague. I don't know  
13 how the witness can answer that.

14 MR KNOOPS: Am I allowed to ask the question?

10:33:52 15 PRESIDING JUDGE: Rephrase the question, Mr Knoops. It is  
16 vague, as Justice Lussick has said, and I don't know how the  
17 witness could answer it.

18 MR KNOOPS:

19 Q. Let me put it then straight forward to you, Colonel. Do  
10:34:09 20 you think it's possible that somebody did commit a crime during  
21 the war while using the digits Five-Five as a form of  
22 identification for himself?

23 A. From evidence I've seen, there were certainly crimes  
24 committed by Five-Five.

10:34:30 25 Q. No, no, no, I mean whether somebody, other than Mr Kanu,  
26 committed crimes while using the alias of Five-Five? Did you  
27 come across --

28 A. How can I possibly answer that?

29 MS PACK: Your Honour, I think the witness has raised the



1 objection. The witness can't answer this question. It's an  
2 impossible question to answer.

3 MR KNOOPS: Your Honours, I'm referring to the evidence the  
4 witness himself gave that he had concerns about the name  
10:35:02 5 Brigadier Five-Five, that he just said there could have been a  
6 problem. So I'm trying to --

7 PRESIDING JUDGE: Mr Knoops, the witness has answered the  
8 question. He said, "How can I answer that?" So he cannot. You  
9 are entitled then to put other questions on behalf of your client  
10:35:21 10 as you consider appropriate and they will be considered one by  
11 one by the witness and, if necessary, by the Bench.

12 MR KNOOPS: I only have one question, Your Honour.  
13 Q. Colonel, yesterday you testified in chief - and it's, for  
14 the record, page 68 of the transcripts, sentence 26-27 -  
10:36:13 15 reference is made to briefings which were held - and I will also  
16 refer to your statement on page 1, third paragraph, last  
17 sentence - "The names and faces of these individuals" - referring  
18 to Johnny Paul Koroma, Gullit and Five-Five - "were known to me  
19 from briefings." Our question is : Why were these briefings  
10:36:47 20 held and what was the exact purpose of these briefings?

21 A. Sure. Whenever in the British Army you are deployed to  
22 another country you always, before you go, get a briefing  
23 relevant to your deployment. It starts with a map pointing out  
24 the geography of the country. You get a briefing on the relevant  
10:37:12 25 period of history of the country, which in this case started from  
26 independence, and then it focuses down into what has been  
27 happening of late as to why the army is required to go into that  
28 place. So, the briefing from really 1995 to 2001/2 was more  
29 detailed. The AFRC coup of 1997 was obviously covered and those





1 involved in that, there were photographs of a number of key AFRC  
2 people, both from that time and later. There were also pictures  
3 of RUF, CDF and government people as well and amongst those were  
4 Johnny Paul Koroma, Gullit and Five-Five.

10:38:12 5 Q. Yesterday you testified that during the arrests Johnny Paul  
6 Koroma was allowed to get away?

7 A. Yes, he was.

8 Q. What do you mean with the word allowed to get away?

9 A. He was under arrest and he could not have escaped without  
10:38:25 10 somebody allowing him to do so. There was a police internal  
11 investigation as to how this happened and the individual  
12 concerned was found that he had let Johnny Paul Koroma go.

13 Q. Thank you, Colonel. I'm grateful for your answers and your  
14 time.

10:38:47 15 A. There's just one thing that's slightly gnawing at me, which  
16 I don't think I've handled the brigadier point particularly well,  
17 and if I was able to just clarify on one point I would like to.

18 PRESIDING JUDGE: Yes, please do so.

19 THE WITNESS: The term when it was used,  
10:39:08 20 Brigadier Five-Five, Mr Knoop quite rightly pointed out that in  
21 a normal army you wouldn't go from corporal to brigadier, and  
22 therefore it was used in a term not literally in terms of rank,  
23 but I would equate it to within the context of what happened in  
24 Sierra Leone, that Corporal Foday Sankoh was the commander of the  
10:39:32 25 RUF and you wouldn't assume in a normal environment that a  
26 Corporal Sankoh could have become that level. So it's  
27 getting that balance. There is no suggestion that Five-Five rose  
28 through the ranks to be a substantive brigadier in the way that  
29 members of the RSLAF or other armies have.



1 MR KNOOPS: Thank you, Colonel, for this clarification.

2 PRESIDING JUDGE: Thank you, Mr Knoops.

3 MS PACK: Your Honour, before my learned friend sits down,  
4 I wanted to raise the matter of the book which he hasn't applied  
10:40:11 5 to tender.

6 PRESIDING JUDGE: He has not applied to tender.

7 MS PACK: The Prosecution would move that it be tendered  
8 because it's been referred to at some length in cross-examination  
9 of the witness, and for reasons associated with that lengthy  
10:40:28 10 reference to it, the same reason that my learned friend has  
11 sought to admit the bit of paper to which he's referred in  
12 cross-examination of the witness, the Prosecution would seek to  
13 have tendered the book to which there has been reference made,  
14 portions read out.

10:40:41 15 PRESIDING JUDGE: But it's Mr Knoops' document, Ms Pack.  
16 It's for Mr Knoops to move to tender it.

17 MS PACK: Well, Your Honour, a copy has been provided to  
18 the Prosecution, therefore the Prosecution has a copy that it may  
19 seek to have tendered.

10:40:55 20 JUDGE LUSSICK: I think, Ms Pack, you're assuming Mr Knoops  
21 is not going to tender it. We had the impression he produced it  
22 to tender.

23 MS PACK: That had been my impression, but I noticed my  
24 learned friend is about to sit down and hadn't made an  
10:41:09 25 application to tender the book at this stage. So I'm raising it  
26 to ensure that it is tendered because there has been  
27 cross-examination on its contents.

28 MR KNOOPS: I think the Prosecution is, in this instance,  
29 quite right. I'm sorry. There is one practical problem - and



1 that's the reason why we are -- we are able to submit and tender  
2 the original document. The thing is that Mr Kanu's family has to  
3 use it every day to collect the military pension. So we can --  
4 we will and we ask you to submit to take note of our submissions  
10:41:56 5 to tender the discharge book, although we have this practical  
6 problem. Now, if the Prosecution has not any fundamental  
7 problems with the following suggestion, and that is that we also  
8 submit copies of the missing two pages of the soldier's book  
9 among which the photograph page, and that the original could be  
10:42:23 10 handed back to the accused.

11 MS PACK: Your Honours, what I would suggest is that  
12 Your Honours are given an opportunity to look at the original and  
13 that there are colour copies made of the original because then  
14 one would be in a better position to see, for example, the  
10:42:42 15 photograph, but also the pages generally because it's a pretty  
16 poor copy. Furthermore, the current copy is in the wrong order  
17 and there is a little sheet of paper in it that hasn't been  
18 copied. So, if a better copy could be made, I have no objection,  
19 of course, if the family need the book --

10:43:01 20 JUDGE LUSSICK: We're going to have a break, Ms Pack. Why  
21 not over the break, if you have the resources, you take  
22 possession of the original, make a copy to your satisfaction and  
23 then return it to Mr Knoops and then he can tender a copy when we  
24 come back into court. Is that possible?

10:43:18 25 MS PACK: I'm not sure if we can make colour copies, but  
26 I'll make every effort to find out and hopefully we can resolve  
27 it at some point in the next day or so. If we can't have  
28 tendered a colour copy today, then perhaps it's something that  
29 could be arranged over the course of the next 24 hours. I'm not



1 sure what resources the Prosecution has.

2 JUDGE LUSSICK: There's one other alternative - and perhaps  
3 you could explore this possibility during the break - and that is  
4 Court Management may be able to assist with a colour copy. Well,  
10:44:29 5 that possibility was short-lived, I'm afraid.

6 PRESIDING JUDGE: Mr Knoops, you're about to say something.

7 MR KNOOPS: If I may assist the Chamber, also the Defence  
8 is not entitled to have a colour copy, but my learned friend  
9 Mr Spain has a colour copy at his chambers and he's willing to  
10:44:55 10 try to make colour copies for Prosecution, Your Honours, and  
11 Defence if that's a possibility. If Your Honours could agree,  
12 Mr Spain could return after the midday break and submit the  
13 colour copies.

14 PRESIDING JUDGE: That will be most helpful. Thank you.  
10:45:25 15 Just before we break, for a point of clarification, there will be  
16 other cross-examination, will there, Mr Graham?

17 MR GRAHAM: That is so, Your Honour.

18 PRESIDING JUDGE: Very well. In that case we will have the  
19 usual mid-morning break of 15 minutes and we will resume after 15  
10:45:41 20 minutes. Mr Court Attendant, please adjourn court.

21 [Break taken at 10.45 a.m.]

22 [Upon resuming at 11.10 a.m.]

23 PRESIDING JUDGE: Mr Graham, just before you commence your  
24 cross-examination, have we resolved this copying? I see  
11:08:16 25 Mr Manly-Spain is not here and he's not come back yet, Mr Knoops;  
26 is that it?

27 MR KNOOPS: That's correct, Your Honour, but I believe that  
28 Court Management found a solution for the colour copies.

29 PRESIDING JUDGE: Very good.





1 MR KNOOPS: I was informed by the legal officer that that  
2 was it.

3 PRESIDING JUDGE: Yes, we're trying to resolve that. We'll  
4 stand that matter down, Mr Knoops.

11:08:47 5 Mr Graham, please proceed.

6 MR GRAHAM: Thank you, Your Honour.

7 CROSS-EXAMINED BY MR GRAHAM:

8 Q. Good morning, Mr Petrie.

9 A. Good morning.

11:09:00 10 Q. Mr Petrie, I just have a couple of questions here for you  
11 this morning. Mr Petrie, was your earlier testimony that you  
12 were the commanding officer for the Republic of Sierra Leone  
13 Armed Forces Joint Provost Unit from October 15, 2002 to 12  
14 October 2003; is that right?

11:09:22 15 A. That's correct.

16 Q. Mr Petrie, if you may tell us, what was the most senior  
17 position in the JPU at the time you served with the JPU?

18 A. The commanding officer.

19 Q. The commanding officer?

11:09:35 20 A. That's correct.

21 Q. So it's fair to say that you were then the most senior  
22 person in the JPU at the time of your service?

23 A. That's correct.

24 Q. What was your mission with the IMATT in Sierra Leone?

11:09:48 25 A. The mission of IMATT or my personal?

26 Q. Your personal.

27 A. I was posted in as the commanding officer of the JPU. My  
28 job was to command the unit as any other commanding officer  
29 would. It was also my job to train and organise training for the



1 unit and to develop a Sierra Leonean successor so that when I  
2 left the post there was a trained and qualified Sierra Leonean  
3 officer who could take over from me.

4 Q. I'm also right in saying that in your earlier testimony you  
11:10:25 5 did say that you had briefings prior to your arrival in  
6 Sierra Leone in October 2002?

7 A. That's correct.

8 Q. And that the briefings basically related to Johnny Paul  
9 Koroma, Santigie Borbor Kanu and Tamba Brima; am I right?

11:10:44 10 A. No, that's not right. I explained that the briefings are  
11 wide-ranging briefings starting with the geography of the  
12 country, the history of the country, the current history of the  
13 country and then what's happening. As part of that brief an  
14 element of it focused on the AFRC coup of 1997 and the events  
11:11:05 15 that followed and as part of that, amongst other names, the names  
16 of Gullit and Five-Five were mentioned.

17 Q. So Brima was mentioned?

18 A. Gullit was mentioned.

19 Q. Could you tell us what was given to you in the briefing  
11:11:22 20 about Mr Brima?

21 A. It was very, very general. It was more focussed on  
22 Johnny Paul Koroma and other members of the AFRC senior positions  
23 were and amongst those were Gullit and Five-Five.

24 Q. Thank you, Mr Petrie. I will also refer to your testimony  
11:11:44 25 yesterday in which you told us about the events leading to the  
26 search mission to a house in Juba and in your own words you said  
27 the suspects were reported to have entered a house in Juba; is  
28 that right? Mr Petrie, are you aware that the house in question  
29 was the place of residence for Johnny Paul Koroma at the time?



1 A. No, I wasn't aware of it at the time.

2 Q. Will, Mr Petrie, I'm putting it to you that the house in  
3 question at the time was the residence of Johnny Paul Koroma.

4 A. It may have been.

11:12:20 5 Q. And you also did say in your testimony yesterday that prior  
6 to the mission to the house in Juba the forces commanded by you  
7 met other forces from, I think, the Sierra Leonean police; is  
8 that right?

9 A. That's correct.

11:12:41 10 Q. And that you all congregated at the Juba police station  
11 prior to your movement to Juba?

12 A. That's correct.

13 Q. Do you still stand by your statement that --

14 [Overlapping speakers]

11:12:51 15 THE INTERPRETER: Your Honours, can Defence counsel please  
16 slow down his questioning so that he'll give chance to the  
17 interpreters.

18 PRESIDING JUDGE: Mr Graham, did you hear the interpreter,  
19 he's asked you to speak more slowly.

11:13:05 20 MR GRAHAM: Okay. Thank you. I think I'm wrong, sorry.

21 PRESIDING JUDGE: Perhaps it would be easiest if you start  
22 from the beginning of that question, Mr Graham.

23 MR GRAHAM: Okay. Thank you, Your Honour.

24 Q. I was referring to the incidents leading to the invasion of  
11:13:25 25 the house in Juba and I was saying it was your testimony  
26 yesterday that prior to the invasion of the house in Juba your  
27 forces, together with forces from the Sierra Leonean police,  
28 congregated at the Juba police station. Is that right?

29 A. That's correct.



1 Q. And I'm saying you still stand by that statement?

2 A. Of course. It's absolutely correct.

3 Q. So would you be surprised if I told you that there was no  
4 Juba police station that time on the reference?

11:13:51 5 A. The Juba police station is at the bottom of Spur Road and  
6 Wilkinson Road where it meets at the roundabout and there's a  
7 police station there that was called the Juba police station and  
8 it was in the car park at the front of that police station where  
9 we met, and I was told, and it was referred to as the Juba police  
11:14:07 10 station.

11 Q. Was it the Juba police station?

12 A. That's what it was called and that's where we met.

13 Q. So it may well be that it was called the Juba police  
14 station, but it was not the Juba police station?

11:14:16 15 A. Well, it was called the Juba police station.

16 Q. Okay. Mr Petrie, you also said yesterday in your testimony  
17 that I think, if I'm wrong, correct me, that 23 men were arrested  
18 in the house at Juba; is that right?

19 A. That's right.

11:14:30 20 Q. Were there any female or women also arrested in the house  
21 at the time?

22 A. Not at the time, no.

23 Q. What about later?

24 A. I understand, although I wasn't there, that later there  
11:14:42 25 were some women which I believe were related to Johnny Paul  
26 Koroma who - in an upstairs room - who were -- whether they were  
27 arrested, I don't know. But the operation that we conducted, the  
28 only people -- I didn't actually see any women at all during the  
29 operation. It was only men that came out of the house.





1 Q. Okay. Thank you. You also in your testimony yesterday did  
2 indicate that in the course of the arrest some shots were fired;  
3 is that right?

4 A. That's correct.

11:15:13 5 Q. Do you recall whether any command was given before the  
6 shots were fired?

7 A. No, the first thing I heard were shots being fired and I  
8 subsequently found out that the shots had been fired by members  
9 of the OSD, the Operational Support Department.

11:15:29 10 Q. But you did not inquire at the moment in time when the  
11 shots were fired as to why who had given the command?

12 A. No, I did not.

13 Q. Why didn't you?

14 A. Because at the time the shots were fired I was standing  
11:15:41 15 where Gullit was resisting going into the vehicle. I heard the  
16 shots fired. I knew that it wasn't from my men because of the  
17 location that the shots came and I was not in overall command.  
18 The commander of the scene was, of course, a police officer.

19 Q. Who was that at the time?

11:15:58 20 A. I can't remember the name of the overall commander. The  
21 JPU was in support of the SLP and therefore the SLP clearly was  
22 the overall commander on the ground.

23 Q. Yesterday also you did say in your testimony that in the  
24 course of the arrest there was some form of resistance from

11:16:26 25 Mr Brima; is that right?

26 A. Yes.

27 Q. And you also did say that one of the officers took issue  
28 with that and actually nudged him quite hard with the barrel of  
29 his gun. Is that right?



1 A. With the butt of his gun.

2 Q. The butt of his gun; is that right?

3 A. Yes. Hit him several times and hit him hard.

4 Q. Do you think it was a proper thing to do?

11:16:48 5 A. No, it was certainly not the appropriate thing to do.

6 Q. And did you comment at it on the time?

7 A. I commented on it afterwards.

8 Q. And what did you have to say?

9 A. I pointed out to the inspector-general of police that I

11:17:01 10 didn't think that was the appropriate way of dealing with it.

11 There are other ways of getting people into a vehicle without

12 resorting to that level of violence.

13 Q. Was any disciplinary action taken against the officer in

14 question?

11:17:13 15 A. I don't know. If it was, it was internal to the police.

16 Q. Okay. And yesterday as well you did also tell us about the

17 way the operation was planned and the fact that you had in place

18 an outer cordon to prevent any of the alleged suspects from

19 escaping?

11:17:35 20 A. That's correct.

21 Q. And you also did say that in the course of the arrest

22 Johnny Paul Koroma escaped; is that right?

23 A. Both Johnny Paul Koroma and Sammy Kargbo to the best of my

24 knowledge -- Sammy Kargbo I believe escaped first over the back

11:17:51 25 wall before the outer cordon was fully in place. And Johnny Paul

26 Koroma escaped for different reasons.

27 Q. Did you say he escaped before you had the opportunity to

28 put the outer cordon in place?

29 A. Yes. One of the vehicles had a problem getting down to the



1 back of the property which is next to the -- or close to the  
2 river. By the time -- it took it two or three minutes longer  
3 than it should have done and by the time was in place, he'd gone.

4 Q. In reference to the military records of Mr Brima, what name  
11:18:29 5 was on the military file of the man you called Gullit when you  
6 examined the file at Cockerill Barracks?

7 A. It was either Tamba Alex Brima or Alex Tamba. I think was  
8 Alex Tamba Brima.

9 Q. I put it to you that the name on the file at the time was  
11:18:48 10 Tamba Brima?

11 A. I could have been, yeah.

12 Q. Do you recall from your review of the files the date  
13 Mr Brima enlisted in the army?

14 A. No, I don't recall.

11:18:57 15 Q. Do you recall his military number?

16 A. No.

17 Q. Do you recall his age at the time?

18 A. No.

19 Q. Do you recall his rank that time?

11:19:04 20 A. No.

21 Q. Do you know why Mr Brima was arrested on January 8 in 2003?

22 A. On July?

23 Q. January 8 in the 2003 arrest?

24 A. Yes, because -- sorry, on January?

11:19:17 25 Q. The 2003 arrest?

26 A. The one at Juba?

27 Q. The invasion at the house at Juba, yes, that's right.

28 A. He was arrested because his name had been brought up by  
29 those arrested at Wellington Barracks the previous week during



1 the coup attempt. When they were interviewed by the police they  
2 named several people and amongst those were Johnny Paul Koroma,  
3 Gullit and Five-Five and that's why he was arrested on that day.

4 Q. So what was the outcome of your investigations in respect  
11:19:51 5 of his individual participation in the alleged coup?

6 A. Well, the SLP, the Sierra Leone Police, conducted the  
7 investigation and, as a result of that, they did not find there  
8 was sufficient evidence to charge Mr Brima and so they didn't.

9 Q. They didn't. So what happened? Was he released?

11:20:14 10 A. As I recall, he was released and then immediately arrested  
11 in relation to another offence that the police were  
12 investigating, as I recall.

13 Q. I didn't hear you well.

14 A. As I recall, he was not charged with the offences in  
11:20:34 15 relation to the treason trial, and then he was released and  
16 immediately re-arrested.

17 Q. Do you recall where he was released?

18 A. No, I don't.

19 Q. At the time, where was he detained?

11:20:50 20 A. I couldn't even -- what, do you mean after the arrests?

21 Q. Yes.

22 A. I'm not certain, but I thought all of them were taken to  
23 Pademba Road, but I may be wrong. I didn't personally interview  
24 any of them in relation to the coup attempt.

11:21:03 25 Q. So you were not in any way involved in the process of his  
26 release?

27 A. No, I wasn't.

28 Q. Do you know why he was re-arrested by the Sierra Leonean  
29 police?





1 A. At the time, no. I think later I heard that it was in  
2 relation to a murder charge.

3 Q. It was in relation to a murder charge?

4 A. Yes, but at the time I -- thinking back to it, I think I  
11:21:28 5 found out some time -- several days after that had happened, that  
6 he'd been released because, at that stage, it was, I believe, two  
7 or three weeks after the event and I had one or two members of my  
8 unit still engaged with the police but, of course, I was carrying  
9 on with my other duties commanding the unit.

11:21:47 10 Q. So are you saying he was released and allowed to go free  
11 and subsequently re-arrested?

12 A. No, I think --

13 Q. It sounded like a continuum; the moment he was released he  
14 was re-arrested.

11:21:58 15 A. My understanding is it's exactly that. The moment he was  
16 released, after there were no charges in relation to the coup  
17 attempt, that he was immediately arrested. I don't think he  
18 physically walked -- that was my understanding but --

19 Q. Did you get to know whether his re-arrest had anything to  
11:22:17 20 do with the Special Court?

21 A. I don't think so. Later on I became aware that he was  
22 indicted for the Special Court and that he was to be arrested on  
23 March 10th. When I became aware of that, I was told that he was  
24 already in custody and therefore that wasn't the problem. I  
11:22:46 25 believe -- again, I may be wrong, but I believe at that stage he  
26 was in custody at Hastings.

27 Q. So do I take that to mean that your outfit had nothing to  
28 do at all with his re-arrest by the Special Court?

29 A. The JPU?



1 Q. Yes, the JPU.

2 A. Sorry?

3 Q. I'm saying did the JPU have anything to do with his  
4 re-arrest after he was released?

11:23:13 5 A. No, no.

6 Q. Mr Petrie, you said earlier on in your testimony yesterday  
7 that you were chief of legal operations for the Office of the  
8 Prosecution?

9 A. That's correct.

11:23:22 10 Q. Have you had any degrees or qualification in law? Do you  
11 have any degrees or qualification in law?

12 A. I have a graduate diploma in law, but I've never done any  
13 professional training and I'm not a lawyer.

14 Q. What was the period of your work with the OTP?

11:23:41 15 A. For September I overlapped with my -- in my final month  
16 with IMATT I was double-hatting two jobs until October of 2004.

17 Q. So should I take that to mean that you did not quit or  
18 resign your position at IMATT?

19 A. I resigned from the British Army at that time, yes.

11:24:05 20 Q. Why, was it just that you joined the Special Court?

21 A. Sorry?

22 Q. Did you resign from the British Army just to be able to  
23 enjoy the opportunity of working with the Special Court?

24 A. No, I resigned from the British Army because I'd got to  
11:24:20 25 where I wanted to go. When you join the British Army as an  
26 officer, the big target for most people is to get to the rank of  
27 lieutenant-colonel and to command a regiment. Once you get to  
28 that level, you then have to make the decision whether you want  
29 to stay on for the rest of your life as a career soldier and seek



1 the higher ranks or not. I didn't, and I would have resigned on  
2 my return to the United Kingdom but this opportunity came up and  
3 I applied for the job.

4 Q. Thank you, Mr Petrie. Mr Petrie you recall yesterday in  
11:24:54 5 your testimony you did say that after the arrest of Mr Brima and  
6 co from the house in Juba they were taken down to, I think, the  
7 offices of the JPU?

8 A. No, they were taken to the OSD headquarters in Bath.

9 Q. To the OSD headquarters and, in the course of them being  
11:25:14 10 processed by way of having the normal background checks being  
11 done, you gave your complimentary or business card to Mr Brima?

12 A. That's correct.

13 Q. Was this voluntarily or Mr Brima requested that you give  
14 him your complimentary card?

11:25:31 15 A. He asked me for my name and that was the easiest way of  
16 telling him who I was.

17 Q. At the time Mr Brima was arrested, Mr Petrie, did he have  
18 anything on him? Other than arms or ammunitions, did he have any  
19 personal items in his possession?

11:25:50 20 A. I don't know.

21 Q. Would I be right in saying that at the time Mr Brima was  
22 arrested he had two pieces of diamonds, you know, almost about 10  
23 carats in value with him?

24 A. Not that I'm aware of, but I didn't conduct any searches of  
11:26:08 25 any of the people.

26 JUDGE SEBUTINDE: Mr Graham, are we talking about the very  
27 original arrest at Juba?

28 MR GRAHAM: At Juba, yes, Your Honour.

29 Q. Mr Petrie, would you be surprised if I told you that



1 Mr Brima says that at the time of his arrest these diamonds were  
2 taken from him as exhibits and given to you in his presence?  
3 A. That would be completely incorrect. If they were taken --  
4 if he was searched and property taken from him as exhibits, it  
11:26:38 5 would have remained totally with the Sierra Leonean Police. At  
6 no stage did I see any property that Mr Brima had and it  
7 certainly wasn't handed to me.

8 MR GRAHAM: Thank you, Mr Petrie. Thank you, Your Honours.  
9 I don't have any further questions for him.

11:26:56 10 PRESIDING JUDGE: Thank you, Mr Graham. Mr Fofanah, have  
11 you have any questions or cross-examination of this witness?

12 MR FOFANAH: Yes, Your Honour.

13 PRESIDING JUDGE: Thank you, please proceed.

14 CROSS-EXAMINED BY MR FOFANAH:

11:27:04 15 Q. Good morning, Mr Petrie.

16 A. Good morning.

17 Q. I just have a few general questions. You've told the  
18 Court, and my colleague has rightly reiterated, that you were the  
19 commanding officer of the JPU in Sierra Leone?

11:27:18 20 A. That's correct.

21 Q. I presume as commanding officer of that unit you had a  
22 fairly reasonable knowledge of the command structure of the  
23 Sierra Leone Army?

24 A. That's correct.

11:27:31 25 Q. Now when is a person deemed to be a member of the Sierra  
26 Leone Army?

27 A. Do you mean now or in the past?

28 Q. I mean the normal Sierra Leone Army.

29 A. Okay. From 2002, when the RSLAF became the armed forces





1 replacing the former SLA, a person is deemed to be in the RSLAF  
2 when he has been recruited into that organisation. Therefore, as  
3 part of the DDR process, the demobilisation and reintegration  
4 process, the size of the army had to be significantly reduced.  
11:28:12 5 Some soldiers were accepted into the new army, others were not  
6 and, therefore, if you were in the army as at -- there is a date  
7 and I believe it's 1 January 2002 but I'm not 100 per cent  
8 certain on that, that you had to be registered into the RSLAF on  
9 that date to be deemed to be a current member of the RSLAF.

11:28:43 10 Q. So I take it the process of recruitment starts with  
11 registration; not so?

12 A. Yes, it does.

13 Q. At the point of registering a recruit, is he given a  
14 number?

11:28:53 15 A. Yes, he is. Although, to clarify that, in terms of the  
16 registration process for the RSLAF, a number of those -- the vast  
17 majority of the RSLAF were people who had previously served in  
18 the armed forces, so they already had an existing service number.  
19 New people who were recruited into to the RSLAF each year are

11:29:15 20 given their service number at the time they first report for  
21 training.

22 Q. You were trying to distinguish between the RSLAF and the  
23 SLA; is there really any difference between the two, to the best  
24 of your knowledge?

11:29:34 25 A. Yes, there is. The RSLAF was quite significantly  
26 restructured. It was a smaller army than the SLA was in 2000,  
27 and in order for people to start working in the professional army  
28 of the RSLAF, to which IMATT was involved in training that army,  
29 they all had to be registered. So whether somebody had served



1 for five years, 10 years, 15 years, in the army previously, they  
2 had to be registered into the RSLAF to be part of the army.

3 Q. Now, by RSLAF, you mean the Republic of Sierra Leone  
4 military forces?

11:30:12 5 A. Republic of Sierra Leone Armed Forces.

6 Q. Armed forces, sorry. Mr Petrie, I put it to you that the  
7 Sierra Leone Army has always been the Republic of Sierra Leone  
8 Armed Forces.

9 A. It was known as the SLA, and it was called the SLA and  
11:30:37 10 people refer to former SLA. So if it's called something, if it's  
11 referred to something and if it's known as something, then the  
12 SLA is what it was known as. The RSLAF, in part, was named  
13 differently to distinguish itself from the SLA.

14 Q. Now during your briefings in the UK, were you told about  
11:31:03 15 the regime of the National Provisional Ruling Council, the NPRC,  
16 of which Captain Strasser was chairman?

17 A. Very briefly.

18 Q. Were you told that during that period members of the Sierra  
19 Leone Army were referred to as members of the Republic of Sierra  
11:31:24 20 Leone Armed Forces?

21 A. No.

22 MS PACK: I was going to object to the question but it's  
23 been answered.

24 MR FOFANAH:

11:31:32 25 Q. Now can someone be deemed to be a member of the Republic of  
26 Sierra Leone Armed Forces if he's merely a volunteer?

27 MS PACK: Your Honour, I've let a few of these questions go  
28 but, in my submission, this latter question is both irrelevant  
29 and one in which this witness can't be in a position to answer.



1           PRESIDING JUDGE: Mr Fofanah, you've heard the objection.

2           MR FOFANAH: Yes. Firstly, I started by indicating to the  
3 witness that I would be asking him a number of general questions  
4 on the Sierra Leone Army and the witness, indeed, has stated on a  
11:32:15 5 number of occasions that he has ample knowledge on the military  
6 structure and that he served as commanding officer of the JPU.  
7 Your Honour, I'm basically trying to ascertain as to how members  
8 of the Republic of Sierra Leone Armed Forces in fact come into  
9 being. Your Honours will rightly agree with me that we have  
11:32:45 10 received prior testimonies before this Court in which other  
11 things were said about membership of the Sierra Leone Army, and  
12 since Mr Petrie is here as an expert, I think --

13           THE WITNESS: No, I'm not.

14           PRESIDING JUDGE: He's not here as an expert.

11:32:55 15           MR FOFANAH: I'm sorry, about that. I withdraw that, Your  
16 Honour. Since Mr Petrie is here as a commanding officer who had  
17 served in the army before, I think it's fair that he clarifies  
18 some of these issues.

19           MS PACK: Your Honour, if I can just reply to that. This  
11:33:12 20 witness has given evidence as to the period when he was here,  
21 which is from October 2002. So as long as any questions  
22 referring to matters generally are pertaining to the Sierra Leone  
23 Armed Forces prior to that, then they can't (a) be relevant to  
24 his questions, or (b) be questions which he's in a position to  
11:33:26 25 address, and he's not an expert, or hasn't been called as one.

26           MR FOFANAH: I have withdrawn the word "expert", Your  
27 Honour. I was basically saying that when I started my line of  
28 questioning Mr Petrie agreed with me that he was given ample  
29 briefing and he had knowledge of the structure of the



1 Sierra Leone Army.

2 PRESIDING JUDGE: I don't recall him saying ample briefing.  
3 He said he had a briefing and he mentioned geography, history, et  
4 cetera. But, in any event, you've heard Ms Pack's comment that  
11:33:57 5 the witness's knowledge is in relation to the period he was here  
6 from October 2002. What have you to say to that?

7 MR FOFANAH: In that case, I will still rephrase my  
8 question and limit it to that period if Your Honours give me the  
9 leave.

11:35:19 10 PRESIDING JUDGE: Just pause, please. We will allow this  
11 question but it must be restricted only to the period in which  
12 this witness was serving and in the time period which he has  
13 indicated he was serving.

14 MR FOFANAH: Thank you very much.

11:35:34 15 Q. So, Mr Petrie, my question will be restricted to the period  
16 from October 2002 to October 2003.

17 A. Okay.

18 Q. Now during that period when you were serving as commanding  
19 officer of the JPU were volunteers common in the Sierra Leone  
11:35:56 20 Army?

21 MS PACK: Your Honour, again, in my submission, that isn't  
22 relevant and I object to the question. The reason why I say that  
23 this question isn't relevant is that if it is going to matters  
24 pertaining to this indictment then it's totally outside the  
11:36:12 25 period of this indictment. So to ask a question as to structures  
26 in the Sierra Leonean Army, volunteers, whether they were members  
27 of the Sierra Leonean Army, after October 2002 clearly isn't  
28 relevant to this indictment.

29 MR FOFANAH: Your Honours, the witness has been brought to





1 testify on issues relating to the indictment and, to the best of  
2 my knowledge, the witness has given testimony that relate to the  
3 period of his service. My question, Your Honours, has to deal  
4 with the question of the Sierra Leone Army of which the accused  
11:36:58 5 Ibrahim Bazzy Kamara was a member. I'm basically restricting  
6 myself to the issue of the Sierra Leone Army in order to know if  
7 the structures that existed both before and now are one and the  
8 same in order to ascertain as to whether his membership of the  
9 army was regular in the first place and as well as --

11:37:43 10 PRESIDING JUDGE: The question was allowed and can be put.

11 MR FOFANAH: Grateful, Your Honour.

12 Q. I will repeat the question again Mr Petrie -- Colonel  
13 Petrie -- retired Colonel, sorry. Now were volunteers common in  
14 the Sierra Leone Army when you were serving as commanding officer  
11:38:04 15 of the JPU?

16 A. I'm going to have to ask you what you mean by "volunteers",  
17 because in armed forces the term "volunteer" has a very specific  
18 meaning and it refers to people who are not professional soldiers  
19 but are part of a territorial army. In Britain, for example, we  
11:38:24 20 have the Territorial Army which is known as the volunteer army  
21 and they are people who do normal jobs in their day and they are  
22 part of the army in their spare time. If what you're meaning is  
23 volunteer as opposed to conscripted -- I just need to know what  
24 you mean by volunteer.

11:38:43 25 Q. So I take it that a volunteer is not a professional --

26 PRESIDING JUDGE: No, Mr Fofanah. You cannot say, "I take  
27 it that". You have asked the witness a specific question, the  
28 witness has asked for a clarification in order to answer that  
29 question and you must give him that clarification in order to



1 answer the question. You cannot prefix it by saying, "I take  
2 it".

3 MR FOFANAHA: Grateful.

4 Q. I'm asking -- I'm seeking to know if the word "volunteer"  
11:39:16 5 can be used in the professional sense when you're talking about  
6 recruitment in the army? Professional sense.

7 A. Yes, it can and I'll try and explain why. The RSLAF as it  
8 is today is what you would call a professional army. There is no  
9 part-time army, it's a full-time army, and the 10,000 or so  
11:39:46 10 members of it are employed full-time to work in the RSLAF.

11 That's the same as the British Army. However, when there is a  
12 war situation volunteers come into being. So, for example, at  
13 the moment the British Army in Iraq has got professional soldiers  
14 and part of the Territorial Army which is volunteers. In the  
11:40:12 15 Second World War the professional armies were those that were  
16 full-time before the war, the volunteers were people that were  
17 conscripted to come in. So at times on operations, in times of  
18 war, you can have volunteers who are part of the professional  
19 army structure. But in peace time the professional army  
11:40:37 20 structure is one where the people are recruited voluntarily, they  
21 apply themselves. So that's why I wanted clarification of the  
22 word "volunteer". They apply voluntarily to join the armed  
23 forces and if selected they become part of the professional army.

24 [AFRC06OCT05C - SGH]

11:40:49 25 MR FOFANAHA: Thank you very much for the clarification.  
26 Unfortunately though, Your Honours, my learned colleague objected  
27 to my asking that question within the context of the pre-2002  
28 period, but the witness has rightly gone beyond that and has  
29 explained that in wartime it's a different scenario. So I don't



1 know if I can go into that a bit more.

2 PRESIDING JUDGE: You have been limited by a ruling and  
3 that limitation stands.

4 MR FOFANAH: As Your Honour pleases.

11:41:25 5 JUDGE SEBUTINDE: Mr Fofanah, in addition, there is a  
6 question on the table that you asked the witness to which he then  
7 asked to you clarify who a volunteer is, what you mean by  
8 volunteer. An exchange has happened between you and the witness  
9 where you appeared to have narrowed on an a agreement of the kind  
11:41:43 10 of volunteer you are asking. It would help if you would go back  
11 to that question and complete it.

12 MR FOFANAH: I am most grateful. I will.

13 Q. Sorry, Mr Petrie, if I have to bring you back. I am most  
14 certainly interested in the -- you were explaining about  
11:42:08 15 volunteers in the professional sense in the army, volunteers in  
16 the army, and you started explaining when one or two things came  
17 up. Now, again, I will ask you the question: Are there  
18 volunteers in the professional Sierra Leone Army as you know it  
19 today?

11:42:38 20 A. It is this use of the word "volunteer" which is not clear.  
21 In the professional army of Sierra Leone today, the RSLAF, there  
22 are approximate 10,000 soldiers recruited and employed full-time.  
23 It is therefore a professional army, it is not a volunteer army.  
24 But all of those people that are in the RSLAF are there  
11:43:04 25 voluntarily, none of them have been forced to be in the army.

26 Q. Now you also used the word "volunteer" in relation to the  
27 word "conscription"; am I right?

28 A. Well, I asked you whether or not that's what you meant by  
29 conscription; whether that was the interpretation you had on



1 volunteer.

2 Q. Yes. You also said that volunteer soldiers in wartime are  
3 conscripted; not so?

4 A. Yes.

11:43:40 5 Q. Now in the professional Sierra Leone Army as you know it  
6 today, can a soldier who has been stripped of his number be  
7 given -- I mean, can a soldier be stripped of his number - let's  
8 start first that way - for various reasons?

9 A. Well, if a soldier -- a soldier doesn't get stripped of his  
11:43:59 10 number. If a soldier was in a position whereby by implication he  
11 was no longer -- if he's stripped of his number he's no longer a  
12 soldier. So what you are saying is can a soldier be dismissed  
13 from the army? Is that what you're saying?

14 Q. Can his number be taken away from him, his registration  
11:44:15 15 number?

16 A. Whilst he continues to serve in the army?

17 Q. Or whilst he is discharged, for example?

18 A. No. The number that a soldier is given when he joins the  
19 army is never given to another soldier. The numbers are just  
11:44:35 20 consecutive. So even if a soldier has finished service, his  
21 number is not re-used and that number, even for a retired  
22 soldier - we talked earlier about Mr Kanu's service number - that  
23 number remains with him on his discharge document because it  
24 identifies who he is even though he is no longer in the army.

11:44:23 25 Q. Whilst he is discharged, for example?

26 A. No, the number that a soldier is given when he joins the  
27 army is never given to another soldier. The numbers are just  
28 consecutive. So even if a soldier has finished service, his  
29 number is not re-used and that number, even for a retired





1 soldier - we talked earlier about Mr Kanu's service number - that  
2 number remains with him on his discharge documents because it  
3 identifies who he is, even though he is no longer in the army.  
4 So a soldier on leaving, on discharge from the army would not be  
11:45:04 5 stripped of his number because that number is needed to continue  
6 to identify him.

7 Q. By the same stretch, can a soldier who has already been  
8 trained be retrained and given a number, another Sierra Leonean  
9 Army number?

11:45:18 10 A. That is not the practice. The practice is to keep people  
11 with their original army number and, therefore, what you have is  
12 in the RSLAF, at the moment, you have some people who were given  
13 their number in the time of the SLA, and there are people who are  
14 now joining the RSLAF who are given new numbers as they join. In  
11:45:44 15 my unit, I had a number of officers and, in particular, senior  
16 NCOs, non-commissioned officers, who had numbers that started  
17 1816 and others, the newer ones, started 1817. So those soldiers  
18 that had previously served with the SLA, they did not get a new  
19 number when they joined the RSLAF.

11:46:15 20 Q. Thank you. Now when you were cross-examined my colleague  
21 Professor Knoops, you said that military ranks used during the  
22 civil war period in Sierra Leone were not used in their true  
23 military context?

24 A. At times that was the case. The best example is  
11:46:34 25 Corporal Foday Sankoh commanding the RUF as a corporal, you know.  
26 It didn't make absolute sense.

27 Q. So does it therefore follow that if those ranks were used  
28 during the civil war period, they did not carry any authority at  
29 all?



1 A. No --

2 Q. In a military sense?

3 A. At the time during the civil war, if a person had a rank,  
4 then it carried authority. But in terms of whether it carried  
11:47:09 5 genuine acceptance in the professional army after the war, no.  
6 So somebody could have been called major in the civil war but  
7 afterwards, when the RSLAF was being set up, he may have actually  
8 been a corporal or a sergeant. People during the civil war gave  
9 themselves ranks which were not formally accepted by a  
11:47:34 10 professional army structure, But it reflected their position in a  
11 command.

12 Q. So in the military sense, as you professionally know it,  
13 ranks that were given during that period did not carry military  
14 authority, as you know it?

11:47:54 15 A. No, that's not correct. Ranks that were given to people  
16 during the civil war did carry the military authority at the time  
17 of the civil war. What they did not do is then translate into  
18 equivalent rank during peacetime.

19 Q. Do you consider those ranks, the ranks given during the  
11:48:13 20 civil war, as acceptable within a professional military  
21 structure?

22 A. Well, the armed forces in the civil war were not a  
23 professional military structure on many occasions and, therefore,  
24 if - to use the analogy that I did earlier of Brigadier  
11:48:35 25 Five-Five - that would not, in a time of peace, because somebody  
26 was called brigadier in time of war, be appropriate back in the  
27 peace-time army.

28 Q. Sorry, Mr Petrie. I have really restrained myself from  
29 going into peacetime. I am basically restricting this question



1 to the civil war period.

2 A. Okay.

3 Q. I mean, I have noticed that you are making a comparison  
4 between the civil war period and the peace-time period. My  
11:49:03 5 question is restricted to the civil war period.

6 PRESIDING JUDGE: Bearing in mind, Mr Fofanah, the time  
7 when this witness was in the country and the limitation in  
8 relation to his knowledge of the army.

9 MR FOFANAH: Yes, Your Honour. I am asking that question  
11:49:18 10 along that context.

11 Q. If I can bring you back again, because you have indicated  
12 to the court when you were just testifying that the military  
13 ranks used during the civil war period did not carry true  
14 military context?

11:49:43 15 A. No, that's not what I am saying at all. Within the civil  
16 war period, the ranks that soldiers carried at that time carried  
17 absolute authority with their rank. So, if during the civil war,  
18 a soldier was a sergeant, a major, a colonel, whatever, it  
19 carried the authority of the rank he had in the civil war. What  
11:50:05 20 it doesn't do is then translate into the peace-time army at the  
21 same level.

22 Q. Would you say that within that period, the civil war  
23 period, that same rank translated into a professional military  
24 context during that period?

11:50:30 25 MS PACK: Your Honour, the witness has been asked  
26 variations of this question about three or four times now and has  
27 been put summaries of what he has said but hasn't said  
28 incorrectly summarised versions of what he said in evidence. If  
29 my learned friend wants to ask the question again, it is



1 inappropriate. It is absolutely repetitive.

2 PRESIDING JUDGE: You have had the same answer, I think,  
3 three times. If you have an issue, put it clearly, But you are  
4 paraphrasing the same question.

11:51:01 5 MR FOFANAH: As Your Honour pleases, I hope I am not  
6 confused at this stage.

7 Q. I will just put this to you and tell me if you agree or  
8 disagree? Mr Petrie, I am putting to it you that during the  
9 civil war period, the ranks that soldiers carried -- sorry, in  
11:51:28 10 fact I have to re-phrase it. During the period when soldiers  
11 withdrew into the jungle, ranks that they carried did not have  
12 military authority within a professional context?

13 MS PACK: Your Honour, this question has been asked now  
14 three times. To change the wording to "the time in the jungle"  
11:51:54 15 as opposed to "the civil war" does not change the substance of  
16 the question, which has been asked, in substance, in different  
17 versions four times.

18 MR FOFANAH: I'm putting it to the witness, Your Honour, I  
19 am not asking him.

11:52:03 20 JUDGE LUSSICK: You are putting it to him, Mr Fofanah, that  
21 what he said previously about ranks in the civil war was  
22 incorrect. Is that what you are putting to him?

23 MR FOFANAH: I'm saying that when he was answering he was  
24 comparing the civil war period to peace-time period, which kind  
11:52:20 25 of confused me altogether, and I was restricting him to the civil  
26 war period.

27 JUDGE LUSSICK: Well, if you restrict it to the civil war,  
28 he has said it on at least three occasions that the civil war  
29 ranks did carry military authority, only that authority did not





1 translate into peace-time army. He said that at least three  
2 times.

3 MR FOFANAH: Well, I will take it from there Your Honour.  
4 I will take it from there.

11:52:46 5 Q. Now when you say that ranks carried military authority  
6 during the civil war period, is it professional military  
7 authority, as you know it?

8 A. It applies in the same way. So, for example, in a  
9 particular region, if Colonel Savage was the colonel in the  
11:53:11 10 region, he would have authority of over those people working in  
11 the region. If your client had a position in the West Side Boys,  
12 with a rank, he would have authority over the West Side Boys. If  
13 somebody was a private, they would not have the authority, but  
14 within the context of the army in the jungle, as you said, and  
11:53:38 15 within the context of an army that was planning attacks, the  
16 person that was carrying the senior rank would have the authority  
17 at that time in that place.

18 Q. In the professional context?

19 A. What do you mean by professional context? Sorry.

11:53:57 20 PRESIDING JUDGE: No, I was going to ask counsel the same  
21 question. I did not understand it.

22 MR FOFANAH: By professional context, I mean a regular army  
23 as you know it, for example, the British Army.

24 PRESIDING JUDGE: He has already answered that question,  
11:54:07 25 Mr Fofanah.

26 MR FOFANAH: May I be guided as to the answer? I do not  
27 seem to recall that answer.

28 PRESIDING JUDGE: Well, as my learned friend colleague has  
29 pointed out, three times he said, "It does not translate into a



1 peace-time army at the same level."

2 JUDGE LUSSICK: I think if you have a specific case or  
3 instance to put to the witness it might be a good idea to do so,  
4 because they may well have been people in the civil war,  
11:54:37 5 soldiers, who held a similar ranking in the regular army.  
6 Therefore, when they returned, if they did return to the regular  
7 army, they didn't suffer any demotion at all. It may well be --  
8 I don't know what specific case you are referring to, but as a  
9 general proposition, we have already had a definite answer from  
11:54:54 10 the witness.

11 MR FOFANA: As Your Honour pleases.

12 Q. Mr Petrie, when you first saw Mr Alex Tamba Brima and  
13 Mr Santigie Kanu, were they still members of the SLA?

14 A. At the time I saw them, the SLA had ceased to exist and  
11:55:38 15 they were not members of the RSLAF.

16 Q. Were you aware at that time if there were members of the  
17 SLA that you said no longer existed at the time?

18 A. They were members of the SLA at the time the SLA existed.  
19 That's why they had service numbers and were recruited into the  
11:56:03 20 army at the time.

21 Q. To the best of your knowledge, did you know what their  
22 ranks were, according to the SLA when you knew them?

23 A. No, I did not.

24 Q. When you went through Mr Santigie Kanu's file, did you  
11:56:34 25 recognise or notice his rank in the army?

26 A. Well, on the file, clearly his rank was private because at  
27 the time somebody is recruited into the armed forces, they are  
28 recruited as private soldiers. So on the sheet of paper that is  
29 at the top of their personnel file, it has those details of their



1 enlistment, so that was the rank at the time.

2 Q. Was there any document contained in that file about  
3 promotions of Mr Kanu?

4 A. I don't know. I didn't research it in that much detail.

11:57:09 5 All I was seeking to do by looking at their files was to clarify  
6 that a number of people on the list were either serving or former  
7 members of the armed forces. Once I had clarified that, by  
8 seeing their name next to a military rank and the date of  
9 enlistment, that satisfied what I was doing, that they either  
11:57:32 10 were or had been members of the armed forces.

11 Q. How would you have come to the conclusion that they were or  
12 were not members of the Sierra Leone Army if you had not known  
13 their ranks at the time?

14 A. Because they had service numbers. The service number stays  
11:57:48 15 with the soldier whatever his rank is. If a soldier starts as a  
16 private and finishes up as a colonel -- sorry, if soldier starts  
17 as a private and finishes up as a warrant officer class one,  
18 which is the highest non-commissioned rank, he still has the same  
19 service number. So the fact that they had a service number  
11:58:06 20 confirmed that they were in the army.

21 Q. But the service number didn't confirm that they were at  
22 that material time still in the army; not so? At that material  
23 time when you were looking through them?

24 A. It is absolutely irrelevant because the service number  
11:58:25 25 stays with the person until he dies. You know, we have seen in  
26 court today the discharge book for Mr Kanu that his family use in  
27 order draw the pension. So the number that Mr Kanu was given  
28 when he joined the army will stay with him, even though he is now  
29 retired.



1 Q. So did you or did you not know when you arrested both  
2 Mr Kanu and Mr Brima that they were serving in the Sierra Leone  
3 Army at that material time?

4 A. I knew they were not serving in the RSLAF at that time but  
11:59:11 5 I knew that they had been serving members of the armed forces.

6 Q. Mr Petrie, I am putting it to you that Mr Kanu, Mr Brima  
7 and Mr Kamara have always been junior ranking officers in the  
8 Sierra Leone Army?

9 A. That is not correct because during the civil war they were  
11:59:48 10 given command appointments that go beyond their peace-time army  
11 rank. Do you really want me to go on?

12 Q. You were saying something about command appointments. Is  
13 it the same as rank, military ranks?

14 A. The authority that goes with a rank -- a command  
12:00:13 15 appointment doesn't necessarily equate to rank but it can do. In  
16 the case of Mr Brima, he commanded the attack on Freetown from  
17 Benguema. The rank was irrelevant.

18 MR FOFANAH: Yes, I am satisfied with your answer that  
19 command appointment does not necessarily equate to rank and at  
12:00:33 20 that stage I would thank you very much for answering my  
21 questions. No further questions, Your Honour.

22 PRESIDING JUDGE: Thank you, Mr Fofanah. Ms Pack, any  
23 re-examination?

24 MS PACK: No re-examination, Your Honour. Just to bring up  
12:00:50 25 again the question of the pension book. Perhaps it might be  
26 appropriate at this point to admit in evidence the photocopy and  
27 then that can be replaced with a coloured copy at a later stage,  
28 so just that it is assigned an exhibit number at this stage  
29 during this witness's testimony.





1           PRESIDING JUDGE: Where is the original? We will need to  
2 see the original.

3           MS PACK: I think Mr Knoops may have answer to that, or  
4 indeed your learned legal officer.

12:04:55 5           JUDGE LUSSICK: I just wanted to raise one point. We are  
6 thinking of releasing the witness now, but we'll be guided by the  
7 parties. If they think that once the colour copy is produced  
8 something might arise from that whereby we would need the witness  
9 here then let us know and we won't release the witness.

12:05:15 10          MS PACK: Certainly not from the Prosecution, Your Honour.

11          MR KNOOPS: Also not from the side of the Defence,  
12 Your Honour.

13          PRESIDING JUDGE: We have no questions. Therefore we thank  
14 you for your evidence, Colonel Petrie, and you are free to leave  
12:05:32 15 the Court.

16          THE WITNESS: Thank you, Your Honour.

17          PRESIDING JUDGE: And we thank you for you time and  
18 information.

19          THE WITNESS: Thank you, Your Honour.

12:05:38 20                               [The witness withdrew]

21          MS TAYLOR: Your Honour, if I may just raise an issue, I  
22 don't know what Your Honours are considering with respect to the  
23 original of this exhibit. What I can say is that the next  
24 witness TF1-199 is a Category 1 Group B witness and that is the  
12:05:57 25 witness that comes over the videolink and we have been advised by  
26 the audio visual people that they would need five or ten minutes  
27 to set up the courtroom for that. So I don't know if that  
28 coincides with something that Your Honours are expecting, but I  
29 thought I might raise that if that assists.



1           PRESIDING JUDGE: In the circumstances, I think it would be  
2 appropriate to adjourn briefly to allow that to be implemented  
3 and perhaps by that time the legal officer may have returned. We  
4 will deal with both issues when we return. So you estimate 10  
12:06:34 5 minutes, Ms Taylor?

6           MS TAYLOR: I am passing on some hearsay, I'm afraid,  
7 Your Honour. It is the estimate of the audio visual unit.

8           PRESIDING JUDGE: Mr Court Attendant will advise us when  
9 everything is in place. Mr Court Attendant, please adjourn the  
12:06:54 10 court temporarily in order to allow that to be put in place and  
11 advise us when it is so.

12                                   [Break taken at 12.08 p.m.]

13                                   [Upon resuming at 12.24 p.m.]

14           PRESIDING JUDGE: Thank you, Mr Court Attendant. We note  
12:24:26 15 you are ready. Would you please swear in the witness. Sorry, I  
16 didn't record what language the witness will speak.

17           MR WALKER: The witness will be testifying in English,  
18 Your Honour.

19           PRESIDING JUDGE: Thank you.

20                                   WITNESS: TF1-199 [Sworn]

21                                   [Witness testified via videolink]

22                                   EXAMINED BY MS NGUNYA:

23 Q.   Mr Witness, can you hear me?

24 A.   Yes.

12:25:28 25 Q.   I will ask you a few questions this afternoon. If you  
26 could please answer them as clearly and to the best of your  
27 ability as you can. Is that okay?

28 A.   Yes.

29 Q.   Mr Witness, how old are you?



1 A. I am 18 years old.

2 Q. What is your date of birth?

3 A. I was born on 22 February 1987.

4 Q. How do you know your date of birth?

12:25:52 5 A. I was told by my mother.

6 Q. Where were you born?

7 A. In Madina Loko, behind Makeni, Northern District, Bombali

8 District.

9 MS NGUNYA: For Your Honours, some names have been

10 mentioned there. Madina Loko is spelt M-A --

11 THE WITNESS: M-A-D-I-N-A L-O-K-O.

12 MS NGUNYA:

13 Q. And Bombali?

14 A. B-O-M-B-A-L-I.

12:26:25 15 Q. Thank you, Mr Witness. Do you go to school?

16 A. Yes.

17 Q. What class are you in?

18 A. Presently I am in the sixth form.

19 Q. I take it you can read and write?

12:26:39 20 A. Yes.

21 Q. What is your native language.

22 A. Madingo.

23 Q. Do you speak any other languages other than English and

24 Madingo?

12:26:44 25 A. Yes.

26 Q. Which one?

27 A. Krio.

28 Q. Witness, where did you live in 1998?

29 A. I was living in Madina Loko.



1 Q. With whom did you live?

2 A. I was living with my uncle.

3 Q. Did anything happen to you in 1998?

4 A. Yes.

12:27:13 5 Q. Witness, can you please tell the Court what?

6 A. I was on Christmas holiday in Madina Loko. After a few

7 days, the rebels attack Madina Loko, my village.

8 Q. Witness, what do you mean by rebels?

9 A. Well, these are people with guns and their guns were tied

12:27:44 10 with red pieces in their mouth and some were disguised in combat

11 and some, they didn't wear any combat uniform.

12 Q. Witness, you had reached a point where these rebels

13 attacked your village. What happened next?

14 A. When they attacked my village to save my life, and I run

12:28:11 15 with my uncle and the other brothers and the other families to

16 bush.

17 Q. Witness, what happened next?

18 A. In the bush we made a temporary camp there. By then there

19 was no water which was there because we had to do some cooking,

12:28:32 20 so my uncle decided to send us to the stream, to the river.

21 Q. Witness, let me just pause you a little bit. You mentioned

22 "sent us to the river"?

23 A. Yes.

24 Q. Who are "we"? Who were you with?

12:28:43 25 A. I was with three of my brothers.

26 Q. Thank you, Mr Witness. So your uncle sends you to the

27 river.

28 A. Yes.

29 Q. Please continue.





1 A. To fetch water. On our way coming from the river, we met a  
2 group of these armed people, rebels. As I described earlier to  
3 you, their guns were tied with red and some were dressed in  
4 combat and some didn't wear any combat. They hands up us there,  
12:29:14 5 they stopped us.

6 Q. Okay, witness, let me just pause you a little bit.

7 A. Yeah.

8 Q. Witness, do you recall about how many rebels there were  
9 that stopped you at the river?

12:29:28 10 A. No, I can't tell at that time because there were many.

11 Q. Thank you, witness. Please continue. They stopped you,  
12 and then?

13 A. They stopped me with my other brothers with the gun  
14 pointed directly to us. And they asked us to raise our arms  
12:29:43 15 up and we did that. They searched our pockets, you know.

16 They removed few coins and other monies that was still in our  
17 pocket. And after that we were asked to tell them where our  
18 parents are. I told -- with my brothers I told them that I  
19 didn't know where my parents are. From there, they asked us

12:30:12 20 to go to Madina Loko.

21 Q. Witness, I will pause you there for just a second.

22 A. Yes.

23 Q. You have referred to these rebels as people who were  
24 carrying guns with a piece of red cloth tied on their mouth?

12:30:21 25 A. Yes.

26 Q. Some with combat others without.

27 A. Combat.

28 Q. Did you know if these people belonged to any particular  
29 group?



1 A. I came to know, madam, when I arrived at the final  
2 destination and asked my -- as I will tell you later, you know,  
3 my commander, whose force to abduct me, told me that they were  
4 both RUF and AFRC.

12:30:53 5 Q. Thank you, Witness. You had reached a point where they  
6 told you -- the rebels told you to go with them?  
7 A. Yes.

8 Q. Where did you go?  
9 A. We turned back to Madina Loko, my village.

12:31:09 10 Q. Did you get to Madina Loko?  
11 A. Yes, madam.

12 Q. Do you recall about what time of the day or night that you  
13 got to Madina Loko?  
14 A. It was in the evening hour.

12:31:20 15 Q. Was it daylight or dark?  
16 A. Yes, from 5.00 to 6.00.

17 Q. Thank you, Witness. Did anything happen in Madina Loko?  
18 A. In Madina Loko, the rebels arrived with us there and my  
19 other brothers. I met their houses were burning and some -- so I  
12:31:43 20 saw some rebels burning, you know, lighting fires on the thatched  
21 houses because my village contained, you know, a lot of thatch  
22 houses. The smoke were all on the houses. They asked us to sit  
23 behind in the town. At the side of the town, I mean.

24 Q. Witness, I will interrupt you again. Just to be clear --  
12:32:04 25 A. Yeah.

26 Q. Did you see, you mentioned that you saw them lighting  
27 houses, just to confirm you saw them lighting these houses.  
28 A. I saw the rebels.

29 Q. Thank you, Witness. Besides the burning of the houses,



1 what else did you see, Witness.

2 A. I seen they had access to stop at the side of the town, you  
3 know. I met -- they had just killed one of my uncle. So, my  
4 uncle was lying in cold blood and I saw the blood in some of

12:32:30 5 their -- wiping some of their hands, you know.

6 Q. Again to be clear, Witness --

7 A. Yeah.

8 Q. -- did you see the rebels kill your uncle?

9 A. They had just finished killing him.

12:32:56 10 Q. How did you know this?

11 A. Well, I only knew when my commander told me that they  
12 killed my uncle.

13 Q. Witness, thank you. You have mentioned the killing of your  
14 uncle, the burning of houses. Did you see anything else in

12:33:12 15 Madina Loko?

16 A. Yeah. They also -- they also brought other children and  
17 adults and the older people, you know, right where we are  
18 stopped. And they went in -- the rebels went in our houses.

19 They removed the properties there. Properties like food, rice

12:33:42 20 and cloth. Bags of things together.

21 Q. Witness, I will just take you back a little bit. You have  
22 mentioned the kind of properties that were looted?

23 A. Yeah.

24 Q. Did you see what happened to these properties?

12:33:56 25 A. These properties were spread among themselves.

26 Q. Do you know what happened to them?

27 A. Well, soon the rebels leave our village these properties  
28 were carried by them.

29 Q. Okay. Thank you, Mr Witness. Now, I will go back to --



1 you said that they abducted people. Can you explain this further

2 to the Court?

3 A. Yes.

4 Q. Please do.

12:34:25 5 A. Well, because as soon as the rebels attacked my village,  
6 Madina Loko, you know, everyone run to the village. And the  
7 rebels, you know, went to the bush. They abducted people there.  
8 As I described to you, adults, children, girls and also ageable  
9 people, the older people, I mean. So they were brought to the  
12:34:53 10 point where I was stopped by them -- with them earlier.

11 Q. Okay. Thank you, Witness. You have mentioned various  
12 incidents: Burning of houses, your uncle, looting, abductions.  
13 Did you witness anything else at this time?

14 A. After collecting properties from our houses in Madina Loko,  
12:35:22 15 they gathered all the civilians there. We, the civilian. And  
16 they chose -- they removed the older people among us and the  
17 older people they started cutting some of their hands, some their  
18 ears. And after doing that in front of me, the rebels, I saw  
19 them writing a note. And after writing the note they gave it --  
12:35:53 20 they placed the note in the pocket of the amputated older people.  
21 They said, "Well, you can go to the government. Let them -- let  
22 the government go and [indiscernible] you." So I heard them  
23 saying that.

24 Q. Witness, again I am just confirming, you saw this?

12:36:10 25 A. Yes, madam.

26 Q. And you heard the rebels say this?

27 A. Yes.

28 Q. Thank you, Witness. Witness, did you witness anything else  
29 in Madina Loko?





1 A. Those are the things I witnessed and after amputation the  
2 rebels commanders decided to choose among we, the civilians, you  
3 know, their choice. They said, "Well, every commander should  
4 choose his or his own boys from the adults and we the children".

12:36:57 5 Q. Witness, just to interrupt a little bit, were you chosen?  
6 A. Yes, I was chosen by a commander called Lieutenant Marrah.  
7 Q. Thank you, Witness. Do you recall at this time about how  
8 many commanders - because you mentioned commanders - do you  
9 recall how many commanders were present in Madina Loko?

12:37:21 10 MR KNOOPS: Objection, Your Honour. Sorry, objection. I  
11 think there is not a foundation laid for the answering of this  
12 question before the witness is asked what he understands of the  
13 commander.

14 PRESIDING JUDGE: I agree with that, Ms Ngunya. There has  
12:37:38 15 not been foundation for this question.

16 MS NGUNYA: Thank you, Your Honour. I will come back to  
17 this later.

18 Q. Witness, you were chosen by Marrah?  
19 A. Yes.

12:37:51 20 Q. We had reached there. Were there any other people making  
21 choices of abductees?  
22 A. Yes, the other rebels so did the same, they choose from the  
23 other civilians. But I was chosen by Lieutenant Marrah.

24 Q. Thank you, Witness. Did anything happen after you were  
12:38:14 25 chosen?  
26 A. From there they asked us to carry our properties. Then we  
27 carried them on our heads. Then we followed the rebels.

28 Q. Witness, where did you follow them to?  
29 A. From my village, Madina Loko, we walked for 7 miles to a



1 village called Karina.

2 Q. Witness, can you spell Karina?

3 A. Yeah.

4 Q. Please do it for the Court?

12:38:39 5 A. K-A-R-I-N-A.

6 Q. Thank you, Witness. Did you get to Karina?

7 A. Yes, Madam.

8 Q. Did anything happen in Karina?

9 A. Yes, in Karina, the day it was Friday, you know. As soon

12:39:05 10 as the rebels arrived there with us, then there was a prayer

11 going on in the mosque in Karina there. And we were rushed with

12 us -- the rebels rushed with us there and they surrounded the

13 mosque, started shooting directly to the mosque. After some

14 minutes the rebels asked the few people from the mosque to come

12:39:33 15 out and some were killed in the mosque.

16 Q. Witness, just to be clear, you say some were killed in the

17 mosque?

18 A. Yes, some civilians.

19 Q. Did you see this?

12:39:45 20 A. Yeah.

21 Q. Okay. Please continue, Witness.

22 A. Well, the few that comes out, the few civilians, and they

23 gathered some like the adults they placed them together and the

24 children they placed them in another group and the older people

12:40:04 25 so they took them to another place. Then they started cutting

26 the hands off the aged -- the older people. Some their hands,

27 some their ears in front of me.

28 Q. Okay. Witness, you have mentioned the amputations. Did

29 anything else happen in Karina?



1 A. Yes. In Karina they went in houses. They burnt some  
2 houses there. And the rebels also removed properties like rice,  
3 cloths, bags, from houses.

4 Q. You have mentioned amputations, looting. Did anything else  
12:40:56 5 happen in Karina?

6 A. Yes. After removing properties, they brought the  
7 properties to a point where they left we, the civilians, and they  
8 also abducted other children from the town there, from Karina.  
9 Children and women and adult. They brought them to the point  
12:41:24 10 where the rebels left us.

11 Q. Thank you, Witness. I just want to be clear on one thing.  
12 You mentioned children. Can you tell the Court if it was boys,  
13 girls, both?

14 A. Yeah, yeah. They were boys, some were girls.

12:41:40 15 Q. Okay. Thank you, Witness. Did anything else happen in  
16 Karina?

17 A. From there they let the amputated people go. So, after  
18 that they asked themselves to choose from the adults and the  
19 children, the civilian children, including boys and girls. And  
12:42:07 20 some young girls, you know. So they choose their choice and they  
21 asked them to carry the properties, you know, after sharing the  
22 properties among themselves.

23 Q. Okay. They shared the property among themselves --

24 A. Yeah.

12:42:27 25 Q. -- and told them to carry. What happened next?

26 A. From there they leave the town. Some houses were burning  
27 and we leave the Karina town and we follow the rebels.

28 Q. Okay. Witness, where did you follow them to?

29 A. From Karina, we walk through some small villages for a day.



1 Q. Witness, if I may just interrupt you there.

2 A. Yeah.

3 Q. Did anything happen during this day you walked through  
4 these villages?

12:43:02 5 A. Yes, madam.

6 Q. Please tell the Court?

7 A. Some of these small villages we passed through, some  
8 continually torched houses and some of these villages, when the  
9 rebels arrived there with us, because they didn't meet many  
12:43:27 10 people in the village, so they just burnt the houses. They light  
11 a match on thatch houses and leave them burning.

12 Q. Thank you, Witness. Earlier you had mentioned you walked  
13 for a day. Please continue. What happened next?

14 A. We arrived at a town called Bafodia, a big town. I mean,  
12:43:46 15 Fadugu, sorry.

16 Q. Witness, can you spell Fadugu for the court?

17 A. Yes, madam.

18 Q. Please go ahead.

19 A. F-A-D-U-G-U.

12:44:03 20 Q. Thank you, Witness. You reached a place called Fadugu?

21 A. Yes.

22 Q. What happened next?

23 A. Well, in Fadugu, as soon as the rebels arrived with us  
24 there, we the civilian, they started popping gunshots rapidly  
12:44:27 25 towards the town. And they continued with this gunshot until we  
26 arrived in the town with the rebels. When the rebels arrived in  
27 the town with the gunshot and they stopped for a while. And  
28 during this time when the gunshot was going on, you know, I  
29 met -- we met -- they had killed, you know, some people and the





1 way of the shooting the gun towards the town.

2 Q. Witness, just held on. Who is "they" that had killed?

3 A. They are referring to the rebels.

4 Q. Thank you, Witness. Please continue.

12:45:01 5 A. As soon as we arrived in Fadugu, the rebels stopped

6 shooting the guns and we met they had killed -- the rebels had

7 killed some of the civilians that were on their way, running.

8 The bullets met some of them and we met the body of them.

9 Q. Again let me interrupt you briefly, witness.

12:45:19 10 A. Yes.

11 Q. Did you see this happen?

12 A. Yes. I was with the rebels. I saw all this.

13 Q. Thank you, witness. Please continue.

14 PRESIDING JUDGE: Just pause, Ms Ngunya. I just note the

12:45:34 15 time. Would this be a convenient point in the line of your

16 examination-in-chief to adjourn for the usual lunch-time

17 adjournment?

18 MS NGUNYA: Your Honour, it is fine, thank you.

19 PRESIDING JUDGE: Thank you. In that case, Mr Witness, we

12:45:45 20 are going to adjourn for our usual lunch-time adjournment and we

21 will start again at a quarter past two. Do you understand that?

22 THE WITNESS: Yes, My Lord.

23 PRESIDING JUDGE: Mr Court Attendant, please adjourn court

24 to 2.15.

14:09:27 25 [Luncheon recess taken at 12.47 p.m.]

26 [AFRC06OCT05D - CR]

27 [Upon resuming at 2.17 p.m.]

28 PRESIDING JUDGE: Mr Knoops, you are on your feet.

29 MR KNOOPS: Yes, Your Honour. I accuse myself for my



1 colleague Mr Graham, but he is on his way. We can continue.

2 PRESIDING JUDGE: Ms Ngunya, you were in the midst of your  
3 examination-in-chief.

4 MS NGUNYA: Thank you, Your Honour. I'm yet to see the  
14:17:27 5 split screen.

6 Q. Witness, good afternoon. Witness, this morning, just to  
7 refresh your memory, we had reached the point where you had  
8 reached Fadugu and you had finished explaining the rebels getting  
9 into town and firing guns and you saw some people shot. Do you  
14:17:51 10 recall?

11 A. Yes.

12 Q. Please continue from there. Did you see anything else in  
13 Fadugu?

14 A. Yes.

14:17:57 15 Q. Please explain.

16 A. In Fadugu, after shooting the gun, then we arrived in the  
17 centre of the town there, then the rebels leave with the  
18 civilians, with other rebels, then they started burning houses.  
19 Then after burning the houses, they entered some house that they  
14:18:19 20 didn't burn. They removed properties there and abducted a girl  
21 and all the people there, children, including boys and girls.  
22 They gathered all of them there, then they went with them to the  
23 point where the rebels leave us in the centre of the town there.

24 Q. Thank you, Witness. Did anything happen to these people  
14:18:48 25 you've mentioned, abductees?

26 A. Yes.

27 Q. Please explain to the Court.

28 A. Some of these girl -- some were small girls, middle, 15,  
29 some 16. Some of the rebels went with them into a room, then we



1 heard crying. Then after some time, they came out and the girls  
2 came crying with tears in their eyes. After that, they gathered  
3 the properties from houses, the rebels.

4 Q. Let me just interrupt you for a second, Mr Witness. Do you  
14:19:31 5 know why these girls were crying?

6 A. I understood that they were raped.

7 Q. How do you know this, Witness?

8 A. I knew that when -- because, you know, we amongst  
9 ourselves, the civilians, we discussed. Especially when they  
14:19:49 10 were far away from us, they would discuss with us, ourself with  
11 the civilian.

12 Q. Witness, did your yourself see any rapes?

13 A. In Fadugu?

14 Q. Yes, Witness.

14:20:04 15 A. The rape was done in the room, inside the room.

16 Q. Thank you, Witness. You've mentioned looting of  
17 properties, burning of houses, shooting of people, and raping of  
18 girls. Did anything else happen in Fadugu, Witness?

19 A. Burning of houses also, as I mentioned to you. Then after  
14:20:27 20 that, they gathered the people, they shared among themselves, the  
21 civilians --

22 Q. Let me interrupt you one more time, Witness. They shared  
23 the civilians among themselves?

24 A. The rebels.

14:20:42 25 Q. Thank you, please proceed.

26 A. After doing that, the rebels share the properties among  
27 themselves. After that, they give the civilians to carry. The  
28 men they adopted in Fadugu there and the adults and children,  
29 including boys and girls, all of them carried the properties on



1 their head and all of them joined them together to continue the  
2 journey.

3 Q. Witness, you continued the journey. Where did you go?

4 A. From Fadugu, the rebels were with them, the other  
14:21:23 5 civilians. We walked for two days. We come across several  
6 villages [indiscernible] one of the villages, when we reached at  
7 certain villages, the rebels would burn down those villages and  
8 because we didn't meet any people, they burn down those villages  
9 and we leave the houses, smoke on them. The journey continue for  
14:21:50 10 two days. After these two days, we arrived at a big town called  
11 Bafodeya.

12 Q. Witness, if you could spell Bafodeya for the Court, please?

13 A. B-A-F-O-D-E-Y-A.

14 Q. Thank you, Witness. You said you arrived at a big town  
14:22:23 15 called Bafodeya. Did anything happen in Bafodeya?

16 A. In Bafodeya when the rebels arrived there with us, we the  
17 civilians, we meet another big group of rebels there in Bafodeya.

18 Q. You met a big group of rebels there?

19 A. Yeah.

14:22:38 20 Q. Do you know which group these people belonged to?

21 A. This group was -- my commander Lieutenant Marrah told me  
22 they were both RUF and AFRC.

23 Q. Witness, what were the living conditions like in Bafodeya?

24 A. The living conditions, we met -- the whole town was  
14:23:06 25 occupied by the rebels. You know, they occupied the houses there  
26 and when our own group, with Lieutenant Marrah, we ourself with  
27 Lieutenant Marrah occupied an empty house, so we reside there.

28 Q. Witness, you have said rebels occupied the houses in  
29 Bafodeya.





1 A. Yeah.

2 Q. My question is: Did you see any civilians in Bafodeya?

3 A. No, I only saw the rebels there. As my commander told me,  
4 there were rebels there. They were the same people.

14:23:44 5 Q. Thank you, witness. Was there somebody in charge in  
6 Bafodeya?

7 A. Yes, there was a man --

8 MR KNOOPS: Your Honours, I object. I think it should  
9 first be established whether the witness is able to answer the  
14:24:03 10 question, whether he's capable of identifying who is in charge.  
11 Until so far, we didn't hear evidence about any individuals other  
12 than Mr Marrah. So, perhaps, the question should be properly  
13 asked in that the witness should first be able to answer whether  
14 he is capable of saying whether somebody is in charge.

14:24:35 15 PRESIDING JUDGE: Yes, Ms Ngunya, I think there is some  
16 validity in that observation. Have you any reply?

17 MS NGUNYA: Your Honour, I was going to say that I have  
18 established that there were a group of people, rebels, in  
19 Bafodeya, that they had established a camp; they were living in  
14:24:53 20 houses. He had established that he had a commander called  
21 Marrah. All I have asked is does he know if anybody was in  
22 charge. I think I'm actually asking the question that learned  
23 counsel has raised.

24 [Trial Chamber conferred]

14:25:51 25 PRESIDING JUDGE: You have two problems there, Ms Ngunya,  
26 in the way you put it. You are leading, but you must establish  
27 if he has knowledge if anyone was in charge. You must establish  
28 that.

29 MS NGUNYA: Much obliged, Your Honour.



1 Q. Witness, do you have knowledge if there was anybody in  
2 charge in Bafodeya.

3 A. When we arrived in Bafodeya -- okay, fine.

4 Q. Hold on, witness. Just listen to the question again,  
14:26:23 5 please. Do you know if there was somebody in charge in Bafodeya?

6 A. When I arrived in Bafodeya, my commander told me that the  
7 high commander in Bafodeya was Lieutenant-Colonel Savage.

8 Q. Thank you, witness. So your commander told you this?

9 A. Yes.

14:26:42 10 Q. Thank you, witness. Witness, did you do anything in  
11 Bafodeya?

12 A. Yes, ma'am.

13 Q. Please tell the Court.

14 A. In Bafodeya, after some days in the first week of my  
14:26:58 15 staying there with the rebels, Lieutenant Marrah, he started  
16 training me how to shoot the gun and how to dismantle it. He  
17 started performing how to crawl when on ambush, especially when  
18 we went on attack.

19 Q. Thank you, witness. You've mentioned two types of  
14:27:29 20 training: How to shoot, dismantle a gun and put it back  
21 together. You have mentioned how to crawl.

22 A. Yeah.

23 Q. Could you please expand on the second one, how to crawl?  
24 What does that mean?

14:27:43 25 A. By crawling, my commander, like you know, on the ground in  
26 front of me with the other boys, that we are all under the same  
27 Lieutenant Marrah. He would lay down with the gun and started  
28 crawling how to -- you know, how to crawl when on ambush. That's  
29 the crawling I mean.



1 Q. Witness, you mentioned you were with other boys; is that

2 correct?

3 A. Yes, ma'am.

4 Q. How many of you; do you recall?

14:28:20 5 A. Yeah, I was with other five boys. We all belonged to

6 Lieutenant Marrah.

7 Q. Witness, you say you were belonging to Lieutenant Marrah;

8 is that correct?

9 A. Yeah.

14:28:32 10 Q. Were there others not belonging to Lieutenant Marrah?

11 A. Yes, because in Bafodeya, all the children, adults, boys  
12 and girls, all belong to various commanders. My own commander I  
13 was with was Lieutenant Marrah and the other boys.

14 Q. Thank you, witness. A further question relating to these

14:28:58 15 boys: Were you the only one undergoing training with the people

16 under Lieutenant Marrah?

17 A. No.

18 Q. Please explain, witness.

19 A. I told you the structure within the line with the other

14:29:16 20 five boys and three stand --

21 Q. Sorry, witness, maybe I didn't make myself clear. Besides

22 you and the boys under Lieutenant Marrah -- let me rephrase that.

23 Sorry. You and five boys were training; is that correct?

24 A. Yes, ma'am.

14:29:41 25 Q. Were there other boys training at this time?

26 A. Yes, other children -- I mean, other commander training  
27 other children.

28 Q. Thank you, witness. Earlier, you had mentioned you had

29 learned how to operate a gun and how to crawl. At this time, did



1 you receive any other kind of training?

2 A. Yes, the other training was how to perform certain command.  
3 Like, when my commander, he was -- stood in front of us and say,  
4 "Stand at ease," you know. He would perform the action and say,  
14:30:21 5 "Attention," you know, how to do that. That is one of the other  
6 training I undergo.

7 Q. Thank you, witness. Did you receive any other kind of  
8 training at this time?

9 A. The training continued, but it took place, effectively,  
14:30:41 10 within a week.

11 Q. Did anything happen after this week, witness?

12 A. After this week, after the week, the same training  
13 continued.

14 Q. Did you complete your training, witness?

14:31:02 15 MR KNOOPS: Your Honour, I object. I don't think that  
16 without any information what the scope of the training was that  
17 the witness can answer the question whether he completed the  
18 training. I think it is a leading question as well.

19 MS NGUNYA: I will rephrase that, Your Honour.

14:31:28 20 PRESIDING JUDGE: Very well.

21 MS NGUNYA:

22 Q. Witness, you mentioned earlier that the training lasted  
23 about a week; is that correct?

24 A. Yes, madam.

14:31:35 25 Q. Did anything happen after this week?

26 A. The effective training lasted for a week. Then after this  
27 week, after a week, it continues, but not effectively.

28 Q. Witness, during this time in Bafodeya, besides training,  
29 did you do anything else?





1 A. Yes, madam.

2 Q. Please inform the Court.

3 A. In Bafodeya, my commander also led me to an attack to  
4 Kabala. In Kabala, before going on this particular attack, my  
14:32:18 5 commander receive a command from Lieutenant-Colonel Savage that  
6 they should go on attack, that they should carry their boys so  
7 that they should be well force -- I mean. Then after sending the  
8 message to my commander, Lieutenant Marrah, Lieutenant-Colonel  
9 Savage sent a boy, one of the rebels to Kabala as a recce.

14:32:52 10 Q. Witness, I will interrupt you for a minute. What does  
11 recce mean?

12 A. He's someone who normally go and see what is happening in a  
13 particular town before attacking there. That's what I mean.

14 Q. Thank you, witness. So this person was sent on a recce?

14:33:15 15 A. Yes.

16 Q. What happened next?

17 A. When he's coming, he explained to Lieutenant-Colonel  
18 Savage, because every morning, my commander Lieutenant Marrah go  
19 to muster parade and normally we receive authority from  
14:33:33 20 Lieutenant-Colonel Savage. Lieutenant-Colonel Savage explained  
21 to him that the security station in Kabala was not very strong,  
22 so they should go there with the boys to go there and attack in  
23 Kabala.

24 Q. Witness, I'll stop you for a little bit to clarify some  
14:33:53 25 things.

26 A. Yes, madam.

27 Q. Witness, you mentioned that your commander, Marrah, goes  
28 for a muster parade; is that correct?

29 A. Yes, madam.



1 Q. How do you know this? How do you get this information?

2 A. Well, he communicate. He told me after anything, he tick  
3 that in but we were not there. When he come, he usually explain  
4 to us.

14:34:22 5 Q. Witness, please proceed from where you are. You had  
6 reached a point where defences in Kabala were not so strong.

7 A. Yeah.

8 Q. Please continue.

9 A. After Marrah explained that to us, then we went on the  
14:34:45 10 mission and we attack to Kabala. When we arrive near Kabala,  
11 Lieutenant-Colonel Savage organised the other commanders in a  
12 group -- in a line, I mean. The other commander took the left  
13 line. The other commander took the right-hand -- the right line,  
14 I mean. They surround half part of the town, the rebels. With  
14:35:07 15 us, I was laying behind my commander, because he had already told  
16 me in Bafodeya how to crawl with the weapon. Then,  
17 Lieutenant-Colonel Savage shot first his gun. After that, the  
18 rest of the rebels, AFRC and RUF rebels, they continue shooting  
19 against the -- against Kabala town.

14:35:40 20 Q. Witness, I just want to clarify something. You said  
21 AFRC/RUF were shooting at Kabala town. Do you know if they were  
22 shooting at anything?

23 A. Yes.

24 Q. What were they shooting at?

14:35:57 25 A. They were shooting directly to the town -- directly to the  
26 town, the people in the town and the security so that they would  
27 overcome the town.

28 Q. Who were they trying to overcome?

29 A. There were government soldiers there in Kabala by then and



1 ECOMOG, you know.

2 Q. Thank you, witness. Please explain, did this battle  
3 continue?

4 A. Yes, madam.

14:36:30 5 Q. Did anybody emerge victorious?

6 A. Yes. As we continue shooting rapidly toward Kabala, we  
7 entered the town. The rebels entered there and we were able to  
8 overcome Kabala town. As soon as we conquered Kabala town, we  
9 were able to capture some government soldiers and ECOMOG there,  
14:36:54 10 in fact.

11 Q. Did anything happen to these ECOMOG and government  
12 soldiers?

13 A. Yes, madam.

14 Q. Please inform the Court.

14:37:02 15 A. Lieutenant-Colonel Savage removed their combat -- the  
16 combat the government soldiers and ECOMOG were wearing by then,  
17 they removed all of them. After that, he tied their hands behind  
18 them. They placed them in a line. Then they shot all of them.  
19 They kill them in front of us there.

14:37:30 20 Q. Witness, are you in a position to remember about how many  
21 people were shot in this way?

22 A. Yes. They were not many. They were just seven in number.

23 Q. Witness, did anything happen after this incident?

24 A. After this incident, the other rebels, they went in houses,  
14:37:52 25 removed properties; then cut people's hands there. After that,  
26 they burnt down houses, you know, even on the way -- the way the  
27 attack started and some people were killed when we are shooting,  
28 the rebels. We met the dead body of some of them lying in the  
29 town.



1 Q. Witness, you have mentioned one attack in Kabala; is that

2 correct?

3 A. Yes, madam.

4 Q. Were there any other attacks during this time?

14:38:35 5 A. Yes, madam. Because normally when I was with them in the  
6 bush in Bafodeya, I mean, I was so small. So, I didn't take part  
7 in many attack, but they agreed to attack. I used to take part  
8 in Kabala, that one, and also we went on the attack to the CDF  
9 area, you know, and we attack the CDF village. After we

14:39:09 10 conquered the village and we opened -- we burnt down the houses.  
11 After burning houses, we captured some women and children, some  
12 adults. My commander raped one of the girl in front of me. He  
13 liked the girl. He commanded her to lie down and he used his sex  
14 with her in front of me.

14:39:38 15 Q. Witness, just to be clear, what do you mean he used his sex  
16 in front of you?

17 A. I'm sorry for the use that. The use mean sex.

18 Q. Thank you, Witness. Did anything else happen during this  
19 time?

14:39:53 20 A. Yes. After that, my commander also gathered another young  
21 girl and he commanded me that I, too, should have a sex with the  
22 small girl because he said since I was with him, I should not  
23 just be with him like an impotent man and I, too, should have sex  
24 with the girl and I pleaded to him, "Please, Lieutenant Marrah,  
14:40:29 25 me don't do this." I was so young. I explained myself to him.  
26 He said, "If you argue to me, I will kill you. If you continue  
27 to argue, I will kill you." I was forced and then I had sex with  
28 the girl.

29 Q. Witness, was this the only time this kind of incident





1 happened?

2 A. No, because since I was with the rebels in Bafodeya I took  
3 part in many food-findings. Like on one of the food-findings I  
4 went --

14:41:09 5 Q. Witness, I will just interrupt you there for a second.

6 Could you please explain to the Court what is food-finding?

7 A. Food-finding is a process in which normally the rebels,  
8 when I was with them, we used to went to certain villages and  
9 also farms in search of food. Because, in Bafodeya, food was  
14:41:27 10 very hard to find by then. So what they would do is they would  
11 mobilise us, we the boys, and the rebel, they will carry us to  
12 the towns and some farms where we used to find food.

13 Q. What would happen in these towns when you got to find food?

14 A. When we got to find food, the commander, as soon as we  
14:41:59 15 arrive in the village where the food is, and we make sure that we  
16 open some gunshot there to scare the people, and some people run.  
17 Who were not able to run, we abducted them. We would gather  
18 them. We remove them, their food, their rice and also some bag  
19 of rice, move them and gathered all of them and put them on their  
14:42:28 20 head. They will carry them to the camp at Bafodeya.

21 Q. Thank you, witness. I rudely interrupted you a little  
22 earlier. You were mentioning an incident where one time you went  
23 for a food-finding mission with your commander; is that correct?

24 A. Yes.

14:42:48 25 Q. Please proceed from there.

26 A. We went on this food-finding. Then we opened some gunshot  
27 towards the town. Then after that, we advanced to the town. As  
28 soon as we reached the village, I mean, then we gathered -- we  
29 ran behind some civilians there. Then they were stopped. Some



1 were girls, these young girls, and my commander gathered them and  
2 placed them in the village and said, "We are going to kill you.  
3 We are going to kill you people." Then after that, after  
4 threatening them, then we removed the rice from their houses. On  
14:43:35 5 this food-finding, my commander also brought a girl to me. After  
6 having sex with a girl in front of me and he said, "SBU, small  
7 boys, you are going to have sex with this girl, too, because you  
8 are a man." I tried to argue to him. He said, "If you continue  
9 to do this to me in the bush, I will kill you." So I was forced.  
14:44:03 10 Then I had sex with the girl for the second time.

11 Q. Thank you, Witness. I will take you to a few sentences  
12 back. You mentioned three letters; SBU.

13 A. Yes.

14 Q. What does that mean?

14:44:23 15 A. In the bush, the meaning of this SBU is Small Boys' Unit.  
16 You know, this Small Boys' Unit are boys that belongs to the  
17 commander, to this rebel commander, AFRC and RUF commander.  
18 That's the meaning.

19 Q. Do you know why Marrah referred to you as SBU?

14:44:46 20 A. Yes, Marrah, he said that since I was small and other boys,  
21 so they should call us SBU, Small Boys' Unit. So we are small  
22 RUF and AFRC.

23 Q. Thank you, witness. Witness, you mentioned that you and  
24 your commanders went on these food-finding missions. Did they  
14:45:14 25 feed you; the rebels?

26 A. Yes. Yes. I was with them on food-findings. When we  
27 brought the rice, you know, we used to eat with them.

28 Q. Did they give you anything else other than food?

29 A. Well, the only thing I was given was jamba, the name of



1 marijuana in English, marijuana. One time he called me,  
2 Lieutenant Marrah called me at the veranda of the house. I saw  
3 him wrapping a kind of paper, white paper and some grass was in  
4 the paper. Then he light it, and he said, "You are going to  
14:46:04 5 smoke this thing." Of course, I said, "Why?" I said, "I am very  
6 small, Marrah." I said, "Please, let me don't take this thing."  
7 And he smoke it. After that he gave it to me. He said, "Smoke."  
8 I said, "For what reason?" He said, "As far as you are with me,  
9 you have to go on food-finding, you have to go and attack. If  
14:46:26 10 you don't smoke this thing, you will not even be embarrassed and  
11 then I be frightened." So he forced me to smoke the marijuana.

12 Q. Thank you, Witness. Witness, you mentioned earlier that  
13 you had knowledge that Colonel Savage was in charge at Bafodeya.

14 A. Yeah.

14:46:58 15 Q. Do you have knowledge if Colonel Savage had a commander?

16 A. Yes, Madam.

17 Q. Who is it?

18 A. It was another commander living in another town close to  
19 Bafodeya. My commander, Lieutenant Marrah, told me that Colonel  
14:47:12 20 Savage was not the highest commander. He has his own commander  
21 by the name of Brigadier Mani.

22 MS NGUNYA: The spelling I have for that, Your Honour is  
23 M-A-N-I.

24 THE WITNESS: Yeah.

14:47:30 25 MS NGUNYA:

26 Q. Witness, earlier you mentioned being involved in two rapes  
27 against your will; is that correct?

28 A. Yes, ma'am.

29 Q. Why didn't you try to escape from the rebels?



1 A. Well, it was a time when I made an attempt. I run -- I  
2 tried to run away from them. Then on my way going, I met with  
3 another group of RUF and AFRC along the road and they said,  
4 "Boys, where are you going? Oh, so you are running away from us.  
14:48:16 5 We are going to report you to your commander." So they returned  
6 with me to the camps. As they returned with me and then they  
7 asked Marrah to come and see me. Then Marrah came and he said,  
8 "Oh, so, you want to run away from me. I'm going to kill you  
9 today." After making such threats, then he tied my hand behind  
14:48:41 10 me with a rope. After tying my hands, then he removed a long  
11 machete. He put it in the flat side and started flogging me. He  
12 continued flogging me until he caught me behind my back here. I  
13 don't mind if you can see it, in fact. I still have the mark  
14 behind my back here.

14:49:07 15 Q. Just hold on, Mr Witness.

16 MS NGUNYA: Your Honours, if the record could show the  
17 witness is indicating an area to his lower right back. I could  
18 ask him to turn around if that's in order.

19 PRESIDING JUDGE: He appears to be willing to show, so if  
14:49:29 20 he's not embarrassed.

21 MS NGUNYA:

22 Q. Witness, you can face the camera and show us. You will  
23 have to turn completely. Thank you, Witness.

24 PRESIDING JUDGE: Thank you, Mr Witness.

14:49:49 25 JUDGE SEBUTINDE: That would appear to be lower left back.

26 MS NGUNYA: Correct. I apologise. That concludes my  
27 examination-in-chief, Your Honour.

28 PRESIDING JUDGE: Thank you, Ms Ngunya. Counsel for the  
29 Defence, which counsel is going to commence cross-examination?





1 MR GRAHAM: Professor Knoops will lead the charge.

2 PRESIDING JUDGE: Thank you.

3 CROSS-EXAMINED BY MR KNOOPS:

4 Q. Mr Witness, good afternoon. Are you able to hear me?

14:50:39 5 A. Yes.

6 Q. Thank you. Mr Witness, if I'm right, the time you were  
7 abducted from your village, you were at the age of 10 years; is  
8 that correct?

9 A. Because I was born in 1987; that would be right. Check it.

14:51:03 10 Q. So, it can be right, 10 years?

11 A. Yeah, because I know I was small by then. So I cannot know  
12 the figure.

13 Q. Can it be right, Mr Witness, that you told at one moment,  
14 the Prosecution, that you were at that time at the age of 10  
14:51:28 15 years?

16 A. I only told the Prosecution about when I was born; my date  
17 of birth.

18 Q. Mr Witness, do you recall that you were interviewed by  
19 somebody of the Special Court in February 2004?

14:52:03 20 A. Yeah.

21 Q. Can it be correct that on that occasion you informed the  
22 investigator of the Prosecution that at the time you were  
23 abducted from your village by the rebels, you were at the age of  
24 10 years?

14:52:28 25 A. As I told you, I said I told the Prosecution, the  
26 investigator, that I was born in 1987. So, if you have check it  
27 and that's the figure, then I don't know. But I didn't tell  
28 anybody that I was 10 years.

29 MR KNOOPS: Right. Your Honours, I put it to the witness



1 that in the interview notes at page 14246, the first sentence of  
2 the interview notes, "I was abducted from my village by the  
3 rebels when I was 10 years old."

4 Q. Mr Witness, can you recall that you, in February 2004, told  
14:53:25 5 the Prosecution that you were 10 years old, according to these  
6 interview notes?

7 A. Well, I can't recall, because since it was last year, 2004.

8 Q. At the time you were abducted, Mr Witness, had you ever  
9 heard about the names RUF and AFRC?

14:53:56 10 A. Before?

11 Q. Yes, at the time of the abduction from your village by the  
12 rebels, were you familiar at that moment with the words "RUF" and  
13 "AFRC"?

14 A. I only knew when they abducted me and my commander told me  
14:54:23 15 they were AFRC and RUF.

16 Q. At what moment, exactly, did your commander inform you that  
17 the rebels comprised of RUF and AFRC?

18 A. In Bafodeya.

19 Q. Bafodeya?

14:54:45 20 A. Yeah.

21 Q. Before Bafodeya, were you informed by anyone who these  
22 rebels were?

23 A. There was no smart communication between us by then because  
24 I was afraid. You now, we had continuous, good communication  
14:55:11 25 only in Bafodeya. So Lieutenant Marrah told me they were both  
26 RUF and AFRC.

27 Q. To your recollection, were the rebels, on every occasion in  
28 every village you went to, comprised of the same groups or were  
29 the groups changed?



1 A. No, the group that abducted me from my village now led me  
2 to Bafodeya.

3 Q. How big was this group?

4 A. They didn't know the amount. They were many.

14:55:52 5 Q. Could you give us a rough estimation - 10, 20, 30?

6 A. No.

7 Q. You can't give an estimation?

8 A. No, there were many. I cannot give any.

9 Q. Right. Did you see any radios with the rebels?

14:56:10 10 A. No.

11 Q. How were they communicating with each other?

12 A. We talk.

13 JUDGE SEBUTINDE: Mr Knoops, I hope we are all  
14 understanding the same meaning of the word "radio". Is that  
14:56:28 15 radio in the ordinary sense of the word that I would have in my  
16 bedroom.

17 MR KNOOPS: That's correct, Your Honour. Thank you.

18 Q. Mr Witness, I will specify my question. Did you see any  
19 radios in that people were able to speak with each other over a  
14:56:53 20 radio with microphones, headsets, like the thing you have now on  
21 your head?

22 A. No.

23 Q. You didn't see it?

24 A. Yes.

14:57:09 25 Q. Could you please describe for us exactly, to your  
26 recollection, how the rebels were dressed?

27 A. The rebels, some wore the combat clothes, some only dressed  
28 in a civil way. And some wear the caps, some wear the cap on the  
29 trouser, not in that full uniform.



1 Q. Did you see any rebels wearing full combat uniforms?  
2 A. No.  
3 Q. You just testified that some of the rebels had red pieces,  
4 there were red pieces in the -- I think in the end of the guns;  
14:58:14 5 is that correct?  
6 A. In the mouth, yes.  
7 Q. The mouth of the gun?  
8 A. Yeah.  
9 Q. What was the meaning of this red piece; do you know that?  
14:58:24 10 A. No.  
11 Q. How many of the rebels did wear these red pieces on the  
12 mouth of the gun?  
13 A. There were many.  
14 Q. At the time you were abducted from your village, did you  
14:58:45 15 ever see a soldier from the army?  
16 A. No.  
17 Q. So you're not able to describe how a soldier of the army  
18 looked like?  
19 A. As I described to you --  
14:59:09 20 MS NGUNYA: May I interrupt, Your Honour. That question is  
21 not clear. Does he mean looks physically, dressing? If it could  
22 be made clear to the witness.  
23 MR KNOOPS: Thank you. Well, it's clear it's not  
24 physically. That's virtually impossible.  
14:59:23 25 Q. But could you please -- is it correct that you are not  
26 familiar with the characteristics of the combat uniform of the  
27 army? Is that correct?  
28 A. Pardon?  
29 Q. Do you know how an official combat uniform of the army





1 looks?

2 A. Well, the combat, I mean, is that green and, you know --  
3 green and something like -- combat green and yellow and combat  
4 colour.

15:00:09 5 Q. Mr Witness, are you now guessing, or is this --

6 A. I'm not guessing. You asked me to describe the  
7 characteristics. Isn't it?

8 Q. My last question was before you were abducted from your  
9 village, did you ever see an official combat uniform of the army?

15:00:27 10 A. Yes.

11 Q. And you're saying it has yellow, brown colours?

12 A. Green.

13 Q. Green?

14 A. Yellow, green.

15:00:40 15 Q. Yellow, green?

16 A. Yeah, correct.

17 Q. Any other?

18 A. Pardon?

19 Q. Have you any other description?

15:00:50 20 A. It is a combat -- no. If you have it in front of you, then  
21 I can identify.

22 Q. When you went to Bafodeya, according to your statement,  
23 your commander, Lieutenant Marrah, told you that the commander in  
24 charge was Colonel Savage; is that correct?

15:01:22 25 A. Yes.

26 Q. Can you please describe Colonel Savage?

27 A. Colonel Savage is not tall. He's a short man with a beard,  
28 a lot of beard.

29 Q. Could you describe how he was dressed?



1 A. Colonel Savage?

2 Q. Yes, please.

3 A. He normally wear combat clothes, sometimes only the  
4 trousers.

15:01:55 5 Q. Did he wear a full combat uniform?

6 A. No.

7 Q. On how many occasions did you see Colonel Savage?

8 A. Colonel Savage, we were staying in the same Bafodeya. Not  
9 many times, but I cannot count for you because it's taken a long  
15:02:21 10 time. But according to the time I was, you know, in Bafodeya, we  
11 used to see sometimes, not always. Because I don't have access  
12 to them.

13 Q. But if you could make an estimation, on how many occasions  
14 did you see him - once, twice, two, three, four?

15:02:43 15 A. No, I cannot do that.

16 Q. Many or not many?

17 A. Yeah, many. Many times.

18 Q. Did you ever see Colonel Savage speaking with  
19 Lieutenant Marrah?

15:02:56 20 A. Not many times, but I have seen -- I saw him.

21 Q. The occasions when you saw Colonel Savage speaking to  
22 Lieutenant Marrah, could you hear what they were saying to each  
23 other?

24 A. Yeah, like one of the occasions was while going on attack  
15:03:29 25 at one of the locations I saw them speaking.

26 Q. That's one occasion. Were there any other occasions, to  
27 your recollection?

28 A. The other occasion was when I was about to, you know, leave  
29 the campus.



1 Q. So you're speaking about two occasions, to your  
2 recollection; is that true?

3 A. Yeah.

4 Q. Mr Witness, could you explain to us how the communications  
15:04:10 5 were conducted between the rebels? You just testified there was  
6 not a radio available to speak with each other through a headset  
7 and microphone. Did you see how the rebels were able to  
8 communicate with each other?

9 A. Well, what I saw, the communication was without no radio.

15:04:45 10 Q. Was there any possibility to communicate with the other  
11 rebels over a greater distance? For instance, from one village  
12 to the other?

13 A. They walk through -- when you walk you go to another  
14 village, they will communicate. There was no radio, as I told  
15:05:08 15 you, so the communication was done physically [indiscernible].

16 Q. Did you ever see that yourself, that this was done  
17 physically?

18 A. Pardon?

19 Q. Did you ever see yourself that this communication was done  
15:05:24 20 physically, so that one person was going from one village to the  
21 other to bring over a message?

22 A. Yes.

23 Q. How many occasions can you remember?

24 A. That was going on, you know, since I was with them. There  
15:05:45 25 was no radio. The communication was done physically. So I  
26 cannot tell you the exact amount of times I have seen or tell you  
27 the right figure about that.

28 Q. You testified that there were others belonging to  
29 Lieutenant Marrah. What do you mean by the word "belonging"?



1 A. Belong, I mean that we are all -- that we are the same, you  
2 know, to Marrah.  
3 Q. Could you please explain what you mean with the last words?  
4 A. The same.  
15:06:38 5 Q. The same?  
6 A. Yes, the same, S-A-M-E.  
7 Q. Thank you. You testified that after one week in Bafodeya  
8 there was an attack planned on Kabala; is that correct?  
9 A. Yes.  
15:07:01 10 MS NGUNYA: Excuse me, Your Honours, sorry to interrupt  
11 learned counsel. I just thought I would set the record straight  
12 for spellings. It is not Bafodena [sic], it is Bafodeya,  
13 B-A-F-O-D-I-A. And Marrah is not Murray, it is M-A-R-R-A-H.  
14 Just so it appears correctly on the record, that is all.  
15:07:22 15 JUDGE SEBUTINDE: Counsel, Bafodeya spelling given to us by  
16 the witness. It ended in E-Y-A, not I-A.  
17 MS NGUNYA: My apologies, Your Honour. I am just reading  
18 from the map.  
19 PRESIDING JUDGE: Continue, Mr Knoops, please.  
15:07:49 20 MR KNOOPS: Thank you, Your Honour.  
21 Q. Witness, is it your testimony that this attack on Kabala  
22 was ordered by Colonel Savage?  
23 A. Pardon?  
24 Q. Is it your testimony that this attack on Kabala was ordered  
15:08:04 25 by Colonel Savage?  
26 A. Yes.  
27 Q. Could you please explain to us how this order was given?  
28 A. Again, please.  
29 Q. Sorry?





1 A. Again, please, the question.

2 MR KNOOPS: Your Honour, I'm not able to --

3 PRESIDING JUDGE: The witness is asking you to repeat the

4 question, Mr Knoops.

15:08:31 5 MR KNOOPS: Thank you.

6 Q. Witness, how was the order you just mentioned from Colonel

7 Savage brought over to you or the others?

8 A. Well, my commander, Lieutenant Marrah, he used to attend

9 the muster parade every morning. Then on one of these muster

15:08:58 10 parade, after returning from the muster parade, he explain to us

11 the order.

12 Q. Was Colonel Savage present during this muster parade?

13 A. Yes.

14 Q. Did he say himself anything during the muster parade?

15:09:24 15 A. Pardon?

16 Q. Did Colonel Savage say anything himself during this muster

17 parade?

18 A. He organised the -- he was the one who organised -- who was

19 organising the muster parade. So as far as he's the commander,

15:09:42 20 he was the commander by then, I mean, so he has to say something.

21 JUDGE SEBUTINDE: Mr Knoops, the witness has not yet

22 established to us that he himself attended the parade. So when

23 you are asking questions as to whether he knows who said what,

24 you have that in mind, unless you lay some foundation.

15:10:04 25 MR KNOOPS: Yes.

26 Q. Mr Witness, were you yourself present during the muster

27 parade?

28 A. No.

29 Q. You were not present?



1 A. Pardon?

2 Q. Were you present during this muster parade?

3 A. No, only my commander.

4 Q. How do you know then there was a muster parade?

15:10:34 5 A. From my commander, Lieutenant Marrah.

6 Q. When did you hear from Mr Marrah that there was a muster  
7 parade?

8 A. It was in the morning, you know. Another commander from  
9 Lieutenant Savage -- Colonel Savage, I mean, sent another  
15:11:01 10 commander to disseminate the message, you know, that there was a  
11 muster parade and commanders will attend it, so they used to  
12 know.

13 Q. Why were you not asked to attend the muster parade?

14 A. The muster parade was done only by the commanders, the  
15:11:35 15 other commanders, but not the Small Boys Unit.

16 Q. How, then, do you know that when you were not at the muster  
17 parade Colonel Savage was there?

18 A. My commander used to explain all this, Lieutenant Marrah.

19 Q. So you didn't see yourself, Colonel Savage at that  
15:11:58 20 occasion?

21 A. At the muster parade, I didn't see him.

22 Q. Is it correct you only heard from Mr Marrah that  
23 Colonel Savage gave this order to attack Kabala; is that correct?

24 A. Yeah, and when going, Colonel Savage led the attack.

15:12:31 25 Q. In Kabala, you say that governmental soldiers and ECOMOG  
26 personnel were there; is that correct?

27 A. Yes.

28 Q. Did you see them yourselves?

29 A. I saw them only after attacking Kabala.



1 Q. How were you able to identify that these individuals were  
2 governmental soldiers and ECOMOG?

3 A. My commander, Lieutenant-Colonel Savage, he separate them  
4 and said these were the ECOMOG and these were the Sierra Leone  
15:13:23 5 soldier -- government soldier, I mean.

6 Q. Did you actually see those individuals of whom your  
7 commander said that they were governmental soldiers and ECOMOG?

8 A. Yes, I saw the seven that they captured.

9 Q. Other than the seven, did you see other governmental  
15:13:52 10 soldiers and ECOMOG individuals?

11 A. No.

12 Q. Is it your testimony that your commander, Mr Marrah, said  
13 to you that Colonel savage had another commander with the name of  
14 Mani, M-A-N-I?

15:14:18 15 A. Yes.

16 Q. Did you hear Colonel Savage ever speaking about this  
17 person, Mr Mani?

18 A. No, I didn't see. Only Lieutenant Marrah told me.

19 Q. Did you ever see this person?

15:14:40 20 A. Pardon?

21 Q. Did you ever see this person who was referred to as  
22 Mr Mani?

23 A. No, we were not in the same town.

24 MR KNOOPS: Thank you, Your Honour, I close my  
15:14:56 25 cross-examination.

26 PRESIDING JUDGE: Thank you, Mr Knoops. Mr Graham, please  
27 proceed.

28 CROSS-EXAMINED BY MR GRAHAM :

29 Q. Good afternoon, Mr Witness.



1 A. Good afternoon to you too.

2 Q. How are you feeling today?

3 A. Fine.

4 Q. I am just going to ask you to answer a few questions for me  
15:15:25 5 this afternoon, okay. Mr Witness, you said you are presently 18  
6 years old; is that right?

7 A. Yes.

8 Q. Are you currently employed? Are you working now?

9 A. No.

15:15:40 10 Q. Are you in school?

11 A. Yes.

12 Q. Do you remember being interviewed by the Office of the  
13 Prosecution?

14 A. Yes, I remember.

15:15:59 15 Q. Do you also recall how many times you were interviewed by  
16 the OTP before you came in today?

17 JUDGE SEBUTINDE: The witness doesn't know what OTP is?

18 MR GRAHAM: Office of the Prosecution. Thank you, Your  
19 Honour.

15:16:21 20 Q. I will repeat the question again. Do you recall how many  
21 times you were interviewed by the Office of the Prosecution,  
22 Mr Witness?

23 A. Since I'm not living in Freetown here, I live in another  
24 part, I was out of Freetown here, so they used to call me from  
15:16:38 25 where I live, there'd be transport, and they'd give me transport.  
26 So when I come for the program, I reside here.

27 MR GRAHAM: Your Honour, please, I can't hear the witness  
28 very well. If he can speak up just a little bit.

29 PRESIDING JUDGE: Mr Witness, could you repeat what you





1 just said, and speak a little louder so we can hear you clearly,  
2 please.

3 THE WITNESS: Yes, ma'am. Your question?

4 MR GRAHAM:

15:17:05 5 Q. I asked earlier whether you recall how many times you were  
6 interviewed by the Office of the Prosecution, Mr Witness.

7 A. Pardon?

8 Q. I asked whether you recall how many times you've been  
9 interviewed by the Office of the Prosecution before today.

15:17:34 10 A. Three times, that I can remember.

11 Q. In what language were you interviewed, Mr Witness?

12 A. In the English language.

13 Q. During the period of these interviews, was a written  
14 statement made of your interview?

15:17:55 15 A. Pardon?

16 Q. Was a written statement taken of your interview by the  
17 Office of the Prosecution?

18 A. I don't understand.

19 Q. I'm saying that you agreed earlier on that you were  
15:18:08 20 interviewed by the Office of the Prosecution a couple of times.

21 A. Yeah.

22 Q. What language was the interview conducted in?

23 A. In the English language.

24 Q. I'm saying that whilst the interview was being conducted,  
15:18:20 25 did you observe the people who were interviewing, did they make a  
26 written statement of the interview?

27 A. No.

28 Q. You did not observe them making any written statement at  
29 all?



1 A. Well, I don't understand your --

2 PRESIDING JUDGE: Mr Witness, do you understand the

3 question that counsel is asking you?

4 THE WITNESS: No, ma'am.

15:18:44 5 PRESIDING JUDGE: Rephrase it, Mr Graham, please, in a

6 simpler way.

7 MR GRAHAM:

8 Q. Mr Witness, I'm saying that you agreed that an interview

9 took place between you and the Office of the Prosecution; right?

15:18:56 10 A. Yeah.

11 Q. I'm saying that when this interview was taking place, the

12 person who was conducting the interview, did that person make

13 written notes of the interview?

14 A. Yes.

15:19:08 15 Q. After that, was the written statement read over to you?

16 A. What interview?

17 Q. No, the statement, the written statement that was made of

18 your interview.

19 PRESIDING JUDGE: Just pause, Mr Graham. Mr Witness, do

15:19:24 20 you understand the word "statement" or "written"?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: Repeat your question, Mr Graham.

23 MR GRAHAM:

24 Q. I'm saying, did you observe the person who conducted the

15:19:41 25 interview, did they make a written statement?

26 A. Yes.

27 Q. Was it read over to you after the interview?

28 A. Yes.

29 Q. What was read to you, was it the same thing that you told



1 the person who was conducting the interview?

2 A. Yes.

3 Q. Thank you. Mr Witness, have you been given any money by  
4 the Office of the Prosecution prior to you coming in here today?

15:20:21 5 A. Yes, I was given money for transport.

6 Q. How many times?

7 A. Any time they need me, I have to come from my village, so  
8 they had to refund me the transport.

9 Q. So they told you the reason why you were being given such  
15:20:40 10 moneys?

11 A. Yes, they were responsible for my coming, so.

12 Q. Okay. Can you tell this Honourable Court roughly how much  
13 money has been given to you in total so far by the Office of the  
14 Prosecution?

15:20:57 15 MS NGUNYA: Your Honours, at this time I would like to  
16 interject, just for clarity, that the money does not come from  
17 the Office of the Prosecutor, but from witness management.

18 MR GRAHAM: Thank you for the clarification.

19 Q. Mr Witness, do you recall roughly how much money has been  
15:21:18 20 given to you by the Special Court, if I can put it that way?

21 A. My first visit, they give me return, to and fro transport,  
22 which was 20,000 Leones. Then the other visit, they give me the  
23 same.

24 Q. So apart from that, it's fair to say you have not received  
15:21:46 25 any other form of financial support from the Special Court; is  
26 that right?

27 A. The money I received was the allowance.

28 Q. Okay. Mr Witness, how did the Office of the Prosecution  
29 establish contact with you as a potential witness in these trial



1 proceedings?

2 A. Went to my village, you know, because I am giving them my  
3 address to my village and they come meet me there. They asked me  
4 to come.

15:22:27 5 Q. I didn't hear you well. You say you gave your address to  
6 who?

7 A. At the time I was having interview with them and give them  
8 my address, the OTP, so when they need me, give my testimonies,  
9 so they send some of the field worker to my village, so I was  
15:22:49 10 asked to come.

11 Q. My question was: how did they contact you in the first  
12 time, even before you started giving the interviews?

13 A. How did they contact me?

14 Q. Yes, how did they get to know you. How did the Office of  
15:23:09 15 the Prosecution get to know you?

16 A. Well, I explained myself to one of the staff that what the  
17 rebels had done to me, I would like to testify, you know. That  
18 was the time I --

19 Q. Which staff. You say you explained to staff. Which staff  
15:23:30 20 are you talking about?

21 A. Pardon?

22 Q. You say you explained yourself to staff that you didn't  
23 like what happened during the war. I'm saying which staff. When  
24 you say "staff", what do you mean by "staff"?

15:23:41 25 A. Staff, I mean as a worker.

26 Q. A worker where?

27 A. Pardon?

28 Q. A worker from where?

29 A. From the Prosecutor.





1 Q. Are you saying that you voluntarily walked to the Special  
2 Court to offer yourself as a witness; is that what you are  
3 saying?

4 A. Pardon?

15:24:11 5 Q. Are you saying that you voluntarily came into the Office of  
6 the Prosecution to offer yourself as a witness?

7 A. I didn't just come directly.

8 Q. How did you come? How else do you come?

9 A. The first place, I had a friend before working in UNAMSIL,  
15:24:36 10 so he -- because I've already explained my story to him, and he  
11 asked me that it's necessary for me to give my story to -- to  
12 tell my story, I mean, to the Special Court. It was at that time  
13 my friend made contact to one of the prosecutors, I mean the  
14 worker there.

15:24:57 15 Q. Mr Witness, you earlier on testified in the RUF trial; is  
16 that right?

17 A. Yes.

18 Q. I will just refer to page 14285 of the witness statement.  
19 I think it is part of the transcript from the RUF proceedings.

15:25:31 20 Mr Witness, you said earlier on you were in school; is that  
21 right?

22 A. Yes.

23 Q. So I take that to mean you are not earning any form of  
24 income at the moment; is that right?

15:25:40 25 A. Pardon?

26 Q. I said I take that to mean you are not earning any income,  
27 any money.

28 A. I don't understand.

29 Q. I'm saying you are a student; you're not working?



1 A. Yes.

2 Q. So I am saying do you earn money from anything else? If  
3 you are not working, do you --

4 A. Yes, I'm not earning.

15:25:59 5 Q. You are not earning any money?

6 A. Yeah.

7 Q. Mr Witness, if I just refer you to page 14285 of the RUF  
8 transcript, specifically from line 21 to 24, and reading from  
9 line 21, with Your Honour's permission, the answer says:

15:26:27 10 "A. Yeah, because since I begun my trip to them here in  
11 the Court -- to the Prosecutor, I mean, you know, so they  
12 continued to contact me until this particular stage for the  
13 testimony.

14 "Q. How did they contact you?

15:26:43 15 "A. Well, they -- I have a mobile phone and they call me  
16 on my mobile phone then."

17 "Q. Right. Now just focusing on when you saw them the  
18 second time in February --"?

19 MR GRAHAM: Your Honour, I think I will end there, but the  
15:26:56 20 relevant portion I was referring to was specifically line 24.

21 Q. Mr Witness, you still have your mobile phone with you, not  
22 in the Court, but you still have a mobile phone?

23 A. Yeah, the mobile phone I was having, I miss that. I've  
24 lost it. They stole it.

15:27:13 25 Q. Mr Witness, if you were not working, how did you manage to  
26 buy a mobile phone?

27 A. Pardon?

28 Q. I said If you are not working, how did you manage to buy a  
29 mobile phone?



1 A. That is my personal business, it doesn't concern the Court.

2 Q. Mr Witness, I put it to you that the mobile phone was  
3 provided to you by the Office of the Prosecution to enable them  
4 to contact you as and when they thought it was necessary; is that  
15:27:47 5 right?

6 A. No.

7 [AFRC06OCT05E - SV]

8 Q. Mr Witness, prior to your talking to the Office of the  
9 Prosecution for the first time, did they inform you that because  
15:27:59 10 you were not an adult they needed the consent of your parents or  
11 guardian before they could talk to you?

12 A. Yeah. Pardon?

13 Q. I'm saying that prior to your talking to the Office of the  
14 Prosecution, prior to your interviews with the Office of the  
15:28:18 15 Prosecution, did they inform you that because you were not an  
16 adult they needed the consent of your parents or guardian before  
17 they could talk to you?

18 A. No, they first talked to me because I gave them the  
19 confidence. I said, well, my guardian was at the village so you  
15:28:34 20 can talk -- I'm available to talk to you.

21 Q. Okay. So was such consent obtained before your interview  
22 with the OTP?

23 A. Yeah.

24 MR GRAHAM: Your Honours, I'll refer to --

15:29:10 25 Q. Mr Witness, were you parents alive at the time of the  
26 attack on Madina Loko?

27 A. Yes.

28 Q. And your guardian, can he read and write English?

29 A. Pardon?



1 Q. I'm saying your guardian. I don't want the mention the  
2 name, but your guardian, whoever consent was sought from by the  
3 OTP before your interviews were conducted, I'm saying can he read  
4 and write English?

15:29:52 5 A. Yeah.

6 Q. I didn't hear. Did you say --

7 A. Yes.

8 Q. Mr Witness, in your earlier testimony you said you were  
9 abducted at Madina Loko in 1998?

15:30:02 10 A. Yes.

11 Q. Of June; is that right?

12 A. Yeah.

13 Q. And that is it also fair for me to say that Lieutenant  
14 Murray [sic] was in command of the troops that attack Madina Loko  
15 at the time in question?

15:30:16

16 A. Pardon?

17 Q. I'm saying that Lieutenant Murray, was he in command of the  
18 troops that attacked Madina Loko in 1998 at the time of your  
19 abduction?

15:30:33 20 MS NGUNYA: With your permission, Your Honours, I was just  
21 going through the witness's examination-in-chief. He mentioned  
22 he was captured in 1998. There was no mention of any month. I'm  
23 not quite sure what --

24 MR GRAHAM: Your Honours, I don't think it's quite an issue  
15:30:53 25 but, of course, if you refer to line 1 of page 1428 it says that  
26 "He lived with his family in Madina Loko in 1998 in June during  
27 the rainy season when the rebels attacked." That is line 1 and 2  
28 of page 14242 of the witness's statement. But that is not really  
29 relevant in terms of the question I'm asking, just for purposes





1 of clarification.

2 Q. So coming back again to my question, Mr Witness, I am  
3 saying is it fair for me to say that Lieutenant Murray was in  
4 command of the troops that attacked Madina Loko in June of 1998?

15:31:32 5 A. I didn't know.

6 Q. You didn't know. Okay. Thank you.

7 JUDGE SEBUTINDE: Mr Graham, you keep referring to  
8 "Lieutenant Murray." Counsel did correct that this is "Marrah."

9 MR GRAHAM: Marrah, okay. I guess it's the pronunciation.  
10 Thank you, Your Honour. Lieutenant Marrah.

11 Q. Is it also your testimony that when you arrived in Bafodeya  
12 you were under the immediate command of Lieutenant Marrah; is  
13 that right?

14 A. Pardon?

15:32:15 15 Q. I'm saying that is your earlier testimony that when you  
16 arrived in Bafodeya you were under the immediate command of  
17 Lieutenant Marrah; not so?

18 A. Yes.

19 Q. It is also your prior testimony that Lieutenant Marrah's  
15:32:30 20 superior commander was Colonel Savage; is that right?

21 A. Yes.

22 Q. Further, Mr Witness, it's also your testimony that Colonel  
23 Savage was the overall commander in control of all the junior  
24 commanders like Lieutenant Marrah; is that right?

15:32:44 25 A. Yes.

26 Q. I'm also right in saying that as per your testimony  
27 Colonel Savage was under the direct command of Brigadier Mani who  
28 was a commander in chief over your group in the entire -- during  
29 the entire time you were with that group in the jungle; is that



1 right?

2 A. Yes.

3 Q. Mr Witness, is it also fair for me to say that as per your  
4 testimony you spent a total period of one year and six months in  
15:33:17 5 abduction by the rebels under the direct command of

6 Lieutenant Marrah; not so?

7 A. I spend two years.

8 Q. You spent two years?

9 A. Yeah.

15:33:28 10 Q. And it's also your case that during this two-year period  
11 you spent the entire time in that section of the Northern Jungle  
12 where you were located; is that so?

13 A. Yeah.

14 PRESIDING JUDGE: Could I have the name of the jungle  
15:33:44 15 again, please, Mr Graham.

16 MR GRAHAM: As in north and south. N-O-R-T-H-E-R-N,  
17 Northern Jungle.

18 PRESIDING JUDGE: Thank you.

19 MR GRAHAM:

15:33:52 20 Q. Mr Witness, during this period did you hear or witness  
21 Lieutenant Marrah taking command from any other commander apart  
22 from Colonel Savage?

23 A. No.

24 Q. Did you witness Brigadier Mani taking -- sorry, I think I'm  
15:34:05 25 going a little bit too -- did you also witness or hear that  
26 Brigadier Mani was taking command or orders from anyone else?

27 A. No.

28 Q. Were you ever told by Lieutenant Marrah or any other  
29 commander that Colonel Savage was taking orders from anyone apart



1 from Brigadier Mani?

2 A. No.

3 MR GRAHAM: And just for purposes of clarification, the  
4 issue to -- just confirm an earlier question by my learned friend  
15:34:53 5 Professor Knoops in relation to the issue of the radio.

6 Your Honours, I know this question has been already been asked,  
7 but just for the purposes of clarity I just want to extend the  
8 definition.

9 Q. So during this period, you did not observe the rebels using  
15:35:05 10 any communication equipment, did you?

11 A. No.

12 Q. And you said from after the -- you were abducted in Madina  
13 Loko you walked about 7 miles to Karina; is that right?

14 A. Yes.

15:35:27 15 Q. And you said that the rebels attacked Karina; is that  
16 right?

17 A. Yes.

18 Q. And I'm saying that prior to the attack on Karina did any  
19 of your commanders make any speeches before the attack on Karina?

15:35:45 20 A. No.

21 Q. Were you with -- at the front or at the back of the rebels  
22 as they were advancing on Karina?

23 A. I was behind.

24 Q. You were behind. So if a speech or statement had been made  
15:35:58 25 by any of the commanders you are sure you were in a position to  
26 have -- you would have heard that; is that right?

27 A. Yeah.

28 Q. Mr Witness, who led the attack on Karina?

29 A. I didn't know names by then. I only knew



1 Lieutenant Marrah.

2 Q. You only knew Lieutenant Marrah; that is what you said?

3 A. Yeah, with other rebels.

4 Q. But who was the most senior commander that time?

15:36:29 5 A. I only knew Lieutenant Marrah as the commander.

6 Q. But you walked with them from Madina Loko to Karina and  
7 that was a distance of 7 miles?

8 A. Yes.

9 Q. And did you observe anyone giving commands or orders to the  
15:36:45 10 entire rebel group?

11 A. No.

12 Q. Do you have any idea as to how many junior commanders were  
13 taking orders from Colonel Savage at the camp?

14 A. No, there were many.

15:37:01 15 Q. And from Madina Loko to Karina, did you observe -- sorry,  
16 the entire rebel group that left Madina Loko went straight on to  
17 Karina; right?

18 A. Yes.

19 Q. Did you observe any breakaway, did some of the rebels break  
15:37:30 20 away and went in a different direction before you got to Karina?

21 A. No.

22 MR GRAHAM: Thank you. Your Honour, I don't have any  
23 further questions for this witness.

24 PRESIDING JUDGE: Thank you, Mr Graham. Mr Fofanah, have  
15:37:40 25 you questions for the witness?

26 MR FOFANAH: Yes, Your Honour, thank you.

27 MR GRAHAM: Sorry, Your Honour. Please, before Mr Fofanah  
28 continues, I think Mr Kamara wants to use the restroom.

29 PRESIDING JUDGE: Yes, he should be escorted out,





1 Mr Graham.

2 THE WITNESS: Excuse me, I would like to use myself..

3 PRESIDING JUDGE: Pause, Mr Fofanah. Very good,

4 Mr Witness. Could someone from Witness Support please assist the

15:38:01 5 witness.

6 MS GUNSTONE: The witness has returned, Your Honour.

7 PRESIDING JUDGE: Thank you. Can we have the witness back

8 on communication, please? Proceed, Mr Fofanah.

9 MR FOFANAH: Thank you, Your Honour.

15:42:58 10 CROSS-EXAMINED BY MR FOFANAH:

11 Q. Good afternoon, Mr Witness.

12 A. Good afternoon.

13 Q. You've just spoken about the attack on Kabala. After

14 Kabala, did you return back to the camp at Bafodeya?

15:43:20 15 A. Yes.

16 Q. So throughout this period you were at Bafodeya, throughout

17 the period of your stay with the rebels; not so?

18 A. Yes.

19 Q. Now, my learned colleague who cross-examined you earlier

15:43:42 20 was asking you about whether you recall making statements to the

21 Prosecutor; investigators of the Special Court. Did you make

22 a statement? Were you writing and notes taken of what you were

23 saying? Were you talking and notes taken?

24 A. Yes.

15:44:07 25 PRESIDING JUDGE: That has been answered, Mr Fofanah.

26 MR FOFANAH: Thank you, Your Honour.

27 Q. In that case, I would like to put to you, Mr Witness, that

28 you told the investigators, when they were interviewing you on

29 16th August 2003, that your camp was at Kabala, K-A-B-A-L-A,



1 Kabala and not Bafodeya?

2 PRESIDING JUDGE: You should put the specific matter to the  
3 witness, Mr Fofanah.

4 MR FOFANAH:

15:44:47 5 Q. Mr Witness, I'm putting it to you that you had earlier told  
6 investigators of the Special Court that when you were taken from  
7 your village and abducted you were brought to Kabala where the  
8 camp was set up and that is the camp that you were in with  
9 Lieutenant Marrah?

15:45:13 10 A. No.

11 MR FOFANAH: In that case, Your Honours, I will refer to  
12 page 14242. I'm reading from the last eight lines. The last  
13 eight lines.

14 Q. Mr Witness, listen carefully and tell me whether you recall  
15:45:41 15 saying this when they were asking you questions in August 2003.

16 You said:

17 "When they arrived in Kabala, there were over 50 people  
18 that they abducted. There were adults and children amongst  
19 them. Of these 50 there were about 20 of witness age, 12  
15:46:07 20 to 15. The camp in Kabala was called Northern Jungle. The  
21 commander there was Colonel Savage. In the camp they were  
22 taught how to use a weapon, AK-47, how to crawl, which the  
23 passwords were, to be recognised, for example, 'brave,  
24 strong, intelligent', go on food-finding and other things.  
15:46:36 25 This lasted approximately one month, then they took us on  
26 an attack."

27 Do you recall that statement?

28 A. I don't recall that the camp was Kabala.

29 Q. But do you recall this statement?



1 A. I said Bafodeya behind Kabala.

2 Q. Behind Kabala. Okay. Now, Mr Witness, did go through the  
3 regular form of education from primary to secondary school?

4 A. Yes.

15:47:18 5 Q. How many years did you take at primary school?

6 A. Six years.

7 Q. That's from class one to class six?

8 A. Yes.

9 Q. What about secondary school? How many years have you taken  
15:47:34 10 so far?

11 A. Six.

12 Q. Say again.

13 A. Six.

14 Q. So I take it that you've spent a total of 12 years in  
15:47:42 15 school; not so?

16 A. Yes.

17 Q. Now does this 12 years include the two years you spent with  
18 the rebels?

19 A. Yes.

15:47:51 20 Q. So there was a break in your education; not so?

21 A. Yes.

22 Q. Which means that you actively spent 10 years in school and  
23 not 12?

24 A. Yes.

15:48:14 25 Q. So does that mean that you had a double promotion  
26 somewhere?

27 A. Pardon?

28 Q. Does that mean that you had a double promotion from one  
29 class to probably another because you've just said you took six



1 years in primary school and six years in secondary school less  
2 two years with the rebels?

3 A. Yes.

4 Q. Mr Witness, do you recall telling the Court in Trial  
15:48:52 5 Chamber I, where you previously testified, that you started  
6 primary school at the age of eight years?

7 A. Pardon?

8 Q. Do you recall testifying before the other Court, Trial  
9 Chamber I, that when you started primary school you were at the  
15:49:13 10 age of eight. You were eight years old when you started primary  
11 school?

12 A. When was that?

13 MR FOFANAH: In that case, Your Honours, to make it simple  
14 I will just refer you to page 14254 of the transcript of  
15:49:33 15 Trial Chamber I dated 20th July 2004. I'm reading from lines 27  
16 to 28, the last two lines.

17 "Q. So how long did you stay in Madina Loko?"

18 And your answer was: "Because I started my primary school  
19 level when I was eight years old, I mean, so after my primary" --  
15:50:03 20 I don't have the other page. But anyway, that is the line that  
21 I'm interested in: "Because I started my primary school level  
22 when I was eight years old." Do you recall telling the Court in  
23 Trial Chamber I that you started primary school when you were  
24 eight.

15:50:19 25 A. No, I can't recall.

26 Q. So how old were you when you started primary school?

27 A. Pardon?

28 Q. How old were you when you started primary school?

29 A. I don't understand this question.





1 Q. What was your age -- you are certainly literate. I mean,  
2 you know the exact month and day, as well as year, of your birth;  
3 not so? You said it was in February 1987. I think you said it  
4 was on 22nd; not so?

15:51:10 5 A. Yeah, my mother told me that.

6 Q. Yes, so how old were you when you started primary school?  
7 A. I didn't know.

8 Q. Can you still recall that, I mean, you said this to the  
9 Court at Trial Chamber I that you were eight years old when you  
10 started primary school?  
15:51:34 10

11 A. No.

12 Q. Do you know the normal age that people start school in  
13 Sierra Leone?

14 A. Some four years, some two years another school, some five  
15 years. It's not certain anyway.  
15:52:03 15

16 Q. Do you recall the year that you started primary school?  
17 A. No, I don't recall.

18 Q. Mr Witness, I'm putting it to you that since you've spent  
19 12 years in school, and that you had earlier told Trial Chamber I  
20 that you were at the age of eight when you started primary  
15:52:52 20  
21 school, that your current age is in fact 20, not 18?

22 A. Pardon?

23 Q. I'm putting it to you that your current age is 20, not 18?  
24 A. Is that the right figure from 1987?

15:53:13 25 Q. No, I'm not --

26 A. Excuse me, are you my mother or my parents?

27 Q. No, I'm basically calculating based on the figures --  
28 A. I was told by my mother, so I am 18 years old now. So  
29 don't waste your time for that.



1 Q. Do you also recall telling the Court at Trial Chamber I  
2 that you were 12 years old when you were taken by the rebels?

3 A. Pardon?

4 Q. Do you recall telling the Court, Trial Chamber I, the  
15:53:59 5 previous court in which you testified, that you were 12 years old  
6 when you were taken by the rebels?

7 A. Well, I told the Prosecutor birth of my date -- my date of  
8 birth, I mean.

9 Q. I'm asking you a specific question. You clearly recall  
15:54:21 10 when you were taken by the rebels, at least the year. You've  
11 told the Court it was in 1998; not so?

12 A. Yes.

13 Q. So now my question is do you recall telling the previous  
14 court in which you testified that you were at the age of 12 when  
15:54:36 15 you were taken by the rebels?

16 A. No, I don't recall.

17 Q. Okay. I will again your refresh your memory.

18 MR FOFANA: Your Honours, I'm referring to page 14257, and  
19 I will read from line 1 to 5.

15:55:01 20 Q. "Q. How old were you at this time?

21 "A. At this time I am 17 years old.

22 "Q. But at the time you met the rebels in the bush, do you  
23 remember your age?

24 "A. Oh, my age, I was 12 years old."

15:55:22 25 Do you now recall that that is what you told the Court?

26 A. Yes.

27 Q. And this was in 1998; not so?

28 A. Pardon?

29 Q. This was in 1998; not so?



1 A. Yes.

2 Q. So if you were 12 years old in 1998, then your current age  
3 is 19, not so, not 18?

4 A. It's 18 plus. Because February 22nd made me 18 years this  
15:56:12 5 year.

6 Q. Mr Witness, again I'm putting it to you that you don't in  
7 fact know your age?

8 A. Pardon?

9 Q. You don't know your age?

15:56:25 10 A. I know my age.

11 Q. Now, Mr Witness, you've told the Court that you've never  
12 met Brigadier Mani?

13 A. Yes.

14 Q. Now when did you leave the rebels finally? When were you  
15:56:54 15 taken away from the rebels?

16 A. It was early 2000.

17 Q. Say again.

18 A. The first month of year 2000.

19 Q. The first month of year 2000. Now was it not the case that  
15:57:09 20 Brigadier Mani was in fact living with you at the camp where you  
21 were trained?

22 A. No.

23 Q. Hadn't you told investigators of the Special Court before  
24 that United Nations Mission in Sierra Leone communicated to  
15:57:35 25 Brigadier Mani for your release?

26 A. This year I didn't tell any investigation about that.

27 MR FOFANAH: In that case, Your Honours, I will first start  
28 with the question of Brigadier Mani being with them at the camp.  
29 In that case I will refer Your Honours to page --



1           PRESIDING JUDGE: If you could just pause, Mr Fofanah.  
2           Could you give me some indication? Will you have many more  
3           questions for this witness, as I notice the time, and there is a  
4           question of tendering of documents.

15:58:11 5           MR FOFANAH: This is about my last question or second to  
6           last question.

7           PRESIDING JUDGE: Very well. Thank you.

8           MR FOFANAH: Thank you very much, Your Honour. Your  
9           Honours, I was just referring you to page 14243 of the statement.

15:58:34 10          Q.    Mr Witness, this is what you are quoted as -- you are  
11          quoted to have said - at the last line, Your Honours:

12                 "Savage got his orders from Brigadier Mani. He lived at  
13                 the camp. When the UN wrote a letter to release the  
14                 children...after that the commanders assembled them all and  
15:58:58 15                 explained that to them. There were about 300 children."

16          Do you recall making that statement that Brigadier Mani  
17          lived at the camp?

18          A.    No.

19          Q.    Say again.

15:59:16 20          A.    Pardon?

21          Q.    Do you recall saying that Brigadier Mani lived at the camp?

22          A.    No.

23                 PRESIDING JUDGE: I want to be clear on something,  
24                 Mr Fofanah. Are you reading the first line of the final  
15:59:30 25                 paragraph in that particular page 14243, I think you quoted.

26                 MR FOFANAH: I starting with 14242, Your Honour. The last  
27                 line of 14242.

28                 JUDGE SEBUTINDE: I think you've got different pages.

29                 MR FOFANAH: 14243, yeah, you're right. I've seen it. The





1 last line.

2 PRESIDING JUDGE: So it's the first line of the last  
3 paragraph. Because to my mind there's an ambiguity there. It  
4 says, "Savage got his orders from Brigadier Mani. He lived at  
16:00:07 5 the camp." I don't know whether Savage is the "he" or Brigadier  
6 Mani the "he". What are you putting to the witness?

7 MR FOFANAH: I was inferring that the he was referring to  
8 was the name after Savage but, in any case, I will let him  
9 clarify it. Thank you very much.

16:00:31 10 Q. So, Mr Witness, again, I'm putting the statement to you and  
11 I would like you to clarify what you meant by "he lived at the  
12 camp". The statement is, according to you, "Savage got his  
13 orders from Brigadier Mani. He lived at the camp." So who was  
14 the "he" you are referring to?

16:00:57 15 A. How do you spell the live?

16 Q. L-I-V-E?

17 A. It's not L-E-A-V-E?

18 Q. No, it's L-I-V-E?

19 A. Okay, I refer it to Savage.

16:01:10 20 MR FOFANAH: Also, Your Honours, I refer to page 14268 of  
21 the transcript at Trial Chamber I.

22 JUDGE SEBUTINDE: Sorry. Kindly repeat the page number.

23 MR FOFANAH: 14268, Your Honours. I'm reading from lines  
24 21 downwards.

16:01:38 25 Q. It says: "When did you finally leave the rebels?"

26 It says:

27 "Thank you very much. That was year 2000 -- that is 1999  
28 and -- the ending of 1999, December, in the last month  
29 December to the new year, to the year 2000. On December



1 our commanders, they had a letter that said they should go  
2 on a meeting, a conference to Kabala, you know, and since  
3 our own highest authority there was Brigadier Mani, he  
4 received this letter from a civilian, you know, and he hit  
16:02:15 5 that civilian and he said, 'Okay, say who wants to see me.'  
6 He said, 'Some people in Kabala, they want to see you,' and  
7 he went with that -- he took his group and he went to  
8 Kabala and in Kabala they held a conference there with some  
9 people. So in the return he explained -- he gathered all  
16:02:51 10 the -- accompanied them to Kabala." [Sic].

11 JUDGE SEBUTINDE: That's not correct.

12 MR FOFANAH: Which one, Your Honour?

13 PRESIDING JUDGE: Have you skipped a part?

14 MR FOFANAH: I was trying to read pages 14268 into 14269  
16:03:18 15 because he says he gathered all the -- I mean, I don't know if I  
16 have something wrong.

17 JUDGE LUSSICK: Yes, I think you've got some problems  
18 there, Mr Fofanah. I think your documents that you have there  
19 differ from the documents that have been issued.

16:03:44 20 MR FOFANAH: Excuse me, Your Honours, may I just confer  
21 with my colleagues? Sorry, Your Honours, I have a more correct  
22 copy now. I'll just continue reading from that.

23 Q. Mr Witness, I will go over it again. Sorry about the  
24 interruption. The question was:

16:04:23 25 "Q. When did you finally leave the rebels?"

26 And your answer was:

27 "A. Thank you, very much. That was year 2000 -- that is  
28 1999 and -- the ending of 1999, December, in the last month  
29 December to the new year to the year 2000. On December our



1 commanders they had a letter that said they should go on a  
2 meeting, a conference to Kabala, you know, and since our  
3 own highest authority there was Brigadier Mani, he received  
4 this letter from a civilian, you know, and he hit that  
16:05:01 5 civilian and he said, 'Okay, say who wants to see me.' He  
6 said, 'Some people in Kabala they want to see you,' and he  
7 went with that -- he took his group and he went to Kabala  
8 and in Kabala they held a conference there with some  
9 people."

16:05:18 10 First of all, Mr Witness, is it the case that Brigadier  
11 Mani was based at Kabala?

12 A. No.

13 Q. Is it the case that Brigadier Mani received a letter  
14 requesting that children under the command of Colonel Savage be  
16:05:41 15 released to UNAMSIL?

16 A. Pardon?

17 Q. Is it the case that Brigadier Mani received a letter  
18 requesting that children under the command of Colonel Savage be  
19 released to UNAMSIL?

16:05:56 20 A. No, I didn't say so.

21 Q. Now, do you know how you were released in early 2000?

22 A. Pardon?

23 Q. How were you released in early 2000?

24 A. I was released when UNAMSIL came in the country then -- and  
16:06:31 25 from Kabala they sent a letter to Brigadier Mani. Then  
26 Brigadier Mani called upon Savage, but the letter was basically  
27 to attend the conference, so I didn't know anything about the  
28 releasing of children. I only knew when they came after the  
29 conference, from the conference, I mean.



1 Q. But you knew that Brigadier Mani received a letter; not so?  
2 A. Yes, the letter was sent to Brigadier Mani. From  
3 Brigadier Mani, Brigadier Mani called Lieutenant-Colonel Savage.  
4 From Lieutenant-Colonel Savage, then I got the message from  
16:07:19 5 Lieutenant Marrah.

6 Q. So where was Brigadier Mani around this time when he  
7 received the letter?

8 A. Well, I never go to the village where he was living. I  
9 only live in the village Bafodeya where Savage also was.

16:07:44 10 MR FOFANAH: I have no further questions, thank you.

11 PRESIDING JUDGE: Thank you, Mr Fofanah. Re-examination,  
12 Ms Ngunya?

13 MS NGUNYA: No re-examination, Your Honour.

14 PRESIDING JUDGE: Thank you. We have no questions. Thank  
16:07:58 15 you very much for your evidence, Mr Witness. That is the end of  
16 your evidence, and we thank you for coming to the Court.

17 THE WITNESS: Good. Thank you, ma'am.

18 PRESIDING JUDGE: I note the time. We've run a little over  
19 time in order to finish this witness's evidence. There is a  
16:08:14 20 matter which does not involve you, Ms Ngunya, or Mr Hodes,  
21 concerning the tendering of that document relating to the  
22 previous witness. I understand from -- just a moment, please. I  
23 understand there's a colour copy that will be tendered and copies  
24 will be made for the parties. However, we do not have the  
16:08:44 25 original before us at the moment. Can you please pass that up,  
26 counsel? Mr Knoops, it's your document that you were tendering.  
27 There was some reference to a small folded piece of paper that  
28 was in that booklet in the course of your cross-examination. I  
29 don't see it. You've got it there. Is that an integral part of





1 this?

2 MR KNOOPS: No, it was a note again referring to the  
3 soldier's number of Mr Kanu.

4 PRESIDING JUDGE: It was something internal to --

16:10:18 5 MR KNOOPS: Yes, yes.

6 PRESIDING JUDGE: I see.

7 MR KNOOPS: I also showed that to the Prosecution, the  
8 note.

9 PRESIDING JUDGE: Mr Knoops, for purposes of record,  
16:12:21 10 there's been some exchange about the tender of this document.

11 You may recall Ms Pack and yourself had some -- is this being  
12 formally tendered? I want to make sure for the record.

13 MR KNOOPS: Yes, Your Honours, it's formally being tendered  
14 by the Defence.

16:12:32 15 PRESIDING JUDGE: Thank you.

16 JUDGE LUSSICK: Well, let's be clear on that. Do you mean  
17 the colour copy is formally tendered?

18 MR KNOOPS: Yes, your Honour, the colour copy.

19 JUDGE LUSSICK: And you want the original returned.

16:12:44 20 MR KNOOPS: Yes, Your Honour, if possible.

21 PRESIDING JUDGE: Well, the colour copy then becomes  
22 Exhibit D11. We have noted this and have seen the original.

23 MR KNOOPS: Thank you, Your Honour.

24 [Exhibit No. D11 was admitted]

16:13:18 25 PRESIDING JUDGE: If there's no other matters, I note the  
26 time and we will adjourn the Court. I've just been reminded that  
27 the report of the previous -- not the previous witness this  
28 morning but yesterday's witness should have been marked  
29 confidential. That's Exhibit P33. I make that order now for



1 purposes of record. Madam Court Attendant, if you could please  
2 note that. If there's no other matter we will adjourn to  
3 tomorrow morning at a quarter past 9.00, please.

4 [Whereupon the hearing adjourned at 4.15 p.m.  
5 to be reconvened on Friday, the 7th day of  
6 October, 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D9	25
Exhibit No. D10	28
Exhibit No. D11	130

WITNESSES FOR THE PROSECUTION:

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