

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

FRIDAY, 07 OCTOBER 2005
9.22 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Ms Melissa Pack Mr Jim Hodes Ms Maja Dimitrova (Case Manager) Ms Martine Durocher (intern)
For the Principal Defender:	NO APPEARANCES
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazzy Kamara:	Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanu:	Mr Geert-Jan Alexander Knoops

1 Friday, 7 October 2005
2 [AFRC070CT05 - AD]
3 [Open session]
4 [The accused not present]
09:21:56 5 [Upon commencing at 9.22 a.m.]
6 PRESIDING JUDGE: Good morning. I note the accused are not
7 present in Court. Ms Thompson, your client is not here.
8 MS THOMPSON: I do beg your pardon, Your Honour. I haven't
9 heard any word from him today. I believe there was some
09:22:17 10 communication between one of them and Mr Daniels. I think
11 Mr Daniels is in better position to address the Court than I am.
12 PRESIDING JUDGE: Thank you, Ms Thompson. Mr Daniels, can
13 you assist us?
14 MR DANIELS: I'll do my best. Good morning, Your Honours.
09:22:28 15 This morning I got a call from my client, Mr Kamara, indicating
16 that there is a problem in the Detention Centre and for that
17 reason they will not be coming this morning. I have no further
18 details and I wanted to see them at the lunch break to find out
19 what exactly it was all about.
09:22:49 20 PRESIDING JUDGE: Thank you for that advice, Mr Daniels. I
21 note you said they are not coming.
22 JUDGE LUSSICK: Mr Daniels, did you hear anything that
23 might indicate that the Detention Centre is not letting them come
24 to court, rather than them choosing not to come because of some
09:23:11 25 problem in the Detention Centre.
26 MR DANIELS: No, I did not hear anything from the point of
27 view of the Detention Centre. No, I did not.
28 JUDGE LUSSICK: You are satisfied that the three accused
29 are not prevented from coming to court? I ask you this because I

1 don't know anything about the problem at all. Of course, if they
2 are prevented from coming to Court then this trial cannot
3 proceed.

4 MR DANIELS: I have no instruction that they are prevented.
09:23:32 5 I think there is an internal problem that is yet to be resolved.
6 Beyond that I have no instructions. I will be seeing them as
7 soon as we have a break.

8 PRESIDING JUDGE: It would appear, therefore, that they are
9 voluntarily staying away if there is no prevention.

09:24:00 10 MR DANIELS: As I said before, I do not think that they are
11 being prevented.

12 PRESIDING JUDGE: Thank you, Mr Daniels. We will note that
13 and take it as voluntary. Perhaps consideration can be given for
14 a longer break in the morning to facilitate you going to the
09:24:21 15 Detention Centre.

16 MR DANIELS: Most grateful.

17 PRESIDING JUDGE: Ms Pack.

18 MS PACK: Good morning, Your Honour. I will be taking the
19 next witness, TF1-046, who will be testifying in English.
09:24:30 20 Your Honour, the witness was a protected witness under Category C
21 protection. That is the full protections accorded to what has
22 become known as insider witnesses. He has recently indicated to
23 the Prosecution that he would wish to waive protections accorded
24 by your earlier protective measures order and testify entirely in
09:24:56 25 open session. That is a course with which the Prosecution is
26 content. It may be that Your Honours would prefer to hear from
27 the witness himself. I think that was a practice that Your
28 Honours took in the past with another witness who also sought to
29 waive his protections. So the witness hasn't yet been called in

1 because I wanted to raise that with Your Honours first. He could
2 come in now and testify right away in open session, but it may be
3 that Your Honours would want to hear from him first before he
4 does that.

09:25:25 5 PRESIDING JUDGE: I think I would be happier to have that
6 confirmed from the witness. As you correctly said that was the
7 practice in the past. So whilst accepting your word, of course,
8 I think for purposes of record we will also hear from the
9 witness.

09:25:42 10 MS PACK: Thank you, Your Honour. In that case, I think
11 Court Management might have to redesign the Court. The witness
12 might come in and be identified when he does.

13 [The witness entered court]

14 PRESIDING JUDGE: Incidentally, Ms Pack, I don't recall
09:28:31 15 hearing what language the witness wishes to use.

16 MS PACK: The witness will be testifying in English.

17 PRESIDING JUDGE: Thank you, Ms Pack. Good morning,
18 Mr Witness. The Court gave you certain protective measures so
19 that your identity would not be made public. The Court this
09:28:56 20 morning has been informed that you do not wish to avail of those
21 measures and we would like to hear and have clarification from
22 you of what way you wish to proceed to give your evidence.

23 THE WITNESS: I will be giving my evidence publicly. I
24 wish to inform the Court that I see no reason why I should be
09:29:17 25 behind any protection or any screen to testify because I am
26 saying the truth.

27 PRESIDING JUDGE: Thank you, Mr Witness. Just pause,
28 please.

29 [Trial Chamber conferred]

1 PRESIDING JUDGE: Ms Pack, just for purposes of
2 clarification and record, I want to make sure I am clear. The
3 witness has waived the screen and the voice distortion, and he is
4 being referred to as TF1-046. Does that remain?

09:30:42 5 MS PACK: My understanding is that the witness would wish
6 to proceed with his name being made public. But that is
7 something perhaps Your Honours might wish to ask him. But as I
8 understand it, he wishes to have all of the protections, the
9 screen, the voice distortion and pseudonym removed.

09:31:04 10 PRESIDING JUDGE: Is that correct, Mr Witness?

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: Thank you for that clarification,
13 Mr Witness, we are grateful for it. In the circumstances, the
14 witness has obviously made a conscious decision. The screen will
09:31:37 15 continue to be removed and the voice distortion will be removed
16 and the witness is openly going to give his name. In the
17 circumstances, please pull back the curtains, Madam Court
18 Attendant, and swear in the witness.

19 WITNESS: GIBRIL MASSAQUOI [Sworn]

09:32:39 20 EXAMINED BY MS PACK:

21 PRESIDING JUDGE: Proceed, Ms Pack.

22 MS PACK: Thank you, Your Honour.

23 Q. Witness, would you give the Court, please, your full name?

24 A. I am Gibril Massaquoi.

09:32:56 25 Q. Mr Massaquoi, when were you born?

26 A. I was born on 17th October 1969.

27 Q. Whereabouts?

28 JUDGE SEBUTINDE: Could we have the spelling of the surname
29 at least?

1 MS PACK:

2 Q. Mr Massaquoi, would you spell your surname?

3 A. M-A-S-S-A-Q-U-O-I.

4 Q. Mr Massaquoi, where were you born?

09:33:19 5 A. I was born in Kenema.

6 Q. Is that the district or the town?

7 A. The town itself. Kalilu Street [phon].

8 Q. What is your ethnicity?

9 A. I am a Mende by tribe.

09:33:35 10 Q. What languages do you speak?

11 A. I speak English, I speak Mende, I speak Krio.

12 Q. Do you read and write?

13 A. Yeah, I do read and write.

14 Q. Where did you go to school?

09:33:49 15 A. I attended school in Pujehun and Kenema and later in Bo.

16 MS PACK: You've heard all those names. Pujehun maybe I

17 should spell. It's P-U-J-E-H-U-N, Your Honour.

18 Q. Which form did you reach in school?

19 A. I did my sixth form. I started teaching at the St Paul's

09:34:15 20 Secondary School, Pujehun.

21 Q. In 1991, what were you doing?

22 A. I was a teacher at the St Paul's Secondary School, Pujehun.

23 MS PACK: That is St Paul's, Your Honour.

24 Q. How old were you in 1991?

09:34:38 25 A. I was 22 years of age.

26 Q. Did anything happen in Pujehun in 1991?

27 A. Yes. In May of 1991 I saw a group of armed men entered

28 Pujehun and attack there, while I was in Pujehun.

29 Q. Do you know who the armed men were?

1 A. Yeah, they referred to themselves as the Revolutionary
2 United Front, RUF.
3 Q. Did any happen when they attacked Pujehun?
4 A. Yes. They gathered people at the court barri, began
09:35:10 5 talking to them. That very day I left the town and I went six
6 miles off to another village where I seek some refuge for some
7 days.
8 Q. Did you return to Pujehun after that?
9 A. Yes, I return back to Pujehun.
09:35:25 10 Q. On your return to Pujehun, did anything happen?
11 A. Yes. When I returned to Pujehun, I was taken to the task
12 force office where I was asked to work with them as a
13 receptionist.
14 Q. What do you mean by "task force"?
09:35:43 15 A. That was a unit set up by the RUF.
16 Q. Did you then work as a receptionist?
17 A. Yes, I work for a few days and I have to run away from them
18 again. I went back to the same village.
19 Q. Did you subsequently return?
09:36:05 20 A. Yes, I came back. Upon my arrival I was arrested and put
21 in prison for a whole day and a night.
22 Q. Did anything happen after that?
23 A. Yes. My mother have to meet one of the marabus to
24 intervene so I could --
09:36:17 25 JUDGE SEBUTINDE: Ms Pack, could you go a little slower.
26 You are running.
27 MS PACK: Yes, of course, Your Honour. My apologies.
28 Q. Witness, I'm going to take it a little slower and if you
29 would also take it a little slower, because the judges have to

1 write a note.

2 A. Okay.

3 Q. Now, Mr Massaquoi, you were saying that you returned to
4 Pujehun and that you were detained?

09:36:39 5 A. Yes.

6 Q. What happened after that?

7 A. One of their commanders, they called him Ernest, detained
8 me at the prisons. My mother later met one of their marabus to
9 intervene so I could not be killed.

09:36:53 10 Q. Pause a moment. You said that you were detained by a
11 commander called Ernest.

12 A. Yes.

13 Q. Could you just spell Ernest for the Chamber?

14 A. Yes, it's E-R-N-E-S-T.

09:37:03 15 Q. And then you said that your mother spoke to one of their
16 marabus.

17 A. Yes.

18 Q. What do you mean by that?

19 A. One of the -- I don't know how to class it. One of the
09:37:11 20 marabus made protections for them to go to the war front.

21 Q. Would you spell marabu, please?

22 A. Yes, M-A-R-A-B-U.

23 Q. After your mother spoke to this individual did anything
24 happen?

09:37:30 25 A. Yes. I was eventually released and at this time I was now
26 taken to the G4 office to work with them.

27 Q. Pausing there, what was the G4 office?

28 A. The G4 office was also another unit set up by the RUF who
29 were in charge of arms keeping, ammunition and registry of troops

1 within that district.

2 Q. Mr Massaquoi, you have spoken about the RUF being the armed
3 force that attacked Pujehun?

4 A. Mm-hm.

09:38:11 5 Q. Do you know who was the leader of the RUF at this time?

6 A. Yes, at that time Foday Sankoh was the leader of the RUF.

7 Q. Do you know when the RUF had first entered Sierra Leone?

8 A. Officially I knew they entered Sierra Leone 23rd March.

9 Q. Which year?

09:38:34 10 A. 1991.

11 Q. Why do you say "officially"?

12 A. Because there were some skirmishes on the border towns with
13 Liberia. They crossed from Liberia, entered Sierra Leone, looted
14 and returned back. Even before 23rd March.

09:38:49 15 Q. And into which districts did the RUF first enter?

16 A. They first entered Kailahun and later Pujehun District.

17 Q. When you were working at the G4 office in Pujehun for the
18 RUF, did anything happen?

19 A. Yes, I was eventually taken from there. They took me to
09:39:21 20 Zimmi for training.

21 Q. Could you just spell Zimmi for the Chamber, please?

22 A. Yes, Z-I-M-M-I.

23 Q. Where in particular in Zimmi were you taken for training?

24 A. The village they call Gissiwulo.

09:39:33 25 Q. Would you spell that, please, for the Chamber?

26 A. Yeah, G-I-S-S-I-W-U-L-O.

27 Q. Which district is Zimmi in in Sierra Leone?

28 A. It is in Pujehun District.

29 Q. Was there anyone in particular based in Zimmi at this time?

1 A. Yeah, that was the headquarters for the RUF for the Pujehun
2 District, and that was where Foday Sankoh was based.

3 Q. What training did you receive?

4 A. I received training in arms and administration.

09:40:20 5 Q. How long did the training last for?

6 A. About three weeks.

7 Q. After the training, what did you do?

8 A. After the training I was again brought back to work in the
9 same G4 office. I continued there.

09:40:38 10 Q. For how long did you work there?

11 A. I was there until in July of 1991 when government forces
12 attacked Pujehun and retook Pujehun from them.

13 Q. After the government forces retook Pujehun from the RUF,
14 what did you do?

09:40:58 15 A. I ran away from Pujehun. I went to a village called Bumpeh
16 in the same Pujehun District.

17 Q. Would you spell Bumpeh for the Chamber, please?

18 A. Yes, B-U-M-P-E-H.

19 Q. Who were in Bumpeh with?

09:41:17 20 A. I was with my family -- my mother, my brother, my sisters.

21 Q. How long did you remain there?

22 A. I was there also for about a month or two.

23 Q. Where did you go after that?

24 A. I went to a village called Gohun after government forces
09:41:37 25 again attacked Bumpeh and retook there.

26 Q. You have named the village Gohun, I think. Will you spell
27 that, please, for the Chamber?

28 A. Gohun, G-O-H-U-N.

29 Q. Who were you with at this time when you went to Gohun?

1 A. At this time I was staying with one of the commanders they
2 called Sam Bockarie, and my younger brother was also with me.
3 Q. Just pausing with this individual you have identified, Sam
4 Bockarie; who was he?
09:42:16 5 A. At that time he was one of the Vanguard's of the RUF.
6 Q. What do you mean by a "Vanguard" of the RUF?
7 A. I learnt that Vanguard's were those trained by Sankoh in
8 Liberia.
9 Q. What nationality was Bockarie?
09:42:40 10 A. He was a Sierra Leonean.
11 Q. Did you know him by another name?
12 A. Yes, he was commonly called Mosquito.
13 Q. How long did you remain in Gohun?
14 A. I was in Gohun until government forces again began their
09:43:13 15 advancement to Zimmi, all the way to the border. Then I had ran
16 away to cross -- first attempted to cross into Liberia and we
17 were stopped. But we later used the main Bo-Gendema road to
18 cross into Liberia.
19 Q. You said you used the Bo-Gendema road. Would you spell
09:43:33 20 "Gendema", please, for the Chamber?
21 A. G-E-N-D-E-M-A.
22 Q. Who did you cross the border with?
23 A. We cross in a very large number, hundreds of us, including
24 combatants and civilians.
09:43:54 25 Q. After you crossed the border, where did you go?
26 A. We crossed the border, we entered Cape Mount County. We
27 slept at a village they call Wangekoh and we were taken to
28 Vonsula the other day.
29 Q. Pausing there a moment, you have named a village that you

1 stayed at. Would you spell the name of the village first?

2 A. W-A-N --

3 JUDGE SEBUTINDE: Before that there was some other place.

4 We entered --

09:44:34 5 THE WITNESS: Cape Mount.

6 MS PACK: Cape Mount County.

7 A. That is a county where Wangekoh is.

8 Q. Perhaps if you could just spell.

9 MS PACK: It is Cape Mount County, Your Honour.

09:44:45 10 A. C-A-P-E, Cape; M-O-U-N-T, Mount; Cape Mount.

11 Q. And then you said you stayed in a village in Cape Mount

12 County. Could you spell the name of the village?

13 A. Wangekoh, W-A-N-G-E-K-O-H.

14 Q. Then finally you said you went to Vonsula. Could you just

09:44:59 15 spell that, please?

16 A. V-O-N-S-U-L-A, Vonsula.

17 Q. Why did you go to Vonsula?

18 A. Well, we saw some of the Vanguarders who came and said Sankoh

19 said they should collect all the Sierra Leoneans who were working

09:45:23 20 with them and those that were recruited, and be taken to Vonsula.

21 So they gathered us; there were about a thousand in number.

22 Q. How far away from the border with Sierra Leone is Vonsula?

23 A. Vonsula is about 15 miles or so.

24 JUDGE SEBUTINDE: Sorry, I haven't understood. These

09:45:46 25 places he has named, in what country are they?

26 THE WITNESS: This is in Liberia.

27 MS PACK:

28 Q. What happened in Vonsula?

29 A. Vonsula, after they gathered us there, they started giving

1 us training again in the same ideology.

2 Q. Who was being trained?

3 A. All of us that they gathered. We were all trained,
4 including myself.

09:46:17 5 Q. All whom had been gathered from where?

6 A. From various villages in Cape Mount, including those I have
7 just named, Wangekoh.

8 Q. Who was doing the training?

9 A. The Vanguardians were doing the training, including
09:46:29 10 Sam Bockarie.

11 Q. These were the Vanguardians you referred to earlier as having
12 previously been trained by Sankoh in Liberia?

13 A. Liberia, yes.

14 Q. How long did your training that Vonsula last?

09:46:45 15 A. The training lasted for about a month or two.

16 Q. Did you go anywhere after that?

17 A. I we were taken to Bomi Hills.

18 Q. Would you spell "Bomi" for the Chamber, please?

19 A. Yes. B-O-M-I, Bomi; H-I-L-L-S, Hills.

09:47:01 20 Q. You have spoken about Cape Mount County in Liberia. Which
21 country in Liberia is Bomi Hills?

22 A. Bomi Hills is in Bomi County.

23 Q. Do you know who controlled this area in Liberia that you
24 were moving in at that time?

09:47:27 25 A. At that time that area was controlled by the NPFL.

26 Q. What is the NPFL?

27 A. The National Patriotic Front of Liberia.

28 Q. Do you know who headed the NPFL?

29 A. It was headed by Charles Taylor.

1 Q. Was there another name by which the area that was
2 controlled by the NPFL at this time was known?
3 A. Yes, they called the area of control as "Greater Liberia".
4 Q. Were there other locations, apart from Bomi Hills and
09:48:09 5 Vonsula, which you have named, that were included in that area of
6 control that you are able to recall?
7 A. Yes, a lot. We have Klay Junction, we have Gbanga.
8 Q. Pausing there. I will just ask you to spell "Klay
9 Junction" first.
09:48:25 10 A. Yes. Klay is K-L-A-Y.
11 Q. And "Gbanga"?
12 A. G-B-A-N-G-A, Gbanga.
13 Q. How long did you remain in Bomi Hills for?
14 A. For about some weeks, and Sankoh began taking some of the
09:48:51 15 men to Kailahun District, through Gbanga.
16 Q. Did you go to Kailahun District?
17 A. No, I did not.
18 Q. What happened to you?
19 A. You one morning we were taken from the base and brought
09:49:04 20 down to Sankoh's house to load some rice to be taken to Cape
21 Mount County, in a town called "Mano River Congo".
22 Q. Just spell "Mano River Congo".
23 A. M-A-N-O R-I-V-E-R C-O-N-G-O.
24 Q. Was there anyone who was deployed at Mano River Congo at
09:49:36 25 this time?
26 A. Yes, we had one of the Liberian generals who was in charge
27 of the troops there. They call him General Devon.
28 Q. Would you spell "Devon", please, for the Chamber?
29 A. D-E-V-O-N.

1 Q. This Liberian general, which group was he from?
2 A. He was a general of the NPFL.
3 Q. Did anything happen when you got to Mano River Congo?
4 A. Yes, Sankoh left us there. We off loaded the rice, and
09:50:14 5 General Devon received it. We are there for some weeks while
6 they went on operations into Zimmi, the Gola Forest and go
7 through the Gola Forest into Zimmi.
8 Q. Pausing there. You have spoken about crossing into Zimmi.
9 In which country is Zimmi? Just remind us.
09:50:31 10 A. Zimmi is in Sierra Leone, in Pujehun District.
11 Q. And you have spoken about the Gola Forest. Would you spell
12 "Gola"?
13 A. G-O-L-A.
14 Q. And where does the Gola Forest extend from; which area
09:50:37 15 geographically?
16 A. It is from the border of Liberia all the way into the
17 Pujehun and Kailahun District.
18 Q. You have spoken about operations at this time. What were
19 you doing at this time?
09:50:52 20 A. At this time I was with General Devon and I went with his
21 Deputy Commander -- they called him Pele Boy -- on that operation
22 in Zimmi.
23 Q. Pausing there. Just spell "Pele Boy", please.
24 A. P-E-L-E B-O-Y.
09:51:07 25 Q. Who was Colonel Pele Boy?
26 A. He was also an NPFL colonel.
27 Q. Did you thereafter remain in Liberia?
28 A. No.
29 Q. Where did you go?

1 A. We came back to Sierra Leone.

2 Q. About when did you return to Sierra Leone?

3 A. This was in November of 1991.

4 Q. When you returned to Sierra Leone, what did you do?

09:51:39 5 A. I was attached to the battle group commander. By then they
6 call him Rashid Mansaray.

7 Q. Pause there. Would you spell "Rashid Mansaray", please?

8 A. R-A-S-H-I-D, Rashid; M-A-N-S-A-R-A-Y, Mansaray.

9 Q. You have identified Rashid Mansaray as the battle group
09:52:08 10 commander?

11 A. Yes.

12 Q. How many battle group commanders were there in the RUF at
13 this time?

14 MR KNOOPS: Your Honour, I object. I think there is still
09:52:14 15 not the foundation for the question whether the witness is in a
16 position to comment on battle group commanders. He did not give
17 any description of it, and I think he is not yet entitled to
18 answer the next question as to how many battle group commanders
19 there are. Thank you.

09:52:33 20 PRESIDING JUDGE: Ms Pack, you have heard the objection.

21 MS PACK: I will ask the witness a little more detail about
22 what he was doing.

23 PRESIDING JUDGE: Very well, Ms Pack.

24 MS PACK:

09:52:43 25 Q. Who were attached to Rashid Mansaray by at this time?

26 A. By the leader of the RUF, Foday Sankoh.

27 Q. What were you doing for Rashid Mansaray?

28 A. I was a secretary with him. Later he sent me to be an
29 adjutant to Patrick Swaray, one of the target commanders.

1 Q. Just tell us about Patrick Swaray. Apart from being a
2 target commander, who was he?
3 A. He was a Sierra Leonean and a junior commando.
4 Q. When you say "junior commando", what do you mean?
09:53:23 5 A. These are commandoes that are being trained in Sierra
6 Leone; fighters that were trained in Sierra Leone.
7 Q. You say that he was a target commander. Just remind us
8 what you mean by a "target"?
9 A. A target is a group of armed men, say about 100.
09:53:43 10 Q. As adjutant to Patrick Swaray, what did you do?
11 A. I took record of his men; I took record of the arms they
12 had; I took record of those who were wounded when he comes from
13 operation and those who died.
14 Q. You earlier spoke about Rashid Mansaray and said he was the
09:54:14 15 battle group commander at the time. In which area was he battle
16 group commander?
17 A. In the Pujehun area.
18 Q. Tell us about Rashid Mansaray. What nationality was he?
19 A. He was a Sierra Leonean.
09:54:31 20 Q. You have talked about junior commandoes and Vanguards, was
21 he part of either of those groups?
22 A. I was part of the junior commando group.
23 Q. Rashid Mansaray --
24 A. Rashid was a special force; he was one of those trained in
09:54:47 25 Libya, and they were referred to as "special force".
26 Q. I think you said you were a junior commando?
27 A. Yes.
28 JUDGE SEBUTINDE: Is that "commando" or "commander"?
29 THE WITNESS: Commando, D-0.

1 MS PACK:

2 Q. At this time in Sierra Leone, you have told the Court that
3 you were in Pujehun District?

4 A. Yes, in Soro Gbema Chiefdom.

09:55:26 5 Q. Will you spell "Soro Gbema" for the Chamber, please?

6 A. S-O-R-O G-B-E-M-A, Soro Gbema Chiefdom.

7 Q. At this time, do you know if there were RUF fighters
8 deployed to other areas in Sierra Leone?

9 A. Yes.

09:55:47 10 Q. Which area?

11 A. I knew they were deployed in the Kailahun District.

12 Q. Do you know who was in command in the Kailahun District at
13 that time?

14 A. Yes, at that time I don't know much about Kailahun.

09:56:07 15 Q. Apart from being an adjutant to Patrick Swaray, were you
16 doing anything else?

17 A. Yes. Besides what I was doing I became a target commander
18 of the same target after Patrick Swaray died.

19 Q. I we will deal with that in a moment. You have described
09:56:32 20 events in 1991. I want to move over to 1992. Was there anything
21 that happened in 1992 that you are able to recall; any events?

22 A. I recall there was a coup in April of 1992.

23 Q. Do you know who carried out that coup?

24 A. That was by the Sierra Leone Army.

09:56:51 25 Q. How do you know about this coup?

26 A. I heard it on the BBC.

27 Q. Do you know if there was a government installed after this
28 coup?

29 A. Yes, I knew that the NPRC government was installed and the

1 APC was overthrown.

2 Q. Again, how did you know that the NPRC government was
3 installed?

4 A. This was through the same news.

09:57:23 5 Q. At this time in April 1992 that the NPRC government was
6 installed after a coup, where were you deployed?

7 A. I was deployed in the Pujehun district.

8 Q. And you were working under whom at this time?

9 A. At this time I was working still under Patrick Swaray.

09:57:42 10 Q. Were there any alterations in your appointments after
11 April 1992, the coup to which you have referred?

12 A. Yes, I would just mention that after Patrick Swaray died I
13 was made a target commander.

14 Q. Do you recall how many men you had command over in that
09:58:09 15 capacity as target commander at that time?

16 A. Yes, about 100.

17 Q. Did the target group that you headed have a particular
18 name?

19 A. Yes, they called that target the Alligator Forces.

09:58:26 20 Q. How long did you serve in that position?

21 A. I was in that position say about from the middle of 1992
22 until getting close to the end of 1993.

23 JUDGE SEBUTINDE: Ms Pack, was that alligators as in the
24 reptile?

09:58:51 25 MS PACK: Yes, Your Honour.

26 THE WITNESS: Yes.

27 MS PACK:

28 Q. Why did your position as head of the target group,
29 Alligator Force come to an end?

1 A. I was arrested on an allegations that the men under me had
2 some ammunitions and they failed to turn it over to the battalion
3 commander.

4 Q. Whom were you arrested by?

09:59:21 5 A. By the battalion commander they call Momoh Rogers.

6 Q. After you were arrested, what happened to you?

7 A. I was detained for some weeks and I was later released.

8 Q. After you were released, where did you go?

9 A. I stayed in one of the villages in the same Soro Gbema
09:59:54 10 Chiefdom they call Gondama.

11 Q. Would you spell Gondama, please, for the Chamber?

12 A. G-O-N-D-A-M-A.

13 Q. And remind us, Soro Gbema Chiefdom is in which district in
14 Sierra Leone?

10:00:13 15 A. It is Pujehun District.

16 Q. You have mentioned a name, Momoh Rogers. Would just spell
17 that for the Chamber.

18 A. M-O-M-O-H R-O-G-E-R-S, Rogers.

19 Q. You told us he was battalion commander. In which district
10:00:33 20 was he battalion commander?

21 A. The same Pujehun District.

22 Q. Tell us about Momoh Rogers. Where was he from?

23 A. He was a Sierra Leonean and a Vanguard.

24 Q. After you went to Gondama village, what was the next move
10:00:55 25 that you made?

26 A. I stayed in Gondama village for about a year. I only moved
27 from there when the same Momoh Rogers asked that a join a group
28 to go to Sankoh. When Sankoh and others left Kailahun and came
29 into the Pujehun District close to Zimmi.

1 Q. About when was it that Sankoh and others left Kailahun for
2 the Pujehun District?

3 A. I didn't know the time they left, but I knew they came --
4 they were close by Zimmi in December 1993.

10:01:38 5 Q. Do you know why Sankoh and others had left
6 Kailahun District?

7 A. Yes, I came to know later that the NPRC forces have overrun
8 most of the towns in Kailahun District.

9 Q. You have described Foday Sankoh as moving close to Zimmi at
10:02:00 10 this time. Did he remain close to Zimmi on his move to Pujehun?

11 A. No, he moved there. He created a base in the Kamboi Hills
12 in Kenema District they call Zogoda.

13 Q. Now you have mentioned two new locations. Zogoda, firstly;
14 spell that.

10:02:17 15 A. Z-O-G-O-D-A.

16 Q. And you said it was in which hills?

17 A. Kamboi Hills.

18 Q. Would you spell that, please?

19 A. K-A-M-B-O-I, Kamboi. H-I-L-L-S, hills.

10:02:32 20 Q. You have told the Court that at one point you were sent to
21 see Sankoh. Who sent you to see him?

22 A. Momoh Rogers sent me with some other men to go and see him.

23 Q. Do you remember approximately when that was that you were
24 sent to see Sankoh.

10:02:58 25 A. Yes, this was in early 1994. January of 1994.

26 Q. And whereabouts did you go to see him?

27 A. We went straight to the place where he was based near Zimmi
28 before he could move to Zogoda.

29 Q. On your arrival there, did anything happen?

1 A. Yes, I was deployed with Sam Bockarie.

2 Q. Whereabouts were you deployed to?

3 A. I was deployed to Sam Bockarie. We went to Lobadama and

4 Koribundu jungle.

10:03:48 5 Q. Would you spell those two locations, please, for the

6 Chamber? The first --

7 A. It's L-O-B-A-D-A-M-A and --

8 Q. And the second was Koribundu?

9 A. K-O-R-I-N-B-U-N-D-O [sic].

10:04:10 10 Q. Which district is Lobadama and Koribundu in in Sierra

11 Leone?

12 A. The Lobadama is in Kenema and Koribundu is in Bo District.

13 Q. You said that you were deployed with Sam Bockarie.

14 A. Yes.

10:04:35 15 Q. Do you know what position Sam Bockarie held at this time?

16 A. Yes, he was the battle group commander of the RUF.

17 Q. Do you know what position that meant he held in the

18 hierarchy of the RUF at that time?

19 A. Yes, he was third in command.

10:04:53 20 Q. Who was the leader of the RUF at this time?

21 A. Foday Sankoh was the leader.

22 Q. Who was second in command?

23 A. The second-in-command was Mohamed Tarawally.

24 Q. Would you spell Tarawally for the Chamber, please?

10:05:11 25 A. Yes. T-A-R-A-W-A-L-L-Y.

26 Q. Was he known by another name?

27 A. Yes, he was commonly called Zeno.

28 Q. Would you spell that for the Chamber, please?

29 A. Z-E-N-O.

1 Q. Tell us about Mohamed Tarawally. Where was he from?
2 A. He was one of the Special Forces.
3 Q. What nationality was he?
4 A. A Sierra Leonean.
10:05:46 5 Q. And remind us, as a special force, what did that mean?
6 A. Those trained from Libya.
7 Q. At this time when you were deployed to operate under
8 Sam Bockarie, were there any alterations made in your rank?
9 A. Yes, I was called and I was asked to go back to Pujehun to
10:06:26 10 act as a battalion commander. I was called to Zogoda first to
11 Sankoh.
12 Q. Whereabouts were you sent to operate as an acting battalion
13 commander?
14 A. In Soro Gbema chiefdom.
10:06:41 15 Q. Why were you sent there to work as acting battalion
16 commander?
17 A. I was told that Momoh Rogers failed to take orders from
18 Sankoh and so he was withdrawn.
19 Q. Under your command as a --
10:06:55 20 JUDGE SEBUTINDE: Ms Pack, there was a name there. A
21 couple of names. Something, something chiefdom.
22 MS PACK: Yes, it was the same chiefdom Soro Gbema.
23 Q. Witness -- Mr Massaquoi, would you just re-spell Soro Gbema
24 for the Chamber, please?
10:07:09 25 A. S-O-R-O G-B-E-M-A, Soro Gbema.
26 Q. And you said that it was because Momoh Rogers had been
27 withdrawn from the position.
28 MS PACK: That has been spelt, but I will repeat that, Your
29 Honour. It is M-O-M-O-H. Rogers, R-O-G-E-R-S.

1 Q. Mr Massaquoi, in your position then as acting battalion
2 commander, over whom were you in command?
3 A. Over four targets and each of those targets had about 100
4 men each.

10:07:54 5 Q. How long did you occupy that position for?
6 A. A few weeks and I was called back.
7 Q. At this time did you have a rank in the RUF?
8 A. Yes, at that time even before I could go with Sam Bockarie
9 to the Koribundu jungle, I was promoted by Sankoh to the rank of
10:08:17 10 lieutenant.
11 Q. What rank had you held prior to being promoted to
12 lieutenant?
13 A. I was just an ordinary man.
14 JUDGE SEBUTINDE: Ordinary as in civilian?
10:08:33 15 THE WITNESS: No, I was not a civilian, I was one of the
16 fighters, but without rank.
17 MS PACK:
18 Q. Why did you stop being the acting battalion commander?
19 A. There was an allegation made by Sam Bockarie that I was
10:09:00 20 amassing troops and I want to overthrow Foday Sankoh.
21 Q. As a result of these allegations, what happened?
22 A. I was detained at Zogoda and investigated. I was detained
23 for some days and I was removed from there.
24 Q. After your detention, what happened?
10:09:19 25 A. I was moved from there and sent to Camp Lion training base
26 as an instructor.
27 MS PACK: The location is just Camp Lion, as in the animal,
28 Your Honour.
29 Q. Whereabouts is this Camp Lion training base?

1 A. It is at a village they called Joi Koya. J-O-I K-O-Y-A.

2 Q. And where is Joi Koya near?

3 A. It's in Kenema District close to Zogoda.

4 Q. What were you doing at Camp Lion?

10:09:59 5 A. I was an instructor. I was given an RUF ideology book to

6 teach ideology to the recruits.

7 Q. How long were you teaching at Camp Lion for?

8 A. It was for some months.

9 Q. What was the next move that you made?

10:10:30 10 A. I moved from Camp Lion and I was asked by Sankoh to go with

11 some troop to the north to Zeno, who was the second-in-command.

12 Q. Zeno you have identified before?

13 A. As Mohamed Tarawally.

14 Q. Can you remember when this was? Which year, which month

10:10:54 15 approximately, that you went to join Zeno in the north?

16 A. Yeah, this was 1994. Just around the middle of 1994.

17 Q. When you say you went to the north, what areas are you

18 meaning?

19 A. Well, I went to an RUF base they call Kangari Hills.

10:11:13 20 Q. Will you spell "Kangari", please, for the Chamber?

21 A. K-A-N-G-A-R-I, Kangari.

22 Q. Which district, if you are able to recall, is Kangari Hills

23 in?

24 A. Kangari Hills, I learnt was in Tonkolili District.

10:11:37 25 MS PACK: Your Honours are familiar with the district; it

26 is T-O-N-K-O-L-I-L-I District.

27 PRESIDING JUDGE: Thank you, Ms Pack.

28 MS PACK:

29 Q. Mr Massaquoi, in capacity were you operating in this area?

1 A. I was left Zogoda to go there as an IO, an intelligence
2 officer. And at this time I was promoted to the rank of a
3 captain.

4 Q. Who gave you that promotion?

10:12:06 5 A. Foday Sankoh.

6 Q. What was it your job to do as an intelligence officer?

7 A. To monitor the front lines and report back to him of
8 unusual activities by the fighters contrary to the RUF ideology.

9 Q. Did you have anyone working under you?

10:12:28 10 A. Yes, I had five men. They were all IO personnels.

11 Q. What was the next move that you made?

12 A. In December of that same year, Zeno left Kangari Hills and
13 came on a War Council meeting at Zogoda.

14 Q. Did you do anything at that time?

10:12:56 15 A. Yes, after that meeting there was an instruction given that
16 a lieutenant by the name of Sawaneh should proceed to Mile 91 and
17 have a base at the Mallal Hills. And I was asked to move with
18 that particular troop.

19 Q. I am just going to ask you, please, to spell "Sawaneh", the
10:13:13 20 lieutenant you have spoken about.

21 A. S-A-W-A-N-E-H.

22 Q. Pause there a moment. What was the full name of Lieutenant
23 Sawaneh?

24 A. He was Alhaji Sawaneh.

10:13:29 25 Q. Would you just spell "Alhaji" for the Chamber, please?

26 A. A-L-H-A-J-I.

27 Q. Who was Alhaji Sawaneh?

28 A. He was a junior commando.

29 Q. And the nationality?

1 A. Sierra Leonean.

2 Q. You said he was to go to Mile 91 and then to Mallal Hills.

3 A. Yes, to base at Mallal Hills.

4 Q. Would you just spell "Mallal", please, for the Chamber?

10:13:57 5 A. M-A-L-L-A-L.

6 Q. Which district in Sierra Leone is Mallal Hills?

7 A. This is in Port Loko District.

8 Q. When Alhaji Sawaneh was instructed to go to Mile 91 and

9 then Mallal Hills, what did you do?

10:14:20 10 A. I stayed with him still as an IO and we spent some months

11 there while they were going on various operations on the highways

12 between Makeni and Lunsar, and in the Kambia District --

13 Q. Were you just an intelligence officer at this point?

14 A. Yes.

10:14:43 15 Q. And you said that were various operations at this time.

16 Repeat the names of the locations, please.

17 A. Ambushes between Makeni and Lunsar.

18 MS PACK: And those are both locations Your Honours have

19 heard before.

10:15:08 20 Q. When did you make your next move?

21 A. We made a move as was instructed by Sankoh to join Zeno,

22 who was already operating in Sierra Rutile, but was now moving

23 towards the Western Area of Sierra Leone.

24 MS PACK: Sierra Rutile, Your Honours have probably heard

10:15:31 25 before. Sierra Rutile, R-U-T-I-L-E.

26 Q. Remind us, where was Zeno moving to at this point?

27 A. He was moving to the Western Area, close to the capital

28 city.

29 Q. Whereabouts in the Western Area?

1 A. Towards Waterloo, Mile, Newton.
2 Q. Who were you working under at this point?
3 A. I was still under Sawaneh, and we came to join Zeno at a
4 village called Makarankay.
10:16:11 5 Q. Would you spell "Makarankay" for the Chamber, please?
6 A. M-A-K-A-R-A-N-K-A-Y.
7 Q. Which district in Sierra Leone in Makarankay?
8 A. This is in Port Loko District.
9 Q. Can you remember when approximately it was that you moved
10:16:29 10 to near Makarankay?
11 A. Yes, this was in 1995, around March or April or so.
12 Q. At this time, were there alterations in your rank?
13 A. Yes. Before we left to join Zeno, a few weeks before we
14 left, I was promoted to the rank of a staff captain.
10:16:57 15 Q. Who gave you that promotion?
16 A. Foday Sankoh.
17 Q. When you were moved to near Makarankay, did anything happen
18 to you?
19 A. Yes, when we joined Zeno, we were in a group heading for
10:17:21 20 Mile 38. But we were at the back. We eventually fell in a
21 government forces ambush. And I was wounded, so I was made to
22 rest in one of the bush bases for some weeks.
23 Q. Who was in command of the wider area at this time?
24 A. At this time we immediately joined, everybody took orders
10:17:44 25 from Zeno. He was in charge of all the groups.
26 Q. What was his position in the RUF at this time?
27 A. He was still a battlefield commander. At this time he was
28 a lieutenant colonel.

29

[AFRC07OCT05B - SV.]

1 Q. As battlefield commander in the RUF at this time, what
2 position did he hold in the hierarchy?
3 A. He was second in command.
4 Q. In this area which you're calling the Western Area, where
10:18:20 5 you were at that time, who was in command of that area?
6 A. Zeno was in command of that area.
7 Q. Did Zeno remain in that area?
8 A. No. He was asked again by Sankoh to move down to Sierra
9 Rutile as government forces were closing in on those who there to
10:18:42 10 capture Sierra Rutile. So immediately he left, Superman was now
11 in charge as the area commander of the Western Area.
12 Q. Superman is a new name, witness. Is there another name by
13 which he was known?
14 A. Yes, he his actual name was Denis Mingo.
10:19:09 15 Q. Where was Denis Mingo from?
16 A. He was a Liberian - from Liberia.
17 Q. You've spoken about different groups in the RUF; you've
18 spoken about Special Forces; Vanguard; and junior commandoes?
19 A. He was a Vanguard.
10:19:20 20 Q. Being area commander in the Western Area, geographically,
21 roughly what locations did that include at this time?
22 A. That was part of the Port Loko District and part of the
23 Western Area.
24 Q. Did anything happen to you whilst you were in this area?
10:19:58 25 A. Yes. Sometimes February of 1996, I fell ill.
26 Q. After you fell ill, what did you do?
27 A. I was removed from Superman's base, through Kangari Hills
28 to Zogoda.
29 MS PACK: Kangari Hills, Your Honours, have heard before,

1 K-A-N-G-A-R-I Hills.

2 Q. How long did you remain in Zogoda?

3 A. I was there for some weeks. I was again taken to Kailahun

4 in order for me to be airlifted to Ivory Coast for medical

10:20:34 5 treatment.

6 Q. At this time was there an RUF presence then in Kailahun?

7 A. Yes, of course.

8 Q. When were you airlifted to Ivory Coast?

9 A. There was in November when Sankoh came to sensitise the

10:20:55 10 rest of his men on the need to sign the Abidjan Peace Accord

11 while the negotiations were ongoing.

12 Q. Who did you go to Ivory Coast with?

13 A. I went with Sankoh and a few of the other people he came

14 with.

10:21:14 15 Q. When you got to Ivory Coast, what happened?

16 A. I was hospitalised for some weeks at the Pissan Hospital.

17 Q. Would you spell that, please, for the Chamber?

18 A. Yeah. P-I-S-S-A-N.

19 Q. Whereabouts in Ivory Coast is that hospital?

10:21:31 20 A. It is in central Abidjan.

21 Q. When you were in hospital did anything happen?

22 A. Yes. I was discharged and I was brought back home at

23 Cocody where Sankoh stayed.

24 Q. Cocody, would you spell that please?

10:22:00 25 A. C-O-C-O-D-Y.

26 Q. And whereabouts is Cocody?

27 A. It's in Abidjan.

28 Q. You've spoken about Sankoh sensitising men or sensitising

29 people in Kailahun about ongoing talks in Ivory Coast. Do you

1 know what was the outcome of those talks?

2 A. Yes, not only Kailahun. He spoke to the commanders and the
3 men in Kailahun in the Kangari Hills and the Western Area, all
4 the three commanders.

10:22:32 5 Q. Do you know what was the outcome of the talks in
6 Ivory Coast?

7 A. Yes. Eventually the Peace Accord was signed.

8 Q. Do you know when the Peace Accord was signed?

9 A. Yes, on 30 November 1996.

10:22:47 10 Q. Where was it signed?

11 A. In Abidjan.

12 Q. You've told us you were staying in Abidjan after your
13 release from hospital. Did you do anything while you were there?

14 A. Yes, I did some course in peace and conflict studies at
10:23:10 15 Bouake University.

16 Q. Would you spell Bouake, please, for the Chamber?

17 A. B-O-A-U-K-E [sic].

18 Q. When did that course go on until? From when until when?

19 A. For three months, from January to early March.

10:23:36 20 Q. Which year?

21 A. Of 1997.

22 Q. Did anything happen to you in early 1997?

23 A. Yes.

24 Q. What?

10:23:44 25 A. I was made as a spokesman of the RUF.

26 Q. Who appointed you to that position?

27 A. Foday Sankoh.

28 Q. Who had previously held that position?

29 A. Previously Faya Musa held that position, but he was sent on

1 the committee for the consolidation of peace after the signing of
2 the agreement.

3 Q. Pausing there. Would you spell Faya Musa, please, for the
4 Chamber?

10:24:13 5 A. F-A-Y-A M-A-U-S-A [sic].

6 Q. Who was he?

7 A. He was a Sierra Leonean, a junior commando.

8 Q. Were there others also on this committee for the
9 consolidation of peace?

10:24:30 10 A. Yes, you have Agnes Dean Jalloh, Phillip Palmer.

11 Q. Would you spell Agnes Dean Jalloh, please?

12 A. Yes. A-G-N-E-S D-E-E-N J-A-L-L-O-H.

13 Q. Who was this individual?

14 A. She was a junior commando likewise.

10:24:57 15 Q. Sierra Leonean?

16 A. Yes, a Sierra Leonean.

17 Q. Who was Phillip Palmer?

18 A. He was a Vanguard and a Sierra Leonean.

19 Q. Did you remain in Ivory Coast in 1997?

10:25:17 20 A. No, I travelled with Sankoh.

21 Q. Where did you go?

22 A. Back to Nigeria.

23 Q. When?

24 A. This was on 1 March.

10:25:27 25 Q. Which year was that?

26 A. On 1 March 1997.

27 Q. On your arrival in Nigeria, did anything happen?

28 A. Yes. When we arrived, we disembarked while moving from the
29 airport to the guesthouse where we were supposed to stay. Just a

1 few metres from the airport, we met with a group of Nigerian
2 police and soldiers who called themselves Operation Sweep.
3 Q. What happened after you met with these Nigerian soldiers?
4 A. They searched the vehicles and eventually searched our
10:26:05 5 luggages, and they found four pistol rounds in Foday Sankoh's
6 bag.
7 Q. What happened after that?
8 A. We were all arrested.
9 Q. After you were arrested, what happened to you?
10:26:18 10 A. We were taken to a nearby police station where we spent the
11 rest of the night and part of the afternoon, the other day.
12 Q. Then what happened?
13 A. We were eventually released after the intervention of the
14 foreign minister by then, Mr Tom Ikemi.
10:26:36 15 Q. Would you just spell Tom Ikemi for the Chamber, please?
16 A. T-O-M I-K-E-M-I.
17 Q. When were you taken after that intervention?
18 A. We were taken to the Federal State Guesthouse in Lagos.
19 Q. Was there anyone else who had travelled to Lagos before you
10:27:01 20 and Sankoh headed there?
21 A. Yeah, Steve Bio had already gone there and Ansu Kamara, who
22 was an aid to Foday Sankoh.
23 Q. Those two names I'd like you to spell, please. Steve,
24 don't worry with that. Bio.
10:27:17 25 A. B-I-O.
26 Q. And the second name?
27 A. Ansu, A-N-S-U.
28 Q. Yes.
29 A. K-A-M-A-R-A.

1 Q. Steve Bio, who was he?

2 A. Well I knew him sometime December of 1996 when I heard on
3 the BBC that he attempted a coup here and he left Freetown for
4 Ivory Coast.

10:27:50 5 Q. Did you know any anything else about him at this time?

6 A. Yes, I knew he was the elder brother of the former head of
7 state, Julius Maada Bio.

8 Q. Would you just spell the name of the former head of state,
9 please?

10:28:02 10 A. J-U-L-I-U-S.

11 Q. Maada?

12 A. M-A-A-D-A.

13 Q. And Bio is B-I-O?

14 A. Yes.

10:28:09 15 Q. When you were in Lagos, did anything happen there?

16 A. Yes. While we were in Lagos, we heard Phillip Palmer on
17 the radio, and he and his men who were on the CCP have ousted
18 Sankoh from the leadership of the RUF.

19 Q. After you heard this on the radio, did anything happen?

10:28:46 20 A. Yes. Sankoh tried to communicate to his men in order for
21 these guys to be arrested. I was also instructed to counter them
22 on the BBC to say that they were not leaders, and if they wanted
23 to claim the leadership they should come to Sierra Leone where
24 RUF was operating, and not to stay in Ivory Coast or Guinea and
10:29:10 25 make claims of leadership.

26 Q. How did Sankoh make communications at this time to his men?

27 A. There is a town in Ivory Coast they call Dananie.

28 Q. Would you spell Dananie, please?

29 A. D-A-N-A-N-I-E.

1 Q. Go on.

2 A. Yeah. That town had some NPFL officials and RUF officials
3 as well. So the NPFL official who was there, they call him
4 Mr Musa Sesay.

10:29:44 5 MS PACK: The spelling is self-evident, Your Honours,
6 M-U-S-A. Sesay, S-E-S-A-Y.

7 Q. What position did Musa Sesay hold in the NPFL at this time?

8 A. At that time when I knew he was the legion officer for the
9 NPFL in Ivory Coast. So Sankoh called him on the telephone
10:30:08 10 because he had his number and I asked that he get his radio man
11 for him, who was called Eddie Murphy.

12 Q. Whose radio man was Eddie Murphy?

13 A. Sankoh's radio man.

14 Q. Eddie Murphy, was that a real name?

10:30:25 15 A. He was Edward Kanneh, commonly called Eddie Murphy.

16 Q. Would you spell Kanneh?

17 A. K-A-N-N-E-H.

18 Q. What was the radio man Eddie Murphy to do?

19 A. Yeah, Mr Musa Sesay called Eddie Murphy and Eddie Murphy
10:30:45 20 received instructions by telephone from Sankoh from Nigeria, and
21 he in turn went on the field radio to talk to Sam Bockarie and
22 others in Sierra Leone and give them the instructions.

23 Q. Do you know what instructions were then given to
24 Sam Bockarie and others in Sierra Leone at this point?

10:31:07 25 A. Yes. The first instruction was for them not to listen to
26 Faya Musa and others and not to take their words as new leaders,
27 and if anybody ventured into Sierra Leone he should be arrested.

28 JUDGE SEBUTINDE: Sorry, I didn't hear that name. Not to
29 listen to who?

1 MS PACK: Faya Musa and others, which is a name you've had
2 before, Your Honour. It's F-A-Y-A Musa, M-U-S-A.

3 Q. You've earlier referred to Phillip Palmer and others. Are
4 you talking about the same group?

10:31:41 5 A. The same group, yes: Phillip Palmer; Faya Musa; Agnes Deen
6 Jalloh and the rest of others.

7 Q. About how many of them were in this group that had made
8 this announcement on the radio that they had overthrown Sankoh?

9 A. Well, I heard Faya Musa, I heard Phillip Palmer, but they
10:31:56 10 claimed that they who were representing the RUF and the CCP took
11 the step.

12 Q. After the communication with Musa Sesay in Ivory Coast and
13 the subsequent communication between Eddie Murphy and the RUF in
14 Sierra Leone, did you remain in Lagos?

10:32:15 15 A. No. We moved from Lagos. One afternoon a protocol officer
16 came and said that Sankoh -- that the head of state, Sani Abacha,
17 urged that Sankoh should go to Abuja and have discussions with
18 him. So we eventually went to Abuja. But this was before Steve
19 Bio and one of the aide to Sankoh had already left for Burkina
10:32:57 20 Faso.

21 Q. We'll get there in a moment. Whereabouts were you staying
22 in Abuja?

23 A. We were staying in the Sheraton Guest House.

24 Q. Were you free to leave the Sheraton Guest House?

10:33:08 25 A. Yes, to move about in town, but not to leave Abuja. We
26 have police officers deployed to where we stayed.

27 Q. Now you said that before you left Lagos Steve Bio left for
28 Burkina Faso. Why did he leave for Burkina Faso?

29 A. He and one of Sankoh's radio man, they call him

1 Martin Moinama, left with instruction from Sankoh that they
2 should join Ibrahim Bah, Ibrahim Balda.
3 Q. Pause a moment, let's just get the names. He went with
4 Martin Moinama.
10:33:57 5 A. Yeah.
6 Q. Would you spell that, please?
7 A. M-A-R-T-I-N.
8 Q. And the last name.
9 A. M-O-I-N-A-M-A.
10:34:05 10 Q. And you said they went to see Ibrahim Bah and then you said
11 Balda. Would you spell Ibrahim Bah, please?
12 A. Well, he was commonly called Bah in the RUF but his actual
13 name was Ibrahim Balda, B-A-L-D-A.
14 Q. And would you spell Bah?
10:34:25 15 A. B-A-H.
16 Q. Pausing there with this individual, who was he?
17 A. He was an RUF representative in Burkina Faso.
18 Q. Did he have a rank?
19 A. Yeah, he was called General Ibrahim.
10:34:46 20 Q. You've spoken about three different groups in the RUF, the
21 Vanguards, the Special Forces and the junior commandos. Was he
22 in any of those groups?
23 A. Yes, he belonged to the Special Forces.
24 Q. And just remind us what did that mean?
10:35:02 25 A. Those trained in Libya.
26 Q. Mr Massaquoi, you've said that Steve Bio was sent to
27 Burkina Faso with Martin Moinama. Why were they sent there?
28 A. They were sent there to meet General Ibrahim Bah in order
29 to install a field radio so that they would be receiving

1 instructions from Sankoh through telephone and eventually relay
2 it through the field radio into Sierra Leone to Sam Bockarie and
3 others.

4 Q. Why was there no field radio set up where you were in
10:36:05 5 Nigeria?

6 A. Because we didn't have one.

7 Q. When you were in Abuja did you have access to the
8 telephone?

9 A. Yes.

10:36:21 10 Q. And did you remain having access to the telephone
11 throughout your time there?

12 A. No, at certain point the telephones were cut off.

13 Q. When you were in Abuja before the telephone lines were cut,
14 who were you in communication with?

10:36:37 15 A. We were in communication with Eddie Murphy from Dananie.
16 We were also in communication with Steve Bio and Ibrahim Bah.

17 Q. And they were located, remind us, where at that point?

18 A. In Burkina Faso.

19 Q. You're saying "we made communications". Who are you
10:37:02 20 talking about?

21 A. I'm talking of Sankoh, myself, everyone of us who stayed in
22 the hotel.

23 Q. About how many of you were staying in the hotel in your
24 group?

10:37:11 25 A. We were initially three but later we lost one man.

26 Q. Who was the third?

27 A. Ansu Kamara.

28 Q. You've spelt that earlier?

29 A. Yeah.

1 Q. Let me just ask you -- Ansu Kamara was A-N-S-U, Kamara,
2 Your Honours. Remind us, tell us who was Ansu Kamara?
3 A. He was an aide to Sankoh.
4 Q. What nationality was he?
10:37:40 5 A. A Sierra Leonean and a junior commando.
6 Q. You've told us that you also, when Palmer and Musa, Faya
7 Musa and others made their announcement about overthrowing
8 Sankoh, that you also made an announcement --
9 A. Yes.
10:38:02 10 Q. -- on the radio. When was that? Where were you when you
11 made that announcement?
12 A. In Abuja.
13 Q. And how was that announcement made?
14 A. Through telephone to the BBC.
10:38:14 15 Q. What did you say in that announcement?
16 A. All I said was that they were not the leaders of the RUF
17 and if they want to claim leadership they should get into Sierra
18 Leone where the RUF was operating.
19 Q. Did they eventually move to Sierra Leone, that group?
10:38:30 20 A. Yes, they did.
21 Q. Did you hear what happened to them?
22 A. Yes. We were called back by Eddie Murphy to inform us that
23 they have been arrested. And the next day we also heard it on
24 the BBC.
10:38:43 25 Q. Were there any alterations made to your rank at this time?
26 A. Yes.
27 Q. What?
28 A. After their arrest Sankoh made a general promotions, during
29 which I was promoted to the rank of a major.

1 Q. What were the other promotions that were made by Sankoh at
2 this time?

3 A. Yeah. He promoted Sam Bockarie, who was the battle group
4 commander, to the position of a battlefield commander and a
10:39:17 5 colonel. And Issa Sesay promoted to the rank of a
6 lieutenant-colonel and made the battle group commander. And --

7 Q. Pausing there. Issa Sesay, tell us about Issa Sesay.
8 Nationality?

9 A. A Sierra Leonean and a Vanguard.

10:39:42 10 Q. You've said that Sam Bockarie was promoted to battlefield
11 commander. What had happened to Mohamed Tarawally?

12 A. During this process, while negotiations were ongoing in
13 Abidjan, there were attacks on Mohamed Tarawally's position at
14 Zogoda and he lost at that time. Nobody knew whether he died or
10:40:06 15 whatever happened to him.

16 Q. As a result of his promotion what position did Sam Bockarie
17 then hold in the RUF at that time?

18 A. Yes, so that was why Sam Bockarie was promoted from battle
19 group commander to the previous position Tarawally held.

10:40:27 20 Q. And what position did he now hold in the hierarchy?

21 A. He was second in command.

22 Q. Issa Sesay you said was promoted as battle group commander.
23 What position did he hold, therefore, in the hierarchy at that
24 time?

10:40:40 25 A. Third in command.

26 Q. How many battle group commanders were there at this time in
27 the RUF?

28 A. Just one.

29 Q. Can you recall any other promotions made at this time by

1 Foday Sankoh?

2 A. Yeah. Within the same promotions other people were
3 promoted. Mike Lamin was promoted to the rank of a colonel and
4 made military adviser.

10:41:05 5 Q. Pausing with Mike Lamin, who was he?

6 A. He was a Special Forces.

7 Q. And what nationality?

8 A. A Sierra Leonean.

9 Q. Are there any others that were promoted whom you
10:41:22 10 specifically recall?

11 A. Yes, those area commanders were promoted to the rank of
12 colonel. I mean, Denis Mingo in the Western Area, Isaac Mongor
13 in the Northern Area.

14 Q. Pause with Isaac Mongor, how do you spell that?

10:41:39 15 A. I-S-A-A-C.

16 Q. And Mongor?

17 A. M-A-U-N-G-O [sic].

18 Q. And who was he?

19 A. He was a Vanguard and a Liberian.

10:41:51 20 Q. And which location was he the area commander?

21 A. He was in the north and based at Kangari Hills.

22 Q. And you've said Superman was in the west?

23 A. Yes.

24 Q. Was there any other location where there was an area
10:42:04 25 commander at this time?

26 A. Yes, he was based in the Makundu Hills.

27 Q. Who?

28 A. Superman.

29 Q. Would you spell Makundu Hills, please?

1 A. M-A-K-U-N-D-U H-I-L-L-S.

2 Q. Now, you've talked about the Western Area and the Northern
3 Area. Was there another area which the RUF held at this time?

4 A. Yes, Kailahun.

10:42:29 5 Q. And who was the area commander there?

6 A. Initially Issa Sesay was the area commander before he was
7 promoted to the rank of a colonel and made battle group
8 commander. So Peter Vandy was now the area commander.

9 Q. And what was the area known as?

10:42:46 10 A. Eastern Area.

11 Q. Would you spell Vandy, please, for the Chamber?

12 A. V-A-N-D-Y.

13 Q. Tell us about Peter Vandy.

14 A. He was a Vanguard and a Sierra Leonean as well.

10:43:01 15 Q. How were these promotions communicated by Sankoh to his men
16 at this time?

17 A. Through the usual method, by talking to Eddie Murphy in
18 Dananie by telephone, and Eddie Murphy in turn used the field
19 radio and give the informations to Sam Bockarie in Sierra Leone.

10:43:24 20 Q. Whereabouts was Sam Bockarie based in Sierra Leone at this
21 time?

22 A. He was based in Kailahun, Kailahun District.

23 Q. Whilst you were in Abuja in 1997, did anything happen back
24 in Sierra Leone?

10:43:52 25 A. Yes.

26 Q. What happened?

27 A. We were called in the morning of May 25th, 1997.

28 Q. What had happened on May 25th, 1997?

29 A. We heard there was a coup in Sierra Leone.

1 Q. Did you find out who had carried out the coup?
2 A. Yes. First of all, Mr Omrie Golley called us and later
3 Steve Bio from Burkina Faso.
4 Q. Let's pause there with those names, please. You've said
10:44:22 5 that Omrie Golley and Steve Bio called you?
6 A. Yeah.
7 Q. First of all, with Omrie Golley, spell that?
8 A. O-M-R-I-E.
9 Q. And Golley?
10:44:32 10 A. G-O-L-L-E-Y.
11 Q. Where had he called from?
12 A. From London.
13 Q. Who was he?
14 A. He was a friend of Sankoh.
10:44:48 15 PRESIDING JUDGE: Ms Pack, I notice the time and it would
16 appear that you're moving into another aspect of your
17 examination-in-chief.
18 MS PACK: Yes, I am, Your Honour.
19 PRESIDING JUDGE: In that case it might be appropriate to
10:45:00 20 take the usual mid-morning break about this time. In the light
21 of Mr Daniels going to see about the accused, perhaps we'll make
22 this a 20 minute break. Madam Court Attendant, could you adjourn
23 court for 20 minutes, please.
24 [Break taken at 10.45 a.m.]
11:05:07 25 [Upon resuming at 11.10 a.m.]
26 PRESIDING JUDGE: Ms Pack, just before we recommence, I'll
27 ask Mr Daniels if there is any information concerning the --
28 MR DANIELS: Your Honours, I did indeed go to the detention
29 facility, spoke with the accused persons who tell me that they

1 are protesting the installation of closed circuit television
2 within all areas of the detention facility, including the
3 placement in solitary confinement of one indictee in another
4 team. I reported the matter to the Principal Defender, who tells
11:10:42 5 me that a duty counsel are attending to their concerns.

6 PRESIDING JUDGE: Thank you for that information,
7 Mr Daniels. We'll note it and note that they have made that
8 decision. Yes, Mr Knoops.

9 MR KNOOPS: Sorry, I was about to say Mr Brima is not
11:11:03 10 represented yet by Ms Thompson, but she's --

11 PRESIDING JUDGE: I can see her en route. Unfortunately,
12 my view is obscured at times. Ms Pack.

13 MS PACK: Thank you, Your Honour.

14 Q. Mr Massaquoi, just before the break you had told the
11:11:23 15 Chamber about telephone calls that you'd received on 25 May 1997?

16 A. Yes.

17 Q. About a coup in Freetown from Omrie Golley and Steve Bio?

18 A. Yes.

19 Q. Let me just ask you about the telephone call from Omrie
11:11:44 20 Golley first. Who did he make that call to?

21 A. To Foday Sankoh, and it was around 6.00 a.m. in the
22 morning.

23 Q. Were you told what was said during that telephone
24 conversation?

11:11:57 25 A. Yes. Immediately the conversation ended, Sankoh told me
26 that there was fighting going on in Freetown and that Omrie
27 Golley have just asked him whether his men were involved in the
28 fight.

29 Q. Did anything happen after that?

1 A. Yes. Sankoh said he denied that his men were in Freetown
2 and he further told him that his men were far away from Freetown.
3 Q. Did you hear anything further after that?
4 A. The only thing further I heard was that Golley promised
11:12:30 5 calling back to inform Sankoh about the situation in Freetown.
6 But even before he could call, we had a television. While
7 watching the BBC World we saw it as the news headline that there
8 was a coup d'etat in Sierra Leone.
9 Q. Did you find out later who carried out the coup?
11:12:52 10 A. Yes. While we were watching the TV we learnt that the
11 Sierra Leone Army have overthrown the government of President
12 Kabbah, and that a corporal by the name of Tamba Gborie was on
13 the national radio giving reasons why they have made the coup.
14 Q. Just pausing then with the name Tamba Gborie, and I'd ask
11:13:16 15 you to take it slowly because not only are Their Honours writing
16 a note, but also there are stenographic notes being taken as I'm
17 asking you questions, so if we take it quite slowly?
18 A. Okay.
19 Q. Just pausing with the name Tamba Gborie, would you spell
11:13:34 20 that please?
21 A. Yeah. T-A-M-B-A. G-B-O-R-I-E, Gborie.
22 Q. Do you know who Tamba Gborie was?
23 A. Yes, he was a member of the Sierra Leone Army.
24 Q. Now, you've spoken about a phone call from Steve Bio. What
11:14:07 25 was said in that phone call?
26 A. He called and confirmed that the army have overthrown Tejan
27 Kabbah, and that he was asking Sankoh's consent as the men were
28 eager to get his telephone number, whether he could give the coup
29 based in Freetown his telephone number.

1 Q. How do you know what Steve Bio said to Sankoh?

2 A. Any time they had conversation on the phone, Sankoh relayed
3 everything to me.

4 Q. Were there any further telephone communications after this,
11:14:43 5 after these calls from Golley and Steve Bio?

6 A. Yes. After Sankoh have given the go-ahead to Bio to give
7 the telephone number to them, a day after that, a captain by the
8 name of Paul Thomas called Sankoh in the evening hours.

9 Q. How do you know that someone called Paul Thomas called
11:15:05 10 Sankoh?

11 A. In fact, when he called I was the first person to receive
12 the telephone and I later told him to wait while I get Sankoh to
13 come on the telephone to talk to him.

14 Q. Who was Captain Paul Thomas?

11:15:17 15 A. He was a member of the Sierra Leone Army.

16 Q. Did Captain Paul Thomas then speak to Sankoh directly?

17 A. Yes, he did.

18 Q. Do you know what was said in their communication?

19 A. Yes. According to Sankoh he called to ask his support so
11:15:39 20 that the RUF could join them in order to -- in order for them to
21 join forces together for peace, according to what he said.

22 Q. What was Sankoh's response to this communication?

23 A. Sankoh responded in the affirmative and further said that
24 he was going to consult his other friends.

11:16:06 25 Q. Were there any further telephone calls received by you in
26 Abuja?

27 A. Yes. On the 28th of the same May, Major Johnny Paul
28 Koroma, whom we heard a day ago that he was the head of the Armed
29 Forces Revolutionary Council that was set up by the army, called

1 Sankoh.

2 Q. How do you know that Johnny Paul Koroma called Sankoh?

3 A. When he first called I received the telephone, and he
4 disclosed to me that was Johnny Paul Koroma, Major, and calling
11:16:46 5 from Freetown.

6 Q. Did he speak to Sankoh?

7 A. Yes, he did.

8 Q. Do you know what was said?

9 A. Yeah. They discussed in length first in the morning and in
11:16:57 10 the evening hours again he called on the same date, and that was
11 the time Sankoh -- Sankoh's voice was recorded by he, Johnny Paul
12 Koroma, from Freetown.

13 Q. Pausing there. Why was Sankoh's voice recorded by Johnny
14 Paul Koroma?

11:17:18 15 A. Sankoh's voice was recorded because Koroma wanted to play
16 it on the national radio and to his men so that he could get
17 cooperation from them that instructions were directly coming from
18 he, Sankoh, in order for them to join up.

19 Q. Was the recording then made?

11:17:48 20 A. Yes, it was made.

21 Q. What did Sankoh say in that recording?

22 A. He spoke for long but, amongst the things he spoke, I could
23 recall now, was that he was asking his closest commander to
24 Freetown to join up, and that they should take all orders from
11:18:09 25 him through Johnny Paul Koroma, and praising them that they are
26 heroes saying brave, strong, intelligent RUF fighters, they
27 should join their brothers for peace.

28 Q. How do you know that this was said during the recording by
29 Sankoh?

1 A. I was just by him.

2 Q. Was anyone else by you at that time with Sankoh?

3 A. No, we are only two in the room.

4 Q. Do you know if that recording was then played on the
11:18:38 5 national radio and for the men?

6 A. Yes. I understood that it was played on the national radio
7 and it was played to the men, because the following morning the
8 BBC called Sankoh to confirm his troop moving from the provinces
9 and joining the AFRC and that his voice being played on the
11:19:00 10 national radio in Freetown. I heard of all those.

11 Q. Who took the call from the BBC?

12 A. Sankoh. He made an interview to the BBC to confirm all of
13 those interviews and his men joining up in Freetown.

14 Q. Apart from on the national radio, how was the recording
11:19:20 15 transmitted to the men in Sierra Leone?

16 A. I think it was also played on the field radio and they
17 heard Sankoh's voice directly from the field radio, and so that
18 made Superman, who was the first commander close to Freetown to
19 join up with the AFRC.

11:19:39 20 Q. How do you know that Superman was the first commander to
21 join up with the AFRC?

22 A. When he came -- when he came, the first day he came, I
23 think that was the last call, there was a call from Freetown to
24 confirm that Superman and his men have -- were staying -- have
11:20:01 25 just entered Freetown and they were at Hastings.

26 Q. Are you able to remember the date upon which you received
27 this call from Freetown?

28 A. Yeah, it was the evening of the day the BBC called Sankoh.
29 I can't remember the actual date, but it was still in May of

1 1997.

2 Q. Did you remain, you and Sankoh, in telephone contact after
3 that?

4 A. No, just after the interview with the BBC, the following
11:20:43 5 day the lines were cut off; the telephone lines were cut off.

6 Q. Mr Massaquoi, I'd ask you to listen to a recording at this
7 point.

8 MS PACK: Your Honours, I was going to ask that the witness
9 be played a recording of an address. I've alerted my learned
11:21:08 10 friends to that fact that I will be seeking to have a recording
11 played and ask the witness to identify if he's familiar with the
12 recording. Then I will show him a transcript of it after he has
13 heard that recording. I have communicated this to the audio
14 visual unit and they can play it if Your Honours give me leave to
11:21:32 15 do so.

16 PRESIDING JUDGE: Mr Knoops, you've heard the application
17 by counsel for the Prosecution.

18 MR KNOOPS: Your Honours, I think before this is allowed in
19 court we should have some form of authentication of the tape that
11:22:00 20 is going to be played and perhaps applied for tendering by the
21 Prosecution.

22 PRESIDING JUDGE: I'm not quite sure what you mean by that,
23 Mr Knoops. Do you mean that you require evidence to be led other
24 than what is already led?

11:22:18 25 MR KNOOPS: No, I mean, Your Honour, that the tape, the
26 origin of the tape which is going to be played for the witness,
27 is that an original tape, is it a copy of an original tape?

28 PRESIDING JUDGE: I see.

29 MR KNOOPS: What is exactly the origin of the tape and how

1 are we able to verify what is the exact source of the tape?

2 JUDGE LUSSICK: Well, can't the witness hear the tape and
3 say, "Yes, that's exactly what I heard over the BBC"? Isn't that
4 enough authentication?

11:22:53 5 MR KNOOPS: If Your Honours accept that form of
6 authentication, yes.

7 PRESIDING JUDGE: Ms Pack, there has been an objection
8 raised by counsel for the Defence. We haven't heard your reply
9 to that objection.

11:24:53 10 MS PACK: Your Honour, the witness will be in a position to
11 listen to the recording that I propose be played and he will give
12 evidence as to that. I'm not going to predict what his evidence
13 will be, but you've heard what he's -- I've laid a foundation for
14 the recording that will now be played, or I hope will now be
11:25:16 15 played, how the witness will be able to deal with that.

16 PRESIDING JUDGE: It would appear from Mr Knoops's
17 submission that his objection is not to what the witness is
18 hearing but it's to the actual tape itself, whether it's a
19 cassette tape or a physical tape or where it emanated from or who
11:25:36 20 made it. That appears to be the objection, is that correct Mr
21 Knoops?

22 MR KNOOPS: That's correct, Your Honour. We are not
23 disputing the right of the Prosecution to play a tape and ask the
24 witness whether he identifies the voice, for instance, or
11:25:49 25 recognises certain parts of the tape. But we are concerned about
26 the evidentiary rules of tendering or playing tapes in court
27 without having any form off authentication of the origin of such
28 a tape. That's the bearing of our objection.

29 MS PACK: Your Honour, if I might deal with that in two

1 ways. That would be an objection to raise once I sought to admit
2 the tape in evidence. Rule 89(C) applies in all instances where
3 evidence is sought to be admitted before these international
4 tribunals. Of course, there are rules that apply in national
11:26:27 5 jurisdictions which do not apply in their entirety in this sort
6 of jurisdiction. There is no bar to the admissibility to the
7 tape were I to seek to admit that tape, because there isn't an
8 absolute chain of custody from playing of broadcasts, recording a
9 broadcast, from engineer who taped the broadcast from person to
11:26:49 10 passed tape to individual, who then passed it on to the Office of
11 the Prosecutor, particularly so in situations like this where
12 evidence is accumulated in conflict situations where clearly that
13 level of chain of custody that might be required in a national
14 jurisdiction really can't be met, and that sort of strict legal
11:27:08 15 requirement that one might have in a common law or civil
16 jurisdiction cannot possibly be applied in this international
17 jurisdiction.

18 89(C) and, in fact, Your Honours' jurisprudence in this
19 Court and jurisprudence in the other Court of this tribunal and
11:27:25 20 other courts of this tribunal and other courts in other ad hoc
21 tribunals would support the proposition that sort of strict line,
22 chain-of-custody requirement, is not a barrier to admissibility
23 and should not be a barrier to admissibility of this tape when
24 Your Honours have heard the foundation that I have laid with this
11:27:42 25 witness. That is how he will deal with it and Your Honours may
26 attach whatever weight Your Honours think fit to the tape and
27 when it comes your to your final decision on this matter after
28 hearing evidence from both Defence and Prosecution. But what I
29 can say, Your Honours, is, having said that, I am in the position

1 to say that the tape was produced and handed over to the
2 Prosecution by the Attorney General's office here in Sierra
3 Leone. It was a tape recording that was used or proposed to be
4 used in the treason trial of Foday Sankoh, and it was obtained by
11:28:17 5 the Attorney General's office for that trial. It was handed over
6 then to the Office of the Prosecutor, and I know that the Office
7 of the Prosecutor is in the process of obtaining a statement from
8 the individual here at the Special Court at the Office of the
9 Prosecutor who took receipt of the tape from the Attorney
11:28:37 10 General's office. Should Your Honours wish the Prosecution to do
11 so, I am in a position to have that statement additionally
12 tendered in evidence. I don't have it here because it's not yet
13 been signed or, if it has been, I don't have it with me in court.
14 But, Your Honours, I can tender that at a later stage to support
11:28:59 15 the tendering of this tape.

16 PRESIDING JUDGE: Thank you, Ms Pack. Any points of law,
17 Mr Knoops?

18 MR KNOOPS: No, Your Honour. Just my observation that the
19 observation of my learned colleague as to the admissibility of
11:29:16 20 documents doesn't take away that there is, of course, a basic
21 requirement also before the international tribunals that a
22 document, when it is contested at least, should have some form of
23 authentication or a possibility to authenticate the specific
24 document. That's the reason I think that the document, or at
11:29:41 25 least a tape which is offered by the Prosecution to play in court
26 and to apply for tendering, should at least be subjected to a
27 form of scrutiny as to the origin of the tape. We didn't see so
28 far any evidence of the Prosecution about the exact origin of the
29 tape. I think the explanation, the interpretation of the

1 case-law of the tribunal may be correct as to the admissibility
2 as such, but the tribunals of the former Yugoslavia and Rwanda,
3 they still have rules in place similar to, for instance, the
4 Federal Rules of Procedure and Evidence of the United States.

11:30:33 5 That's Rule 901 et seq where the form of authentication of
6 documents and transcripts and copies of conversations are being
7 laid down. So it's not a fact that the tribunals deviate from
8 common law practice as such as to the form of identification of
9 documents and records. Thank you.

11:31:16 10 JUDGE LUSSICK: Just so we know the Defence position on
11 this, I take it, Mr Knoops, you are not accepting anything that
12 Ms Pack says and you are putting it as strict proof of what she
13 has told the Court.

14 MR KNOOPS: I think, Your Honour, that's correct, because
11:31:22 15 similar to, for instance, the situation yesterday with the
16 soldier's discharge book of Mr Kanu, which we tendered, we
17 offered the possibility to authenticate the copy with the
18 original. I think that should be done in the same way with an
19 audio tape, which may play a role in the probative value of
11:31:48 20 evidence which the Prosecution is going to offer and to tender.

21 MS PACK: Your Honour, perhaps then I can assist Mr Knoops.
22 I do have the original with me in court. Of course, it is the
23 original that I'd be seeking to tender, but for the convenience
24 of all parties a CD version has been copied and served on my
11:32:05 25 learned friends quite some time ago. It's the CD that's going to
26 be played by audio visual, obviously because of the superior
27 quality of the sound that will be played. But I was seeking to
28 admit the cassette along with the copy CD and also a transcript
29 once the audio has been played. The witness will, of course,

1 then be in a position to listen to the recording and verify it or
2 not.

3 JUDGE LUSSICK: Well, I think Mr Knoops is concerned about
4 how you're able to say that that tape you've just held up is the
11:32:38 5 original tape. We haven't heard where it's come from or how you
6 came to have it.

7 MS PACK: Ultimately, I'm not in a position to say how it
8 came into the hands of the Attorney General's office, no, Your
9 Honour. But that isn't a bar to the admissibility of this tape,
11:32:57 10 in my submission.

11 JUDGE SEBUTINDE: Ms Pack, is this a broadcast on national
12 radio, BBC? What is it a broadcast of?

13 MS PACK: It's the recording that was made by Johnny Paul
14 Koroma of Foday Sankoh's speech that was then broadcast on the
11:33:19 15 national radio SLBS and the BBC and also on field radio. The
16 cassette recording, the genesis of the cassette recording, I
17 don't know which of those variations of the -- which of those
18 media of the initial recording this cassette is taped from. I
19 don't know whether it's from the SLBS, the national broadcast,
11:33:50 20 the field radio broadcast or the BBC broadcast. My assumption
21 is, from listening to it, that it's the BBC broadcast and this
22 cassette recording is made from that, but it's a cassette
23 recording of what was broadcast and recorded originally in the
24 witness's presence when Sankoh was on the telephone to Johnny
11:34:12 25 Paul Koroma and Johnny Paul Koroma made the recording as Sankoh
26 gave the broadcast on the telephone to Johnny Paul Koroma in the
27 witness's presence.

28 PRESIDING JUDGE: Thank you, Ms Pack, just allow us to
29 confer, please.

1 [Trial Chamber conferred]

2 PRESIDING JUDGE: We've heard the arguments of counsel in
3 both objection and in support of the playing of this tape. We
4 will hear the tape, we will listen to the witness's evidence and
11:38:45 5 thereafter we'll rule on admissibility. Ms Pack, please arrange
6 to have the tape played. Or Madam Court Attendant, is that for
7 you to arrange?

8 MS EDMONDS: I'll ask AV to do it.

9 MS PACK: Your Honour, before it's played, I have a
11:39:00 10 transcript of it. The sound quality isn't very good and I
11 thought it might assist the Chamber and my learned friends if a
12 transcript was passed round, Your Honours clearly not having made
13 a decision on the admissibility of the transcript at this stage
14 but it may assist in listening, just to make it clearer for Your
11:39:25 15 Honours. I also intended to ask that the witness be given a copy
16 so that he could identify the transcript is accurate after having
17 heard the broadcast.

18 PRESIDING JUDGE: You're saying after having heard. Is
19 that what you're saying, Ms Pack?

11:39:37 20 MS PACK: If he could have it in front of him whilst the
21 broadcast is being played so that he can determine its accuracy.
22 If not, he could be given the transcript afterwards to determine
23 if it matched up with what he heard.

24 PRESIDING JUDGE: Mr Knoops, is there something you want to
11:40:13 25 say?

26 MR KNOOPS: Yes, because I think there is another
27 submission by the Prosecution and I think we, as a defence,
28 should respond to the request of the Prosecution to have the
29 transcript in front of the witness while he is listening to the

1 tape. It is our view that this should not be allowed because
2 that would be a form of leading the witness.

3 PRESIDING JUDGE: That's also the view of the Bench.
4 There's no need to continue. We are of the view that the
11:40:46 5 transcript should be made available to counsel for the Defence
6 but not to the witness.

7 MS PACK: Thank you, Your Honour. If I can have copies of
8 that passed round. I do have copies for Your Honours if you
9 consider you might be assisted by it.

11:41:00 10 PRESIDING JUDGE: Yes, please pass those up. Madam Court
11 Attendant, please assist by distributing those documents.

12 MS PACK: Then, Your Honour, if I may ask that the audio
13 visual unit play the recording.

14 Q. Mr Massaquoi, if you would just listen to the recording
11:41:42 15 that's now being played for you.

16 A. Okay.

17 [Audio recording played]

18 [AFRC07OCT05C-SGH]

19 PRESIDING JUDGE: Yes, Ms Pack, please proceed.

11:49:36 20 MS PACK: Thank you, Your Honour.

21 Q. Mr Massaquoi, do you recognise any of the two voices you
22 heard on that recording?

23 A. Yes.

24 Q. What voice do you recognise?

11:49:50 25 A. I recognise the voice of Foday Sankoh; the leader of the
26 RUF.

27 Q. Was that the first voice?

28 A. Yes, the first voice.

29 Q. Do you recognise the second voice?

1 A. No, not really.

2 Q. Had you heard this broadcast before?

3 A. Yes, that was the voice of Foday Sankoh. That is what he
4 said exactly when I was in hotel room with him to Johnny Paul.
11:50:16 5 It was being recorded.

6 Q. And how was he saying this to Johnny Paul? On what media
7 was he communicating to Johnny Paul?

8 A. Through the telephone.

9 Q. Is it a reflection of what was said in that communication
11:50:41 10 to Johnny Paul?

11 A. Yes, exactly.

12 MS PACK: Your Honour, I would seek to admit the original
13 recording. I have the original cassette and if the CD could be
14 passed down from the Audio-Visual Unit. I have it now in front
11:51:05 15 of me. It has been brought over from the Audio-Visual Unit. I
16 would seek to admit those. I would also seek permission now to
17 pass on the transcript that you have in front of Your Honours to
18 the witness to seek his comments on that.

19 PRESIDING JUDGE: Before you pass anything just yet,
11:51:25 20 Ms Pack, let me hear Mr Knoops's reply.

21 MR KNOOPS: Your Honour, if you allow me to just confer
22 with my learned colleagues. Thank you.

23 PRESIDING JUDGE: Yes please do so.

24 MR KNOOPS: Thank you.

11:52:14 25 [Defence counsel conferred]

26 PRESIDING JUDGE: Yes, Mr Knoops, your reply.

27 MR KNOOPS: Thank you, Your Honour, for giving us this
28 break. Your Honours, it is our position that when the
29 Prosecution is able to provide evidence by means of the letter

1 they referred to of the Attorney General, which actually
2 documents that this is the original tape, then we would have no
3 objections. I believe the Prosecution referred to a letter in
4 their possession.

11:52:55 5 MS PACK: No, I do not want to mislead my learned friend.
6 There is not a letter. There has been or about to be signed in
7 any event, if not already, a statement from, as I understand it,
8 a former member of the Office of the Prosecutor who obtained
9 receipt of the tape, amongst other materials, from the Attorney
11:53:14 10 General's office.

11 MR KNOOPS: In any event, it is our position, Your Honour,
12 that if some form of clarification that the tape in the
13 possession of the Prosecution is indeed the original tape, then
14 we would have no objections as to the tendering of the tape as
11:53:29 15 such.

16 MS PACK: If I can just say by way of reply, Your Honours,
17 that, in my submission, what Your Honours has heard from the
18 witness is sufficient authentication of this tape such as to
19 allow it's admissibility in these proceedings under Rule 89(C).
11:53:59 20 I know of no rule at the ICTY or the ICTR that would not allow
21 the admissibility of the -- of this tape in these circumstances.
22 There is not an equivalent, as I understand it, to the federal
23 rule to which my learned friend refers. Although I understand
24 the position in the federal rules is that a tape might be played
11:54:22 25 in the absence of jury and then a judge decides the admissibility
26 after it has been played and the witness has commented on it,
27 just as has been adopted as a course in this instance.

28 MR KNOOPS: In any event, it is our position, Your Honour,
29 that if some form of clarification that the tape in the

1 possession of the Prosecution is indeed the original tape, then
2 we would have no objections to the tendering of the tape as such.

3 MS PACK: If I can just say by way of reply, Your Honours,
4 in my submission, what Your Honours have heard from the witness
11:53:46 5 is sufficient authentication of this tape such as to allow its
6 admissibility in these proceedings under Rule 89(C). I know of
7 no rule at the ICTY or the ICTR that would not allow the
8 admissibility of this tape in these circumstances. There is not
9 an equivalent, as I understand it, to the federal rule to which
11:54:16 10 my learned friend refers. Although I understand the position in
11 the federal rules is that a tape might be played in the absence
12 of jury and then a judge decide the admissibility after it is
13 played and the witness has commented on it, just as has been
14 adopted as a course in this instance.

11:54:30 15 [Trial Chamber conferred]

16 PRESIDING JUDGE: We have considered the submissions of
17 counsel. The Court notes that the Prosecution has stated in
18 their submission that they can call a statement of the producer
19 of the tape and that statement has not yet been signed. The tape
12:01:33 20 will be marked for identification pending the production of that
21 statement. MFI, Madam Court Attendant, please.

22 MS PACK: Your Honour, could I clarify. What I said was
23 there has been a statement obtained, albeit I am not sure if it
24 is signed or not, from someone in the former Office of the
12:01:57 25 Prosecutor who received receipt from the Attorney General's
26 office. I don't want to --

27 PRESIDING JUDGE: Mr Knoops' words that I recorded are that
28 "When the Prosecution letter from the Attorney General or some
29 form of verification", and that is what Mr Knoops required, and

1 that is what you indicated you would have when you said you would
2 have this statement of the producer within the OTP.

3 MS PACK: I actually said that Mr Knoops had not summarised
4 correctly what I said the Office of the Prosecutor had obtained.
12:02:34 5 What the Office of the Prosecutor has obtained is something, a
6 statement from a former member of the Office of the Prosecutor
7 who obtained receipt of this tape along with other materials from
8 the Attorney General's office, rather than something from the
9 Attorney General's office.

12:02:56 10 PRESIDING JUDGE: Mr Knoops, I understand that once you
11 have verification then you will not object to the tender. You
12 have heard what the Prosecution will produce. Ms Pack, when are
13 you going to be in a position to produce this document?

14 MS PACK: My understanding is that it had already been
12:03:22 15 obtained and signed, but I have since been informed that perhaps
16 it has not been signed yet. So I would expect over the weekend
17 the person who has drafted the statement will be located. I
18 would hope. Perhaps if sometime before the end of next week, I
19 am hoping imminently. But it is a former member of the Office of
12:03:48 20 the Prosecutor. I don't know where that former member is at the
21 moment; I am hoping he is not out of country. I would hope I
22 would be able to get something by Monday, but if I can't then
23 early next week, Your Honours.

24 PRESIDING JUDGE: Once it is before us we will finalise
12:04:03 25 this ruling.

26 MS PACK: I am grateful, Your Honour.

27 PRESIDING JUDGE: Proceed on, Ms Pack, with your
28 examination-in-chief, please.

29 MS PACK: Your Honours having marked the cassette for

1 identification and the CD, perhaps I should have those passed up
2 for Your Honours and they can be given an MFI number.

3 PRESIDING JUDGE: Thank you.

4 MS PACK: And furthermore, if I could have the transcript
12:04:36 5 passed to the witness and perhaps that could be dealt with in the
6 same way, Your Honours.

7 PRESIDING JUDGE: It will also have to be marked for
8 identification. It must follow through.

9 MS PACK: I am grateful, Your Honour. Your Honour, the
12:05:18 10 transcript that you have before you and that has been passed to
11 my learned friends is in fact a transcript that was obtained from
12 the Sierra Leone website, which is a website that was
13 accumulated, the contents were gathered by Peter Anderson during
14 the conflict in Sierra Leone. That is the genesis of the
12:05:40 15 transcript, and it has since been looked at by members of the
16 Office of the Prosecutor and amended where necessary after
17 listening to the broadcast. If I could just have that passed to
18 the witness.

19 PRESIDING JUDGE: Madam Court Attendant, please assist.

12:05:53 20 MS PACK:

21 Q. Mr Massaquoi, I would like you to take a look, please, and
22 take time to read it, the document that has been passed to you.
23 I would like you to identify what it is once you have read it.
24 Just take a moment to read it, please.

12:09:24 25 A. Yes, I have gone through it.

26 Q. Thank you, Mr Massaquoi. Now having read that document,
27 can you identify if that document accurately states what you
28 heard in the recording that has just been played to you?

29 A. Yes.

1 MS PACK: Your Honour, I seek to have that transcript also
2 admitted on the same basis, marked for identification.

3 PRESIDING JUDGE: Marked for identification at this point,
4 Ms Pack. Madam Court Attendant, that will be MFI 2. Please
12:10:29 5 proceed, Ms Pack.

6 MS PACK: Thank you, Your Honour. Just to check, MFI 1 was
7 the tape and CD together, I take it.

8 PRESIDING JUDGE: Yes, I was looking at them as the same,
9 but perhaps it would be wiser to have MFI 1, MFI 2 the CD, and
12:10:47 10 make this MFI 3, so that there is no confusion.

11 MS PACK: Thank you, Your Honour.

12 Q. Mr Massaquoi, I am going to move on now. You have been
13 describing events that occurred whilst you were in Abuja --

14 A. Yes.

12:11:03 15 Q. -- with Foday Sankoh. Did you remain in Abuja throughout
16 1997?

17 A. No, not at all.

18 Q. When did you leave?

19 A. I left towards the end of July.

12:11:14 20 Q. How did you manage to leave, given what you have told us
21 about the circumstances in which you were held there?

22 A. Before this time the NPFL leader, Charles Taylor, and some
23 other warlords in Liberia came to Abuja in a meeting for them to
24 have an election in Liberia. Of that same year in 1997. And
12:11:45 25 what happened was I met one of Taylor's aides whom he sent to get
26 some money to be given to Sankoh. I received this money and I
27 brought it down to Sankoh. From this money I was given \$1,000.

28 Q. What did you do with that \$1,000?

29 A. We owed a lady who normally brought some certain items for

1 us, about \$100, and I had to give one of these police securities
2 who were there with us, one of them, you know, to get me out so I
3 could be able to go with the letters Sankoh has written.

4 Q. Pause there. So money was given to help you go?

12:12:17 5 A. Yes.

6 Q. Where did you go from Abuja?

7 A. I went to Lagos, and I --

8 Q. From Lagos where did you go?

9 A. I bought a ticket for Abidjan. I came down to Abidjan by
12:12:39 10 air.

11 Q. From Abidjan where did you go?

12 A. I went to Burkina Faso by train.

13 Q. From there where did you go?

14 A. From Burkina Faso I came down to Abidjan again, then to
12:12:59 15 Guinea and onwards to Freetown.

16 Q. When did you arrive in Freetown, what date?

17 A. It was on 2nd August 1997.

18 Q. You have told us that you received some letters from
19 Foday Sankoh?

12:13:18 20 A. Yes.

21 Q. When were you given letters from Foday Sankoh?

22 A. Before I left the hotel.

23 Q. Who were these letters addressed to?

24 A. They were a total of six letters. One for Johnny Paul
12:13:46 25 Koroma, one for Sam Bockarie, another one for Danny G Kallon, who
26 was --

27 Q. Pause there.

28 MS PACK: Daniel G Kallon. Kallon, Your Honours have heard
29 before: K-A-L-L-O-N. Tell us who Daniel G Kallon was.

- 1 A. He was the adviser to Foday Sankoh.
- 2 Q. Where was he based?
- 3 A. He was based in Abidjan.
- 4 Q. Which group was he a member of?
- 12:14:11 5 A. He was a member of the RUF.
- 6 Q. Nationality?
- 7 A. Sierra Leonean.
- 8 Q. You have talked about three letters - Johnny Paul Koroma,
9 Sam Bockarie and Daniel G Kallon.
- 12:14:32 10 A. Yes.
- 11 Q. Who were the other letters to?
- 12 A. The remaining three were for the vice-president of
13 Burkina Faso.
- 14 Q. What was his name?
- 12:14:39 15 A. A Mr Deen Jerry.
- 16 MS PACK: That's D-E-E-N, Jerry J-E-R-R-Y, Your Honour.
- 17 Q. And who else?
- 18 A. The president, Blaise Compaore.
- 19 Q. President of which country?
- 12:14:55 20 A. Of Burkina Faso.
- 21 MS PACK: Your Honours are familiar, that is B-L-A-I-S-E,
22 Compaore, C-O-M-P-A-O-R-E.
- 23 Q. And who else?
- 24 A. The Libyan ambassador in Burkina Faso, whose name I could
12:15:15 25 not recall now.
- 26 Q. Do you know how those letters were written?
- 27 A. Yes. The letters were written by myself and dictated by
28 Sankoh, who signed at the end of it of each of them.
- 29 Q. I would like to ask you about each of those letters.

1 A. Yeah.

2 Q. The letter to Johnny Paul Koroma, are you able to remember
3 now what that said?

4 A. Yes, of course.

12:15:46 5 Q. What did that say?

6 A. Well, it was basically on seeking the relief of Sankoh from
7 Nigeria because Johnny Paul had earlier told Sankoh that he got
8 an information from the -- from one of the diplomats in Freetown
9 that President Kabbah has hands in his detention in Nigeria. And
12:16:09 10 so --

11 Q. Anything else in that letter?

12 A. Yes, for him and the brothers to work together cordially.

13 Q. By the brothers, you mean --

14 A. The RUF brothers, yes.

12:16:20 15 Q. The letter to Sam Bockarie, what did that say?

16 A. It was almost the same, to work with the AFRC brothers and
17 to make sure that they work together to secure his release from
18 Nigeria.

19 Q. The letter to Daniel G Kallon, are you able to remember
12:16:38 20 what that said?

21 A. Yes, of course.

22 Q. What did that say?

23 A. It was basically on asking about the situation at his house
24 where Mr Kallon lives, And the rest of the other family that were
12:16:50 25 there: how they were doing; their health; How they were faring
26 on.

27 Q. The letter to Deen Jerry, the vice-president of Burkina
28 Faso, what did that letter say?

29 A. Yes, first of all, the three letters were sent in care of

1 Mr Ibrahim Bah, So he was to distribute them. The one for
2 Mr Dean Jerry was basically to assist both the AFRC and the RUF
3 to get the RUF ammunitions that were installed there to be
4 transported to them in Freetown.

12:17:30 5 Q. Pausing there. Do you know what it meant by RUF weapons
6 stored in Burkina Faso? What did that letter mean when it stated
7 that?

8 A. There were some arms and ammunition packed there by Sankoh
9 which belonged to the RUF, and he was asking that he facilitate
12:17:51 10 the transportation of those arms and ammunition to the RUF and
11 the AFRC in Sierra Leone.

12 Q. The letter to Blaise Compaore, do you recall what that
13 stated?

14 A. Yes. On the one hand, it was talking of the same thing I
12:18:07 15 have just said. On the other hand, it was talking about --
16 talking to his brothers in the South Region to talk to the head
17 of state of Nigeria in order to secure his release from Nigeria
18 to join the RUF and the AFRC in Freetown to place own part in the
19 peace process.

12:18:28 20 Q. The letter to the Libyan ambassador, do you recall what
21 that said?

22 A. Yes.

23 Q. What did that say?

24 A. It was also about the same thing: Seeking the attention of
12:18:41 25 the Libyan president to prevail on his friend, Abacha, who was
26 the head of state of Nigeria, to make sure that they secure his
27 release, and at the same time to get the same arms and ammunition
28 transported, you know, to the RUF. Because these arms and
29 ammunitions, I understood, were from Libya and they were parked

1 in a military store at the capital of Burkina Faso there,
2 Ouagadougou.

3 Q. Why do you understand that the arms and ammunition stored
4 at Burkina Faso originated in Libya?

12:19:16 5 A. I was told by Sankoh before I left.

6 Q. You have told us that you handed the letters for Deen
7 Jerry, Compaore and the Libyan ambassador in Burkina Faso to
8 Ibrahim Bah?

9 A. Yes.

12:19:56 10 Q. How long did you spend in Burkina Faso at this point?

11 A. About a week or so. Not a week, about two or three days.

12 Q. You have told us you arrived in Freetown, finally, on 2
13 August 1997?

14 A. Yes.

12:20:18 15 Q. On your arrival in Freetown, where did you go?

16 A. I first came down in a vehicle at Jui where I met some RUF
17 boys, minding the checkpoint, and I have to ask about Superman
18 because he was the one I knew that was in town first.

19 Q. Pause a moment, please.

12:20:40 20 MS PACK: Jui, Your Honours have heard before, J-U-I.

21 Q. After enquiring after Superman, where did you go?

22 A. Superman came and picked me up. We went to Benguema.

23 Q. Pause.

24 MS PACK: Again a name Your Honours have heard before,

12:20:48 25 B-E-N-G-U-E-M-A.

26 Q. Go on after Benguema?

27 A. Yeah, in the night, Superman and myself, along with
28 securities, drove to Johnny Paul Koroma's house off Wilkinson
29 Road where we met him and his own letter was delivered to him.

1 Q. On the following day did you do anything?
2 A. Yes, on the following day I still stayed with Superman at
3 Benguema.
4 Q. You had with you letters -- a letter to Sam Bockarie?
12:21:29 5 A. Yes.
6 Q. Did you do anything with that?
7 A. Yes, I handed it over to Issa Sesay who was here in charge.
8 Q. Pause there. Pause there. Issa Sesay, Where was he
9 located at this time.
12:21:50 10 A. He was at Benguema.
11 Q. Was he staying at Benguema?
12 A. Yes.
13 Q. Where did you give to him the letter to Bockarie?
14 A. I gave him the letter in the office, in the RUF office at
12:22:08 15 Cockerill. Because at night I slept at Benguema, I couldn't see
16 him all through the night. I was told he was in but he left
17 early in the morning hours.
18 Q. Pause there a moment.
19 MS PACK: Cockerill Your Honours have had spelt correctly
12:22:24 20 before, C-O-C-K-E-R-I-L-L.
21 Q. You said you gave Issa Sesay the letter at the RUF --
22 A. Office at Cockerill, yeah.
23 Q. -- office. One thing I would ask you to do, Mr Massaquoi,
24 is just wait until I've finished a question so that the
12:22:47 25 stenographer can accurately transcribe what I am saying.
26 A. Thank you.
27 Q. Thank you. You have said there was an RUF office at
28 Cockerill. How did there come to be an RUF office at Cockerill
29 at this time?

1 A. Well, I met them in that office. I think it was an office
2 given them by Major Johnny Paul Koroma who was, by then, the head
3 of state of the Armed Forces Revolutionary Council.

4 Q. Was there just the one office in Cockerill?

12:23:22 5 A. No, they had one office for the RUF field commander, And
6 another double office, one for administration and one for other
7 senior officers.

8 Q. Who was the battlefield commander of the RUF at this time?

9 A. Issa Sesay was.

12:23:48 10 Q. As such, what was his position in the hierarchy of the RUF
11 at this time?

12 A. At this time he was still third in command.

13 Q. Who was second in command at this time?

14 A. Sam Bockarie was.

12:24:12 15 Q. What was the appointment by which he was known at this
16 time?

17 A. Who, Sam Bockarie?

18 Q. Yes.

19 A. He was a colonel and the battlefield commander with the
12:24:15 20 RUF.

21 Q. Perhaps it is my confusion but I think you referred to
22 Issa Sesay as the battlefield commander?

23 A. No, battle group commander.

24 Q. And Sam Bockarie was the battlefield commander?

12:24:27 25 A. Yes.

26 Q. What was his position in the hierarchy?

27 A. Which one of them?

28 Q. Sam Bockarie?

29 A. He was the second in command.

- 1 Q. And the leader of the RUF at this time?
- 2 A. Was still Foday Sankoh.
- 3 Q. Was there a time when that changed?
- 4 A. Yes.
- 12:24:58 5 Q. When was that?
- 6 A. That was a time when they left Freetown with the AFRC, and
- 7 the RUF left Freetown, And they were pushed by ECOMOG and they
- 8 were now in the bush. So a new command structure was created by
- 9 Sam Bockarie.
- 12:25:15 10 Q. What happened to Foday Sankoh's position in the hierarchy
- 11 at that time?
- 12 A. At that time, the new command structure created didn't
- 13 speak of Foday Sankoh being leader. It only talked about
- 14 Sam Bockarie being the CDS, Chief of Defence Staff.
- 12:25:39 15 Q. And who was second to Sam Bockarie?
- 16 A. And Sam Bockarie, who was -- Issa Sesay, who was the battle
- 17 group commander, now eventually became the battlefield commander.
- 18 So everybody presumed that the leadership was now being disguised
- 19 as the CDS.
- 12:26:05 20 Q. I am just going to pause at what you are talking about
- 21 here. This subsequent alteration in the leadership, and the top
- 22 positions in the RUF. When did you come to learn about that?
- 23 A. I came to learn about that at sometime in 1999.
- 24 Q. You have spoken of a disguise for the leader, being the
- 12:26:38 25 position that Sam Bockarie gave to himself as CDS. What do you
- 26 mean by that?
- 27 A. Chief of Defence Staff.
- 28 Q. What do you mean it was a disguise for the leader?
- 29 A. Because the RUF never had any command structure like chief

1 of defence staff. So we only had a leader at that position.
2 From the leader, you come to the battlefield commander, so the
3 leadership was now in disguise and replaced as the chief of
4 defence staff by Sam Bockarie.

12:27:08 5 Q. I would like to go back to your arrival in Freetown,
6 please.

7 A. Yes.

8 Q. Now, you have told the Chamber that you went to Issa Sesay
9 at the RUF office at Cockerill?

12:27:16 10 A. Yes.

11 Q. And gave him Sam Bockarie's letter?

12 A. Yes.

13 Q. Did anything happen after that?

14 A. Yes, he had a conversation with Sam Bockarie that I was in
12:27:33 15 town from Nigeria, and that I came down with a letter for him.

16 So Sam Bockarie instructed him that I should join him in Kenema
17 with the letter, which I did.

18 Q. When you got to Kenema, did you hand over the letter to
19 Sam Bockarie?

12:27:43 20 A. Yes.

21 Q. Did you remain in Kenema?

22 A. No, I spent the night there. The following day I left.

23 Q. Where did you go after Kenema?

24 A. I came down to Freetown.

12:28:11 25 Q. On your arrival in Freetown and during the period that you
26 were subsequently in Freetown, did you become aware how the AFRC
27 functioned?

28 A. Yes.

29 Q. How did the AFRC function?

1 A. When I arrived, I saw that there were some people in the
2 AFRC who were as secretaries of state. I mean those who were in
3 charge of various ministries. And you also have another group
4 who were the Supreme Council members.

12:28:55 5 Q. Pause there, please. The Supreme Council, how do you know
6 about the Supreme Council?

7 A. Well, it was -- the Supreme Council was --

8 Q. Pause a moment. I just one to ask you first, before I ask
9 you about that body, how you came to know about it.

12:29:27 10 A. I reported every day to the RUF office at Cockerill and I
11 came to know that, in fact, my own name was also admitted as a
12 member of the Supreme Council.

13 Q. Pause there. As a member of the Supreme Council, I would
14 like to ask you some questions about that.

12:29:47 15 A. Yes.

16 Q. What was the Supreme Council?

17 A. The Supreme Council was a body overseeing the law-making
18 and decision-making of the country.

19 Q. What was the Supreme Council?

12:29:53 20 A. The Supreme Council was a body overseeing the lawmaking and
21 decision-making of the country.

22 Q. Who was the head of the Supreme Council?

23 A. Major Johnny Paul Koroma.

24 Q. Do you know how often the Supreme Council met on a routine
12:30:17 25 basis?

26 A. Yes, I know they met once in a month. But they also met
27 when they are aware, needs for emergency meetings.

28 Q. Who was represented on the Supreme Council?

29 A. You have the army and you have the RUF.

1 Q. Which members of the army were included on the Supreme
2 Council?

3 A. Well, you have -- for the army you have two sets of groups.
4 You have the other ranks, who made the coup, the actual coup on
12:31:05 5 May 25th, who were all members of the Supreme Council, and you
6 have Mayor Johnny Paul Koroma, the Chief of Defence Staff of the
7 army.

8 Q. Pause a moment. Who was the Chief of Defence Staff of the
9 army?

12:31:22 10 A. Brigadier SFY Koroma.

11 Q. Pause there.

12 MS PACK: That's SFY Koroma; you have heard that name
13 before, Your Honours.

14 Q. And who else in that group?

12:31:30 15 A. You have Chief of Army Staff as well, who was Colonel SO
16 Williams.

17 Q. Anyone else in that group?

18 A. Yes. You also have SAJ Musa, who was the Chief Secretary
19 of State.

12:31:53 20 Q. Now, you have told us about the other ranks who made the
21 coup who were members of the Supreme Council.

22 A. Yes.

23 Q. Can you name some of those individuals?

24 A. Yes, I could recall.

12:32:05 25 MR KNOOPS: Before the witness is able to answer the
26 question, I think there should first be foundation how he came
27 about to know about those members who were involved in the coup.

28 MS PACK: Your Honour, he has said that he is a member of
29 Supreme Council and is identifying who made up the membership of

1 the Supreme Council.

2 PRESIDING JUDGE: My recollection is that he said, "My own
3 name was nominated."

4 JUDGE LUSSICK: Submitted.

12:32:35 5 PRESIDING JUDGE: Submitted. I haven't actually got him on
6 the council yet.

7 MS PACK: I will ask, Your Honour.

8 Q. Mr Massaquoi --

9 JUDGE SEBUTINDE: Ms Pack --

12:32:42 10 MS PACK: Yes.

11 JUDGE SEBUTINDE: Let's not lose sight of the objection.

12 The objection related to the foundation with regards who the coup
13 plotters were, not their membership on the council. How he knew
14 that they were actually coup plotters. So that, in addition to
12:32:58 15 the fact that we have not yet got evidence that he got to the
16 council, could be addressed.

17 MS PACK: Thank you, Your Honour, I will deal with both
18 those issues.

19 Q. First of all, Mr Massaquoi, you have identified that you
12:33:10 20 were nominated as a member of the Supreme Council. What
21 subsequently happened to that -- your name was submitted as a
22 member of the Supreme Council. What subsequently happened?

23 A. Yes, before I attended the first meeting with the rest of
24 the other people in the Supreme Council, I came to know some of
12:33:32 25 them when we met --

26 Q. Pause a moment. I am just asking you about your status in
27 the Supreme Council. Your name was submitted for membership of
28 the Supreme Council.

29 A. Yes.

1 Q. What subsequently happened with that? Did you become a
2 member?

3 A. Yes, I did; I did become a member; I did become a member.

4 Q. Did you take any salary as a member?

12:33:57 5 A. Yes, I recall I took salary for two months.

6 Q. Did you have a specific function on the Supreme Council?

7 A. No, I was just member. I made contributions during the
8 meetings.

9 Q. How many meetings did you go to of the Supreme Council?

12:34:13 10 A. I attended three meetings, the last was not successful.

11 Q. What do you mean by "not successful"?

12 A. We entered, but because of some circumstances the meeting
13 could not kick off.

14 Q. Who informed you that you had been nominated as a member of
12:34:34 15 the Supreme Council?

16 A. The RUF office administrative office, they had a list and I
17 saw my name there and I was informed officially by Issa Sesay.

18 Q. And when were you provided this information?

19 A. I have said earlier that I went to the RUF office on a
12:34:48 20 daily basis while in Freetown.

21 Q. You have said there was a list in the RUF office. What
22 list are you talking about?

23 A. A list of those serving in the AFRC as secretaries of
24 state, the list of those who were members of the Supreme Council
12:35:16 25 from the RUF side.

26 Q. Mr Massaquoi, you have also been about to embark upon
27 naming those others who were on the Supreme Council - and wait
28 for the question - the other ranks who in your words "made the
29 coup". My question to you is about those other ranks who you

1 said made the coup. How did you come to know who were the
2 individuals who made the coup?

3 A. When I came to Freetown, on the second day met with
4 Tamba Gborie along with Dennis Mingo. And during our brief
12:36:25 5 conversation he disclosed to me that it was they, the other
6 ranks, that made the coup.

7 Q. How did you come to know who those individuals were?

8 A. He named some of them and that very night we drove and met
9 Tamba Brima, whom they call Gullit, whom he introduced to me as
12:36:49 10 PLO2.

11 JUDGE SEBUTINDE: Sorry. It was Gborie?

12 MS PACK: Tamba Gborie, T-A-M-B-A; and that's G-B-O-R-I-E.

13 Q. When you were with Tamba Gborie and Superman, on the second
14 day you were in Freetown, and the other ranks who had made the
12:37:30 15 coup were named, are you able to remember now who was named at
16 that point?

17 A. Yes. Before I attended the first Supreme Council meeting I
18 interacted with most of them, either at Cockerill or while moving
19 around town, I came to know about PLO1, whom they call Abu Sankoh
12:37:51 20 alias Zagalo.

21 Q. Pause please. We'll just deal with those.

22 MS PACK: Zagalo, Your Honours have heard the name before;
23 Z-A-G-A-L-O.

24 Q. Was there another name by which Zagalo was known?

12:38:13 25 A. Yes, he was called Abu Sankoh.

26 MS PACK: A-B-U S-A-N-K-O-H.

27 Q. Were there other names which you learnt of the other ranks
28 who made the coup?

29 A. Yes, I came to know about Ibrahim Bazy Kamara. I also

1 came to know about Bioyoh Sesay.

2 Q. I would like you to spell "Bioyoh Sesay", please?

3 A. B-I-O-Y-O-H.

4 MS PACK: Sesay, S-E-S-A-Y.

12:38:47 5 Q. Now, pause there a moment. Bioyoh Sesay, who was he?

6 A. He was a member of the Supreme Council and a member of the

7 other ranks of the Sierra Leone Army.

8 Q. And Ibrahim Bazy Kamara, who was he?

9 A. He was also a member of the other ranks and a member of the

12:39:13 10 Supreme Council.

11 Q. Was there any other name by which he was known that you

12 were familiar with?

13 A. Yes, he was commonly known as "Bazy".

14 Q. I will just go back to Abu Sankoh a moment. You have him

12:39:35 15 called PL01; do you know what that mean?

16 A. Yes, Public Liaison Officer one.

17 Q. Do you know who he was?

18 A. He was a member of the other ranks of the Sierra Leone

19 Army, and a member of the Supreme Council as well.

12:39:53 20 Q. You are identifying names of other ranks who made the coup.

21 Can you think of any other names?

22 A. Yes. I met Woyoh, another man they called Woyoh, who was

23 also an other rank, other ranks of the Sierra Leone Army.

24 Q. Pause with Woyoh. Could you spell that please?

12:40:12 25 A. Yes. W-O-Y-O-H.

26 Q. Are there any further details you can provide about Woyoh,

27 other than he was a member of the Sierra Leone Army; other ranks?

28 A. Yes, he was also a member of the Supreme Council of the

29 AFRC.

- 1 Q. Anyone else, apart from Abu Sankoh, Ibrahim Bazy Kamara,
2 Bioyoh Sesay and Woyoh?
- 3 A. Yes, I know of a papa whom they call Bomb Blast, and some
4 others also.
- 12:40:49 5 Q. Papa who they call Bomb Blast?
- 6 A. Yes.
- 7 Q. What else do you know about him?
- 8 A. He was also a member of the other ranks and a member of the
9 Sierra Leone Army.
- 12:41:09 10 Q. Any other names you recall of other ranks who made the
11 coup?
- 12 A. Yes, I think have mentioned Bioyoh Sesay.
- 13 Q. Thank you, Witness. Now you were talking about membership
14 of the Supreme Council.
- 12:41:28 15 A. Yes.
- 16 Q. And I would like to go back to go back to that. You have
17 told the Chamber that both SLA and RUF were represented on the
18 Supreme Council. And you started off by identifying two groups
19 in the SLA who were represented. Apart from those individuals
12:41:53 20 you have identified, the other ranks and the other group, are
21 there any other SLA members of the Supreme council whose names
22 you are now able to recall?
- 23 A. I have named some of the two groups from the Sierra Leone
24 Army that have been there.
- 12:42:10 25 Q. You have told us that Tamba Brima was a PL02. What was
26 that?
- 27 A. Public Liaison Officer two.
- 28 Q. Is there another name by which Tamba Brima was known?
- 29 A. Yes, he was called "Gullit".

1 Q. And do you know anything else about him in this period?

2 A. Yes, he was also a member of the other ranks of the Sierra
3 Leone Army and a member of the Supreme Council.

4 Q. You have identified that there were RUF members on the
12:43:14 5 Supreme Council. Would you name, apart from you, who were the
6 RUF members who were represented on the Supreme Council who you
7 able --

8 JUDGE SEBUTINDE: Ms Pack, this witness has not -- the
9 evidence I have is that he was an ordinary member. We don't yet
12:43:26 10 have evidence saying he "represented" anything.

11 MS PACK:

12 Q. Were you a member of any other organisation, apart from the
13 Supreme Council at this point?

14 A. Yes, I was a member of the RUF.

12:43:42 15 Q. And in what capacity were you member of the Supreme Council
16 at this point?

17 A. Well, what I learnt was Major Johnny Paul Koroma asked
18 Sam Bockarie to nominate some men to represent the RUF in the
19 Supreme Council, and one of those persons was my very self, whose
12:44:00 20 name was signed by Sam Bockarie. And from that point, since
21 arrived here, I began attending meetings.

22 Q. Pause a moment. Who else apart from you was nominated to
23 become a member of the Supreme Council for the RUF?

24 A. I know Mike Lamin was nominated.

12:44:17 25 Q. Pause a moment with Mike Lamin.

26 MS PACK: L-A-M-I-N, Your Honour.

27 Q. Just tell us, who was he?

28 A. He was a senior member of the RUF.

29 Q. Nationality?

1 A. Sierra Leonean.

2 Q. Nominees?

3 A. Included Sam Bockarie, Issa Sesay.

4 Q. Any more?

5 A. Yes.

6 Q. Go on then.

7 A. Denis Mingo was also there.

8 Q. Anyone else for the RUF?

9 A. No, I can't recall that. Yeah, in essential, Foday Sankoh
12:45:10 10 was also a member and Daniel G Kallon, who was his adviser.

11 Q. Is this Daniel G Kallon who you referred to earlier who was
12 in the Ivory Coast?

13 A. Yes.

14 Q. You have said that these individuals were nominated to be
12:45:24 15 members of the Supreme Council. Did they in fact become members
16 of the Supreme Council?

17 A. Yes, they were approved. All these names were approved by
18 Major Johnny Paul Koroma, and eventually those who were in
19 Freetown served on that council.

12:45:47 20 PRESIDING JUDGE: Ms Pack, I note the time. Have you come
21 to the end of that particular phase of your examination-in-chief?

22 MS PACK: Yes, I have, Your Honour.

23 PRESIDING JUDGE: Perhaps this would be an appropriate time
24 to adjourn for the lunch time adjournment.

12:45:56 25 Madam Court Attendant, please adjourn court to 2.15 p.m.

26 [Luncheon recess taken at 12.47 p.m.]

27 [AFRC07OCT05D - CR]

28 [Upon resuming at 2.18 p.m.]

29 PRESIDING JUDGE: Ms Pack, please continue.

1 MS PACK: Thank you, Your Honour.

2 Q. Mr Massaquoi, just to remind you where we were before the
3 adjournment, I was asking you about the Supreme Council. You
4 told us you, yourself, were a member of the Supreme Council.

14:17:56 5 Just a couple more questions on that. How were matters decided
6 at the Supreme Council meetings that you attended?

7 A. Decisions were taken either by a simple majority on certain
8 issues or the high table take a decision that would be passed on
9 for each and every member to endorse.

14:18:22 10 Q. By the "high table", who are you referring to?

11 A. I'm referring to representatives of -- senior
12 representatives of the various groups I mentioned here.

13 Q. Could you name any persons who were on the high table?

14 A. Yes. Like, the other ranks, they were represented by the
14:18:47 15 PLO 1, who was Abu Sankoh.

16 Q. Yes, and were there other persons on the head table -- high
17 table?

18 A. Yes, you have Major Johnny Paul Koroma and in some other
19 cases, along with the Chief of Defence Staff, and you have the
14:19:04 20 Chief Secretary of State.

21 Q. Who was that?

22 A. SAJ Musa.

23 Q. Pause there a moment, please. SAJ Musa, who was he?

24 A. He was the Chief Secretary of State.

14:19:20 25 Q. Do you know anything further about SAJ Musa?

26 A. Yes, I know he was a former member of the Sierra Leone
27 Armed Forces, and that he was also called upon when the coup was
28 made, and when he arrived there he was appointed to that
29 position.

1 Q. You have identified the head of state, the Chief Secretary
2 of State, the PLO 1. Was there any other person on the high
3 table?

4 A. Yes, you also have an RUF representative there.

14:19:51 5 Q. Who was that?

6 A. Either Sam Bockarie when he was in town or Issa Sesay.

7 Q. Pausing there again, Mr Massaquoi, can I ask you again if
8 you could wait until I finish my question before you answer.

9 Again I'm having in mind the court reporter who is making a note.

14:20:10 10 A. Thank you.

11 Q. Thank you very much. Were you aware of any other
12 law-making body during that period that you were in Freetown?

13 A. No.

14 Q. When you were in Freetown, whereabouts were you staying?

14:20:31 15 A. I left Benguema and came down to Murray Town, where I
16 stayed with my aunt and the rest of my other family.

17 Q. You have told us this already but perhaps remind us. What
18 were you doing on a daily basis in that period when you were in
19 Freetown?

14:20:42 20 A. I was asked to report to the RUF office on a daily basis,
21 which I did, at the military headquarters.

22 Q. You've told us just before the break that you attended
23 Supreme Council meetings, and you said you went to three,
24 although the third one was one that was cut short or didn't

14:21:02 25 happen.

26 A. Yeah.

27 Q. I would like to go through those meetings with you, please.
28 If you would just start with the first meeting that you went to.
29 When did you go to your first meeting of the Supreme Council?

1 A. That was some time August, the very first August I came
2 down to Freetown.

3 Q. Was this a regular meeting of the Supreme Council?

4 A. Yes.

14:21:26 5 Q. Who attended that meeting?

6 A. Major Johnny Paul Koroma was there; the Chief of Defence
7 Staff, SFY Koroma; the Chief of Army Staff, SO Williams; Issa
8 Sesay was there; Mike Lamin was there. In fact, it was in that
9 meeting that I came to know another member of the other rank of
14:21:58 10 the Sierra Leone Army they called Santigie Kanu, alias Five-Five.

11 Q. Pause a moment. Who is Santigie Kanu alias Five-Five?

12 A. He's a member of the Sierra Leone Armed Forces, and a
13 member of the Supreme Council as well.

14 Q. Who else was present at this meeting?

14:22:20 15 A. A lot of other people were present, including Chief
16 Secretary of State SAJ Musa; myself was there; Mike Lamin;
17 Bioyoh.

18 Q. Pause a moment. Bio, who are you talking about with
19 Bioyoh?

14:22:38 20 A. Bioyoh was a member of the other rank of the Sierra Leone
21 Army and a member of the Supreme Council.

22 Q. Is that the Bioyoh Sesay you named earlier?

23 A. Yes, Bioyoh Sesay.

24 Q. Anyone else at this meeting?

14:22:53 25 A. Yes. Woyoh was there, Bazzy, Gullit. All of them were
26 there.

27 Q. Where did this meeting take place?

28 A. It was at Cockerill military headquarters.

29 Q. Did anything happen at this meeting?

1 A. Yes.

2 Q. What happened?

3 A. The key purpose of the meeting was discussed, which was
4 basically on the attitude of some of the coupists. Which are the
14:23:35 5 Chief of Army Staff, SO Williams, explained and that the Supreme
6 Council needed to take a rigid stand to make sure that such a
7 thing is stopped.

8 Q. Who explained what?

9 A. The Chief of Army Staff, SO Williams.

14:23:52 10 Q. What did he talk about?

11 A. He talked about the rampant looting by some members of the
12 Supreme Council and he particularly named Five-Five and his
13 bodyguards.

14 Q. Did he say anything specific about Five-Five and his
14:24:09 15 bodyguards?

16 A. Yes. He said he received complaints that Five-Five and his
17 bodyguards went to a particular location during the day and they
18 left. And in the night, the same jeep they used went there and
19 looted some properties in some houses.

14:24:29 20 Q. Was there any response to what the Chief of Army Staff SO
21 Williams said during this meeting?

22 A. Yes. Well, Five-Five denied. He was given the chance to
23 respond and he denied. He gave an excuse that some people who
24 were using military uniforms are using similar vehicles posed as
14:24:55 25 if they are doing the act. SO Williams also said the people
26 themselves saw him coming from the jeep during the day and they
27 knew the number of the jeep that came to the area during the day
28 was the same jeep that he used during the night.

29 Q. I want to ask you at the meeting -- apart from the response

1 you indicated from Five-Five, was there any other response at the
2 meeting as to what SO Williams had said regarding the complaint
3 generally of looting?

4 A. Yes. Even the head of state, Major Johnny Paul Koroma,
14:25:26 5 also made mention about that. That he was also receiving
6 complaints and that it's high time they tried to make it into law
7 that anybody caught looting was to be punished and removed from
8 the Supreme Council seat. And at the same time, before the
9 Supreme Council ended that meeting, a decision was taken that a
14:25:51 10 body known as Western Area Security Patrol be enforced and
11 empowered, set up to make sure that they curb looting and other
12 activities in the city.

13 Q. Was anything else discussed in this meeting that you
14 recall?

14:26:05 15 A. Yes, other activities like the military presence, build-up
16 by ECOMOG, deployments and all this sort were also discussed.
17 But these were under any other business.

18 Q. You've told us that you went to three meetings?

19 A. Yes.

14:26:31 20 Q. When did the second meeting you went to take place?

21 A. There was another meeting, but which was not a
22 Supreme Council meeting, before the Supreme Council meeting
23 itself.

24 Q. I'm asking you about meetings that you attended.

14:26:45 25 A. Yes, okay. I attended a meeting at State House.

26 Q. Was this a meeting of Supreme Council?

27 A. Yeah, well, they termed it an extraordinary meeting.

28 Q. What did they mean -- what is meant by that, "extraordinary
29 meeting"?

1 A. Well, they referred to that as not only members of the
2 Supreme Council were there, ordinary members and members of the
3 cabinet were also present.

4 Q. This took place where?

14:27:17 5 A. At State House.

6 Q. Are you able to remember approximately when that meeting
7 took place?

8 A. Yes, this was towards the end of August to early September
9 of 1997.

14:27:30 10 Q. Are you able to recall who was present at this meeting?

11 A. Yes, I recall Major Johnny Paul Koroma was present, the
12 AFRC Secretary-General, Colonel AK Sesay was also present.

13 Q. Pause, please. AK Sesay is not a name you have dealt with
14 before, Mr Massaquoi. Who was he?

14:27:57 15 A. He was the AFRC Secretary-General.

16 Q. Go on. Who else was at this meeting?

17 A. They introduced another man whose name I could not recall.
18 They said he was the Secretary of State Finance and another
19 person they called the bank governor.

14:28:24 20 Q. Anyone else?

21 A. Yes, I was there. Sam Bockarie was there; Five-Five was
22 there; Issa Sesay was there; Bazzy was there; and other people
23 were also present.

24 Q. You have told us this was an extraordinary meeting and that
14:28:57 25 ordinary members and members of the cabinet were there.

26 A. Yeah.

27 Q. Do you recall any names of ordinary members and members of
28 the cabinet who were present at this meeting?

29 A. Yes. Well, the cabinet members, one of them was the

1 Finance Minister whom they call the Secretary of State Finance.

2 And Ibrahim Bah who was already in town was also there. And some
3 army officers. Major Victor King was there.

4 Q. Pausing there with Victor King.

14:29:32 5 A. Yeah.

6 Q. Who was he?

7 A. He was the air force commander of the Sierra Leone Armed
8 Forces at the time.

9 Q. What happened at this meeting?

14:29:52 10 A. This was particularly about discussions about how to get
11 the ammunitions and arms that were in Burkina Faso to be brought
12 down to Freetown.

13 Q. Who spoke at this meeting?

14 A. Johnny Paul Koroma spoke.

14:30:07 15 Q. Do you recall anything in particular that was said during
16 this meeting?

17 A. Yes. Discussions were basically on the bringing in of
18 these arms and ammunitions from Burkina Faso to Freetown for the
19 use of the AFRC and RUF.

14:30:23 20 Q. Was there any resolution made at this meeting, or decision
21 made?

22 A. Yes, a decision was reached that General Ibrahim Bah was to
23 go with a letter to President Blaise Compaore asking him to
24 assist in adding up the ammunitions that were in stock in Burkina
14:30:49 25 Faso. And, at the same time, myself and Lieutenant Arnold

26 Bangura, we are to leave few days after.

27 Q. Pausing there, do you know what the letter meant when it
28 said that Blaise Compaore was to assist in adding up the weapons
29 that were in Burkina Faso?

1 A. Yes, according to what I learnt was that the ammunition
2 that was in stock in Burkina Faso was not sufficient. If they
3 were going to load it to be brought down to Freetown, they were
4 virtually going to bring down an empty plane. So they were
14:31:25 5 asking assistance from the President of Burkina Faso to increase
6 the munition that was there already.

7 Q. Who nominated you to go with Arnold Bangura?

8 A. Sam Bockarie did, because Johnny Paul asked them to have
9 one person from the side of the RUF, and they, too, were going to
14:31:48 10 get one person. So on their own side they got Arnold Bangura.

11 Q. Pausing with that name, Arnold Bangura, who was he?

12 A. He was a flight lieutenant of the Sierra Leone Armed
13 Forces.

14 Q. Following on from that meeting, did anything happen?

14:32:11 15 A. Yes, General Ibrahim Bah went.

16 Q. Went where?

17 A. Went to Burkina Faso.

18 Q. What happened to you?

19 A. A few days after that, myself and Arnold Bangura also went.

14:32:27 20 Q. How did you get there?

21 A. We left State House with the Armed Forces of Sierra Leone
22 helicopter to Guinea. From there, we boarded a plane to Ivory
23 Coast, and then to Burkina Faso.

24 Q. How long did you remain in Burkina Faso on this occasion?

14:32:51 25 A. About a week or so.

26 Q. What did you do on your arrival there?

27 A. When we left, we left with some money which Arnold Bangura
28 had in possession, which was -- we were made to know it was a
29 part-payment for the aircraft that was to bring the arms and

1 ammunitions. This money was handed over to Ibrahim Balda
2 immediately we arrived.

3 Q. Pause there. Do you know how much money there was?

4 A. Yes, this was 40,000 US dollars.

14:33:27 5 Q. Do you know who gave the money to Arnold Bangura?

6 A. Yes, Johnny Paul Koroma through the AFRC Secretary-General,
7 AK Sesay, handed over the money to Arnold Bangura.

8 Q. How do you know that AK Sesay handed over to the money to
9 Arnold Bangura?

14:33:44 10 A. I was present. That was the very day we were planning to
11 take off.

12 Q. You spoke a little earlier about a letter to Blaise
13 Compaore. Did anything, in the event, happen with that? Was
14 there a letter written?

14:33:58 15 A. Yes. That letter was written. While we were coming back,
16 we were given a letter. We left General Ibrahim Bah there. We
17 brought a letter which was sent to Major Johnny Paul Koroma.

18 Q. I'm talking about the letter that was written to Blaise
19 Compaore. Did that, in the event, get written?

14:34:20 20 A. Yes, I'm explaining about the response that he sent.

21 Q. Just dealing with the delivery of the letter --

22 A. It was delivered to Ibrahim Balda and in turn given to
23 President Blaise Compaore.

24 Q. Who delivered the letter to Ibrahim Balda?

14:34:35 25 A. Arnold handed over the letter to Ibrahim Balda.

26 Q. Was there a response to the letter?

27 A. Yes.

28 Q. What was that response?

29 A. Well, the response was that the president have agreed to

1 add some ammunitions to the original one that was there in stock,
2 to be brought down for them for the use of the RUF and the AFRC.

3 Q. How do you know that this was the response?

4 A. We brought down the letter and Ibrahim Balda was there when
14:35:11 5 the letter was written, and he enumerated to us exactly what the
6 president said before he wrote the letter.

7 Q. Before you left Burkina Faso, did anything else happen
8 there?

9 A. Yes, General Ibrahim Balda, upon our arrival, he told us he
14:35:52 10 has been in contact with some of his friends in order to get the
11 aircraft to bring down the arms and ammunition to Freetown. But
12 at the first -- his first friend he contacted in Niger, Niamey,
13 he said he was not willing because ECOMOG was going to bomb his
14 plane and he was afraid.

14:36:11 15 Q. You have given a name there, Mr Massaquoi. Can you tell us
16 what the name was?

17 A. Of?

18 Q. The person in Niger?

19 A. No, I did not know the person. His name was not disclosed
14:36:21 20 to me. He only said it was his friend.

21 Q. Okay. What was subsequently done then regarding the
22 aircraft?

23 A. After that, he said he contacted another friend. They
24 called him Victor Bout in central Africa. He agreed to get an
14:36:39 25 aircraft to load the arms and ammunition to be brought to Sierra
26 Leone.

27 Q. Can you spell Victor Bout?

28 A. V-I-C-T-O-R B-O-U-T Bout.

29 Q. Did you return to Sierra Leone after Burkina Faso?

1 A. Yes, I did, along with Arnold Bangura.

2 Q. What did you do on your return?

3 A. We came back and briefed Major Johnny Paul Koroma exactly
4 of what happened there.

14:37:11 5 Q. Was anyone else present when you briefed Johnny Paul
6 Koroma?

7 A. Yes, the Chief of Defence Staff was there, PLO 1 was there.

8 Q. After your return, did you do anything?

9 A. Yes. After my return, already Steve Bio was in Freetown.

14:37:43 10 Steve Bio was instructed to go to Magburaka and visit the
11 Magburaka airstrip.

12 Q. Pause a moment. How do you know that Steve Bio was
13 instructed to go to Magburaka airstrip?

14 A. I was at State House when the orders were given to him by
14:37:58 15 Major Johnny Paul Koroma.

16 Q. Do you know why Steve Bio was instructed to go to Magburaka
17 airstrip?

18 A. Yes, all was in a bid to assess the airstrip at Magburaka,
19 whether it was good enough for an aircraft to land there with
14:38:13 20 such an amount of arms and ammunition that they needed.

21 Q. Do you know if Steve Bio went, in the event, to Magburaka
22 airstrip?

23 A. Yes, he went and I went with him.

24 Q. Are you able to recall about when you went?

14:38:32 25 A. Yes, this was some time in September, mid to late
26 September.

27 Q. What was the outcome of your trip to Magburaka airstrip?

28 A. We came back and he reported to Johnny Paul Koroma that the
29 airstrip was not that much good, it needed some rehabilitation,

1 you know.

2 Q. After going to Magburaka airstrip, did you go anywhere
3 else?

4 A. Yes. He was also given another mission to go to Bo.

14:39:11 5 Q. Pause a moment. You're talking about an individual. Who
6 was instructed to go to Bo?

7 A. Steve Bio was instructed by Major Johnny Paul Koroma.

8 Q. How do you know that?

9 A. I went with him also.

14:39:28 10 Q. What was the outcome of that visit?

11 A. He reported back to Major Johnny Paul Koroma, while I was
12 present, condemning the Bo airstrip, that it was not that long to
13 allow an aircraft to land there with such arms and ammunition.

14 Q. How do you know this was the report made by Steve Bio on
14:39:48 15 this occasion?

16 A. I was also with him when he was making the report to
17 Major Johnny Paul Koroma.

18 Q. Did you later hear what was the outcome of these efforts to
19 bring ammunition in from Burkina Faso?

14:40:06 20 A. Yes. I learned that they agreed -- an agreement was
21 reached that they should use the Magburaka airstrip for such a
22 purpose, because it was better than the other airstrip since
23 ECOMOG was occupying the international airport.

24 Q. Did you later hear if, in the event, anything was brought
14:40:30 25 over from Burkina Faso to Magburaka?

26 A. Yes, at a certain point in time in early 1998, I heard that
27 an aircraft came with these arms and ammunitions at the Magburaka
28 airstrip.

29 Q. Where were you when you heard this?

1 A. I was in prison.

2 Q. When was this?

3 A. This was in January 1998.

4 Q. Witness, you have been talking about events occurring in
14:41:01 5 1998, late 1998.

6 A. No, early 1998. Late 1997 was December when the aircraft
7 came. I came to know about that in January 1998 while I was in
8 prison.

9 Q. From whom did you hear about the Magburaka delivery?

14:41:33 10 A. One of my cousins, Richard Kemoh, who came to visit me in
11 prison, disclosed to me he was at the airstrip when the aircraft
12 came and they loaded the arms and ammunitions in the trucks and
13 brought them down to Freetown.

14 Q. Could you spell Kemoh, please, for the Chamber?

14:41:52 15 A. K-E-M-O-H.

16 Q. You have talked about two Supreme Council meetings you went
17 to. Just deal briefly with the third meeting, which was, in the
18 event, discontinued.

19 A. Yes. The other meeting was to be heard at State House.

14:42:10 20 Initially it was to be held at Cockerill, but it was moved to
21 State House. While people were -- members were coming into the
22 hall to prepare for that meeting, Cockerill was bombed by an
23 Alpha Jet. So the whole thing was -- the whole meeting went in
24 disarray; it could not even kick off.

14:42:38 25 Q. Do you recall who came to attend that meeting?

26 A. Yes. I saw Major Johnny Paul Koroma was there; the AFRC
27 Secretary-General was there; Issa Sesay was there; Gullit was
28 there; Five-Five was there; Bazy was there; and a host of other
29 people. The Chief of Defence Staff also was there.

1 Q. Mr Massaquoi, I want to hand over a document to you.

2 MS PACK: Your Honours, there is a document I seek to hand
3 over to the witness, which I've given a copy of to my learned
4 friends.

14:43:26 5 MS THOMPSON: Your Honour, if the copy of the document is
6 that which my learned friend served today, this morning, I think
7 it is something we've had before, anyway, but she did give us
8 spare copies this morning. Is that dated 16 August 1997?

9 MS PACK: Yes, that's correct.

14:43:42 10 MS THOMPSON: Then, Your Honour, we have objections to this
11 document being shown to the witness. I don't know for what
12 purpose my learned friend is trying to show it to the witness.
13 Perhaps she can tell us why she wants to show it to the witness,
14 because we do have objections to it.

14:44:01 15 MS PACK: The document is headed, "Minutes of an emergency
16 council meeting of the AFRC held at State House on Monday,
17 11 August 1997". The witness has testified as to his membership
18 of a council. I would like him to look at the document and to
19 speak to the form of the document and its contents.

14:44:47 20 PRESIDING JUDGE: Ms Thompson, do you have any reply to
21 that?

22 MS THOMPSON: Yes, we object to it. First of all, this
23 witness has given evidence of his presence at two and a half, if
24 I can put it that way, council meetings. One was aborted, two
14:45:00 25 meetings he attended. I don't want to go into this document, but
26 the date is 11 August 1997. The witness has given us names of
27 people who were present at the meetings he attended. They don't
28 appear on this document. If you look at the distribution list,
29 they don't appear on this document as far as being distributed.

1 It doesn't appear that this witness was present at this
2 particular meeting, so I don't know how he can speak to the
3 contents of this meeting. That's one.

4 Secondly -- sorry, Your Honour, I'm taking my time because
14:45:36 5 I am not feeling very well.

6 PRESIDING JUDGE: Do you want to sit down, Ms Thompson?
7 Would it be easier?

8 MS THOMPSON: I think I will be okay, Your Honour. I will
9 just take a little bit more time. Secondly, on this document,
14:45:47 10 there appears to be handwritten -- in ink, someone has written
11 things on the document and then there is a type face. We don't
12 know where this document originates from. As far as I am aware,
13 this witness has given evidence of him being an RUF member. But
14 there is no evidence of him being a member of the AFRC, of him
14:46:13 15 being present at this particular meeting which he's going to talk
16 about. On that basis, Your Honour, this witness cannot actually
17 speak to this document. If my learned friend proceeds to show
18 this witness this document, it will be tantamount to leading this
19 witness on this document or on the contents of this document,
14:46:34 20 none of which the witness has mentioned thus far in evidence.
21 That is the essence of my objection, Your Honour.

22 PRESIDING JUDGE: Mr Knoops, you have something to add?

23 MR KNOOPS: Yes, Your Honour, if I may add and support the
24 objection of my learned friend. I also have noted that there is
14:47:00 25 not any proof delivered yet of who exactly executed this
26 document. I also note that the handwriting on page 1 does not
27 appear the same as the handwriting on page 4 of the document,
28 which indicates the alleged author. Secondly, the witness on the
29 witness stand today is clearly not the author of this document.

1 Thirdly, the witness has indicated that he arrived on 2 August
2 1997 in Freetown, whilst the meeting to which this document
3 allegedly refers was held on 11 August 1997. And, as my learned
4 friend also observed, the name of the witness does not appear on
14:48:02 5 the list of individuals present during this meeting on the 11th,
6 despite the assertion of the witness that he arrived on the 2nd.
7 Lastly, here, also there is no form of authentication in place
8 vis-a-vis any original version of this document. Based on these
9 objections, I don't think that the witness should be shown the
14:48:32 10 document. Although it's perhaps quite presumptuous, I suppose
11 the Prosecution also wants to tender this document. Also, with
12 respect to that application, if any, we have the same objections.
13 I just elaborated on, with respect to the showing of the document
14 to the witness.

14:49:05 15 PRESIDING JUDGE: I would like to clarify one matter,
16 please. Ms Thompson referred to a distribution list, and you say
17 his name is not present. Are there two lists of those who
18 attended and to those to whom it is to be distributed?

19 MS THOMPSON: Your Honour, I made the point about the
14:49:22 20 distribution list. On the front page of the document is a list
21 of those who were present. At the back of it, it says
22 "Distribution all members". On the front page, there is a list
23 of those who were deemed to be members. I'm assuming they are
24 the people the document was meant to be distributed to. Like I
14:49:44 25 said, this witness's name does not appear, nor does some of the
26 people he has said were at meetings he attended.

27 PRESIDING JUDGE: Thank you for that clarification.

28 MR DANIELS: Your Honours, I side with my learned friends
29 and just want to add that the top right-hand corner, you will

1 notice that it is written "Copy No. 2 of 41". It pre-supposes,
2 of course, there is an original document, and I think that should
3 be made available.

4 MS PACK: Your Honour, if I may deal with those objections
14:50:31 5 in turn. The first objection raised by my learned friend for the
6 first accused went to the fact that this witness doesn't appear
7 on the list of those present at the meeting, and that is quite
8 right. At the very front of the document headed "Minutes" and so
9 on, there is then a heading "Present". Under the heading
14:50:59 10 "Present", there is a list of those who were present at the
11 meeting. On the last page of the document, under what I would
12 take to be the signature of the minute-taker, there is a further
13 heading, "Distribution", and under that heading, in capitals,
14 "ALL MEMBERS". The minutes are said to be minutes of an
14:51:24 15 emergency council meeting. So I would take, as a matter of
16 inference, just looking at the face of the document, that the
17 distribution list is the list of the members of the council, as
18 opposed to all those who were present at the meeting, which is a
19 separate list which appears on the first page under the heading,
14:51:51 20 "Present". Be that as it may, I don't say that this witness was
21 present at the meeting. His name clearly doesn't appear on the
22 list of those present.

23 There is handwriting on the document, and I don't suggest
24 that that is the witness's handwriting. My learned friend for
14:52:10 25 the third accused raised an objection, I think I may have
26 misheard him, that the witness came to Freetown on 22 August. My
27 recollection of --

28 PRESIDING JUDGE: The 2nd.

29 MS PACK: It was the 2nd that my learned friend said.

1 Therefore, the date of his arrival predated the date of this
2 meeting. In response to that group of objections, what the
3 Prosecution says is this: That I will be asking the witness
4 about the form of the document as opposed to about its contents.
14:52:44 5 He didn't go to this meeting, and I won't be asking him about
6 what was said at this meeting. But I would seek to ask him about
7 the form of this document, because it may be, as a member of a
8 body known as the "Supreme Council" he will be able to deal with
9 the form of this document. I would seek to ascertain from him
14:53:03 10 what he would recognise this document to be.

11 So far as the question of authentication is concerned,
12 again, Your Honours, I make the same points that I made this
13 morning on the issue of authentication. We haven't got to the
14 stage of my asking to seek to tender this document. But were it
14:53:26 15 to come to that, I would say that the document is admissible as
16 are documents in any manner and form under Rule 89(C) of the
17 Rules of this Court. It isn't preconditioned to the
18 admissibility of this document that it be authenticated in the
19 manner that my learned friend seeks to require; namely, that an
14:54:00 20 original be made available. It is absolutely right that the
21 document that the Prosecution has is a copy. That is the
22 document that was handed over in the first instance to the Office
23 of the Prosecutor. I can say, again, that that document was
24 handed over by the Attorney General's office and is also a
14:54:22 25 document that is subject to a draft, I understand -- over the
26 luncheon adjournment -- a draft statement that is being prepared
27 by a former member of the Office of the Prosecutor.

28 The document is still a copy. It is a matter for Your
29 Honours to weigh how much or consider how much weight you attach

1 to this document when you've heard all the evidence, but the
2 quality of this document and its source does not limit Your
3 Honours' ability now to admit this document, having heard what
4 the witness will say about it. If Your Honours allow the witness
14:55:08 5 an opportunity to speak to the document, it may be then, when I
6 come to seek to tender it, that you may consider that sufficient
7 evidence has been heard by you of such quality that you consider
8 the document to be admissible. I would ask Your Honours to hear
9 that evidence and make the decision then, bearing in mind, of
14:55:32 10 course, that Rule 89(C) does not have as its precondition that
11 the document be authenticated in the same manner that documents
12 are authenticated in national jurisdictions.

13 JUDGE SEBUTINDE: What about the objection that you may be
14 leading the witness by showing this document to him at this
14:55:51 15 stage? What is your response to that?

16 MS PACK: Your Honour, one might say that of any document
17 that one ever showed a witness in any situation. All documents
18 are going to have written on them things that a witness might not
19 have dealt with before in his or her testimony, but it doesn't
14:56:15 20 change the quality of the document as a document that may be
21 shown to a witness for his comments. It's not like I'm showing
22 the witness a prior statement of his. I've indicated that the
23 witness, in fact, wasn't present at this meeting. I'm simply
24 going to be asking the witness about the form of the document as
14:56:37 25 to whether it's a form that's familiar to him as to whether he
26 recognises this document as something that he has seen before and
27 is able to say what it is. Your Honours can consider the
28 substance of it and what weight to attach to the substance of it
29 and to the document as a whole when Your Honours have considered

1 all the evidence. It's not a question of leading the witness.
2 I'm not putting words into his mouth and I'm certainly not
3 putting his own prior words into his mouth to allow him to
4 refresh his memory as to matters stated by him in any meeting,
14:57:16 5 that's not the quality of this document I'll be handing up to
6 him.

7 PRESIDING JUDGE: Thank you, Ms Pack.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: Yes, Mr Knoops.

14:57:43 10 MR KNOOPS: Your Honour, if I can just make a short
11 observation in addition to the last remark from the Prosecution
12 responding to a question of Honourable Judge Sebutinde. In all
13 due respect, it would be leading to the extent that there is not
14 a foundation laid that this witness is able and capable to
14:58:08 15 describe any form of minutes. So, without any description, and
16 questioning the witness to describe these minutes without showing
17 a document, then the showing of the document prior to such
18 description would be, of course, a form of leading, in so far as
19 we didn't hear any evidence of this witness that he ever saw a
14:58:37 20 document allegedly enhancing minutes of any of the Supreme
21 Council meetings.

22 Now, I believe it's the submission of the Prosecution that
23 this witness was indeed not present during this particular
24 meeting, although the Prosecution gives its own interpretation as
14:59:01 25 to the interrelation between pages 1 and 4, but, of course, it's
26 not an inference from the witness himself. So I think that even
27 the showing of the document would be tantamount to a form of
28 leading the witness. Thank you.

29 MS PACK: Your Honour, may I just meet my learned friend's

1 last concern, which was that the witness hadn't yet been asked if
2 the meetings were minuted and if he ever saw those minutes. I
3 can meet that objection by asking him those two questions before
4 showing him the document.

14:59:41 5 PRESIDING JUDGE: I note that, Ms Pack.

6 [Trial Chamber conferred]

7 PRESIDING JUDGE: We've heard the objections and the
8 replies. We consider that the Prosecution should lay more
9 foundation, as already indicated to the Court, and then show the
15:01:57 10 document to the witness. Any other matters will be considered if
11 and when the document is sought to be tendered, if that is what
12 happens.

13 MS PACK: Thank you, Your Honour.

14 Q. If I could ask you a couple of further questions,
15:02:17 15 Mr Massaquoi, about the Supreme Council meetings that you
16 attended. When you attended Supreme Council meetings, were they
17 minuted?

18 A. Yes, of course.

19 Q. Do you know who minuted the Supreme Council meetings that
15:02:32 20 you attended?

21 A. Yes. It was minuted by the AFRC secretariat.

22 Q. Who received copies of the minutes of Supreme Council
23 meetings?

24 A. All members of the Supreme Council.

15:02:53 25 Q. Did you receive copies of minutes of the Supreme Council
26 meetings?

27 A. Yes.

28 Q. How did you get your copy?

29 A. Directly after they have been printed by the secretariat,

1 or if not present in the meeting, it will be directly sent to the
2 RUF office.

3 Q. If you didn't attend meetings, would you receive copies of
4 the minutes for Supreme Council meetings?

15:03:45 5 A. Yes, provided we were excused for being absent. You were
6 given an excuse for being absent, then you would be given a copy.

7 MS PACK: Your Honour, I seek to show the witness the
8 document to which I've been referring.

9 PRESIDING JUDGE: Yes, please proceed to do so, Ms Pack.

15:04:15 10 Mr Court Attendant, please assist.

11 MR KNOOPS: Your Honour, I'm sorry, we didn't hear any
12 description of how minutes could have been described by the
13 witness. There is no description what these minutes looked like.
14 I still think it is misleading to show a document to a witness

15:04:39 15 which he didn't describe beforehand.

16 JUDGE LUSSICK: I think you are going too far, Mr Knoops.
17 He has given sworn evidence that he received minutes of Supreme
18 Council meetings. Surely he will be able to identify minutes if
19 he's shown them?

15:05:07 20 MR KNOOPS: Much obliged.

21 MS PACK: If Mr Court attendant could oblige.

22 Q. Mr Massaquoi, I'd ask you to look at that document I just
23 passed to you. Look at its four pages and familiarise yourself.
24 I don't ask you to read the substance, just familiarise yourself

15:06:13 25 with the headings; the front page and the last page.

26 A. Yes, I've gone through it.

27 Q. Do you know what this document is?

28 A. Yes.

29 Q. What is it?

1 A. It is an emergency council meeting.

2 Q. What do you mean by that?

3 A. This was a meeting held by some members of the Supreme
4 Council.

15:06:43 5 Q. What does the heading "Emergency" mean?

6 A. An urgent meeting.

7 Q. Do you know what the document is recording?

8 A. Yes.

9 Q. What is it? What is the document itself?

15:07:02 10 A. The document is a minute of a Supreme Council meeting.

11 Q. Have you seen this document before?

12 A. Yes, of course.

13 Q. How would you have seen this document before?

14 A. A copy of mine was in the RUF administrative diary, which I
15:07:24 15 took and read.

16 Q. If you look at the last page, are you able to recognise any
17 of the writing on the last page?

18 A. Yes.

19 Q. What writing do you recognise on the last page?

15:07:43 20 A. I recognise the signature of Colonel AKA Sesay, who was the
21 AFRC Secretary-General.

22 Q. On the front page, the list of those present on that front
23 page, do you recognise any of those names?

24 A. Yes.

15:08:06 25 Q. What do you recognise those names to be?

26 A. They are members of the Supreme Council.

27 Q. Look at the last page again and the heading,
28 "Distribution".

29 A. Yes.

1 Q. Where it is stated, "All members," have you seen a heading

2 like that before?

3 A. Yes.

4 Q. What is your understanding what that means?

15:08:37 5 A. It means that all members should receive a copy, whether

6 present or absent.

7 MS PACK: Those are all the questions I have to ask on the

8 document, Your Honour. I would seek to tender this document as

9 an exhibit.

15:09:09 10 PRESIDING JUDGE: Is there a response and which counsel

11 wishes to respond first?

12 MR KNOOPS: I refer to my earlier objections. I

13 anticipated the tendering of the document.

14 MS THOMPSON: Likewise, Your Honour, I rely on my earlier

15:09:27 15 objection.

16 MR DANIELS: We respectfully also rely on our earlier

17 objection.

18 [Trial Chamber conferred]

19 [AFRC07OCT05-RK]

15:12:11 20 PRESIDING JUDGE: We consider the document is admissible

21 and can be tendered. I think that is P34, but please advise.

22 MR WALKER: That is correct, Your Honour.

23 [Exhibit No. P34 was admitted]

24 PRESIDING JUDGE: Thank you. Can we have that copy now?

15:12:48 25 Proceed, Ms Pack, please.

26 MS PACK: Thank you, Your Honour. If the exhibit could be

27 passed up to Mr Court Attendant, I think it is still on the

28 witness's desk.

29 Q. Mr Massaquoi, I'm going to move on from that. During the

1 period that you were in Freetown in 1997, what was the
2 relationship like between the members of the RUF and the members
3 of the Sierra Leone Army?

4 A. At the time I was there, it was very cordial.

15:13:45 5 Q. Are you able to say how the military structures of the
6 Sierra Leone Army and the RUF compared at this point?

7 A. Yes, in terms of military operations, what happened was
8 that when you have an SLA officer here as a commander --

9 Q. Pause there. I'm not asking about operations. I'm asking
15:14:11 10 about whether you're able to say how the structures of the two
11 organisations compared?

12 A. Yes. The SLAs were regularly using the infantry structures
13 while the RUF were using the guerilla structures.

14 Q. How were the RUF and the SLAs represented outside of
15:14:42 15 Freetown during the period that you were in Freetown in 1997?

16 MR KNOOPS: Your Honour, I object against this line of
17 questioning. I think the Prosecutor rightly asked at the
18 beginning of this subject whether the witness is competent or
19 capable to say something about the AFRC structure, he said yes,
15:15:09 20 but he didn't give any answer or any liberation on this topic as
21 to how he is able to say something about the AFRC structure.
22 This witness was not called as a military expert. Unless there
23 is a solid foundation given by this witness that he has
24 specialised knowledge or any other information, I think an
15:15:34 25 examination-in-chief of this witness on any structures within the
26 AFRC should not be admissible.

27 PRESIDING JUDGE: Actually, Mr Knoops, just before you go
28 on, the question I have recorded was: "How were the SLA and RUF
29 were represented outside Freetown?" I was not sure what that

1 question actually meant, whether it was their image or what. I
2 was going to seek clarification of that question. Perhaps I'll
3 do that first and then come back to you because to me it is to do
4 with perceptions.

15:16:09 5 MS PACK: I apologise, Your Honour.

6 PRESIDING JUDGE: Perhaps you would clarify it for me,
7 Ms Pack, because I'm not sure.

8 MS PACK: I apologise, Your Honour, it was not about
9 structure, it was about whether there was a presence out of
10 Freetown and I will reframe the question because clearly, it
11 wasn't clear enough.

12 Q. Were there members of the RUF and SLA present outside of
13 Freetown?

14 A. Yes.

15:16:30 15 Q. And whereabouts were there RUF and SLA members outside of
16 Freetown who were associated with the AFRC at this time that you
17 were in Freetown?

18 A. Outside Freetown when we went to Makeni and Magburaka it
19 was at the airstrip we saw both the SLA and RUF deployed together
15:16:57 20 in those towns.

21 Q. You are talking about we, who is that?

22 A. Myself and Steve Bio when we went to those places.

23 Q. Did you go to any other places outside Freetown during the
24 period that you were --

15:17:09 25 A. Yes, the same thing happened when we went to Kenema and Bo.

26 Q. What did you see in Kenema and Bo?

27 A. You saw the RUF and SLA working together at the AFRC
28 secretariat.

29 Q. Pause a moment. You saw the SLA and RUF?

1 A. Yes.

2 Q. Again, just remind you to wait until my question is
3 finished before you answer.

4 A. Thank you.

15:17:40 5 Q. You said they worked at the AFRC secretariat. What do you
6 mean by that?

7 A. This was the office of the Secretary of State either in the
8 south, in the north or in the eastern province.

9 Q. In the examples that you gave of Kenema, Bo, Makeni and
15:18:08 10 Magburaka, do you know if there were RUF or SLAs present at those
11 secretariats?

12 A. Yes.

13 Q. Were there?

14 A. Yes.

15:18:29 15 Q. Did you visit any of those secretariats?

16 A. Yes, I visited the Bo secretariat.

17 Q. How were the RUF funded in this period?

18 A. The AFRC government paid RUF who were deployed in various
19 fronts and who were ministers and who were Supreme Council
15:19:00 20 members.

21 Q. How do you know that the AFRC government paid certain
22 members of the RUF?

23 A. Well, I was present at Cockerill when they brought money
24 and they were paying the RUF that were deployed in the Western
15:19:11 25 Area.

26 Q. How was that money administered?

27 A. A cheque was given to the RUF, signed by the head of state,
28 and the RUF administrative office in town cashed the cheque and
29 brought down the money to the office. From there, various

1 commanders came with their list and they were paid.

2 Q. Did you travel out of Freetown on any other occasion other
3 than your visit to the airstrips you've told us about?

4 A. Yes.

15:19:47 5 Q. When did you travel out of Freetown?

6 A. This was first in September when I went to attend to my
7 father's burial.

8 Q. And whereabouts did you go?

9 A. In Bo.

15:20:05 10 Q. Did anyone leave Freetown with you on this occasion?

11 A. Yes, I left with Steve Bio and some of his brothers.

12 Q. Did you return to Freetown after that?

13 A. Yes, I did.

14 Q. Did you leave Freetown on a further occasion after that?

15:20:24 15 A. Yes, in October again I left Freetown and went to Bo when
16 my mother was admitted.

17 Q. Admitted where?

18 A. At the Bo government hospital.

19 Q. Did you go with anyone on this occasion?

15:20:36 20 A. Yes, again I went with Steve Bio, but at this time he was
21 on a different mission.

22 Q. Where was he heading to?

23 A. He was going to Bo and Kenema to talk to the teachers in
24 order to re-open schools.

15:20:52 25 Q. Did anything happen when you got to Bo?

26 A. Yes, I was arrested.

27 Q. Who were you arrested by?

28 A. By Issa Sesay and some other AFRC members.

29 Q. Do you remember the date upon which you were arrested?

- 1 A. Yes, I recall I was arrested on the 16th and brought down
2 to Freetown on the 17th.
- 3 Q. Was anyone arrested at the same time as you?
- 4 A. Yes, Steve Bio was also arrested.
- 15:21:28 5 Q. You said you were brought down to Freetown. Where were you
6 taken?
- 7 A. We were first taken to the house of Issa Sesay.
- 8 Q. What happened after that?
- 9 A. We were there for the rest of the day on the 17th. Later
15:21:43 10 in the afternoon, we were taken to Major Johnny Paul Koroma's
11 house.
- 12 Q. What happened there?
- 13 A. From there he instructed the military police to take us to
14 Wilberforce barracks for investigations.
- 15:21:58 15 Q. Did you find out why you had been arrested?
- 16 A. Yes, initially when we were taken from Bo we were told that
17 we were coming on a meeting and that Major Johnny Paul Koroma had
18 instructed them to pick us on the way, so that we all come and
19 attend the meeting.
- 15:22:16 20 Q. Why were you arrested?
- 21 A. Well, later on, while we were coming on the way, we were
22 made to understand that we went to Bo, myself and Steve Bio, and
23 had a meeting with some members of the CDF and we were about to
24 overthrow the AFRC.
- 15:22:32 25 Q. After you were taken to Johnny Paul Koroma's house, what
26 happened to you?
- 27 A. We were taken to the Wilberforce Barracks.
- 28 Q. After that?
- 29 A. After that the military police commander there said he has

1 been instructed to take us to Pademba Road prisons.

2 Q. How long did you remain in Pademba Road Prison after that?

3 A. More than a year. Since October 17th to January 6.

4 October 17, 1997 to January 6, 1999.

15:23:18 5 Q. When you were in prison in Pademba Road, did anything

6 happen to you there in 1998?

7 A. Yes. By February of 1998, ECOMOG took over Freetown and

8 eventually --

9 Q. Pause a moment. How do you know that?

15:23:39 10 A. I saw them. They opened the prison and they came, they

11 were wearing their uniforms, ECOMOG uniforms.

12 Q. Did anything happen to you around then?

13 A. Yes, I was first taken out, along with some other people.

14 Q. Where were you taken?

15:23:52 15 A. To Jui.

16 Q. Who took you out?

17 A. ECOMOG.

18 Q. What happened to you?

19 A. Well, they took us there initially and --

15:24:03 20 Q. Did you remain there?

21 A. No, we were brought back to prison as one of their

22 commanders rightly put it that they met us in prison and they

23 should take us back.

24 Q. Do you remember when in 1998 this was?

15:24:17 25 A. Yes, this was February 15, 16 of 1998.

26 Q. Were you ever charged or tried?

27 A. Yes. When the government of President Kabbah was

28 reinstated I was charged for treason.

29 Q. Were you ever tried for treason, having been charged?

1 A. Yes, I was charged and tried.

2 Q. When was the trial?

3 A. This was from April until November of 1998.

4 Q. What was the result of that trial?

15:24:59 5 A. I was acquitted and discharged.

6 Q. Were you released from Pademba Road Prison?

7 A. No. I was released from the dock and later re-arrested and

8 sent back to Pademba Road.

9 Q. You have told us that you were finally released on 6

15:25:20 10 January, 1999.

11 A. Yes.

12 Q. Were there trials of non-civilians going on at the time

13 that you were being tried from April '98 to November 1998?

14 A. Yes.

15:25:30 15 Q. Who was being tried, which non-civilians?

16 A. Some members of the Sierra Leone Army were also tried.

17 Q. Were they tried in the same courts as you?

18 A. No, they were tried in another court. They class it as a

19 court martial.

15:25:45 20 Q. How do you know that members of the Sierra Leone Army were

21 being tried at this time?

22 A. We were all in the same prison, at Pademba Road Prison.

23 Q. Do you know about any of the outcomes of any of these

24 trials of the members of the Sierra Leone Army?

15:26:05 25 A. Yes, some were found guilty and were executed. Some were

26 there for life imprisonment, but were later released.

27 Q. Were there any members of the RUF in prison with you in

28 Pademba Road?

29 A. Yes.

1 Q. Who?

2 A. Steve Bio was there; Foday Sankoh was there.

3 Q. Pausing with Foday Sankoh. You've told us earlier in your
4 testimony that he was held in Abuja at the time you were there.

15:26:34 5 A. Yes.

6 Q. When was he brought over to Pademba Road Prison?

7 A. He was brought to Sierra Leone in July of 1998 and brought
8 down to Pademba Road Prison a month after that.

9 Q. How do you know he was brought to Pademba Road?

15:26:58 10 A. I saw him.

11 Q. Did he remain in Pademba Road for all the time that you
12 were there?

13 A. No. A day before I was released on January 6th he was
14 removed from Pademba Road Prison.

15:27:11 15 Q. Do you know who removed him?

16 A. Yes, a group of AFRC men and some RUF attacked Freetown.

17 Q. I'm asking you about Foday Sankoh. Do you know who removed
18 him?

19 A. Yes, ECOMOG removed him from the prisons.

15:27:31 20 Q. Do you know where he went?

21 A. No. He was removed at night; I didn't know where he was
22 taken to.

23 Q. You've told us that you were released from Pademba Road on
24 the 6th of January 1999. Who released you?

15:27:56 25 A. A group of AFRC men and some RUF.

26 Q. Do you know who was in command of the men who released you
27 at Pademba Road?

28 A. Yes, I saw a commander they called "Tito".

29 MS PACK: T-I-T-O, Your Honours.

1 Q. Do you know who Tito was?

2 A. Yes, he was a member of the Sierra Leone Army.

3 Q. Who was freed from Pademba Road Prison on this occasion

4 that you were freed?

15:28:34 5 A. Everybody that was at Pademba Road.

6 Q. Are you able to estimate about how many of you there were?

7 A. We were over a thousand.

8 Q. Are you able to recall any of the names of those who were

9 released alongside you?

15:28:49 10 A. Yes.

11 Q. Go on.

12 A. Former President Josef Saidu Momoh, Mr Manly-Spain, Victor

13 Foh, Mr Smith, and some of the SLAs who were there in life

14 imprisonment, they were released.

15:29:11 15 Q. Pause a moment. Who is Victor Foh?

16 A. He was a politician.

17 Q. Would you spell "Foh", please?

18 A. F-O-H.

19 Q. You've spoken about members of the Sierra Leone Army who

15:29:34 20 had been in Pademba Road Prison with you. Were any of them

21 amongst those who were released?

22 A. Yes.

23 Q. Do you know about the detention of any other members of the

24 Sierra Leone Army at the time that you were in Pademba Road?

15:29:51 25 A. Yes. When the Pademba Road prisons were full, some were

26 removed from there and taken to the National Stadium, and they

27 were detained there.

28 Q. Do you know whether they were released at any point?

29 A. Yes, I saw some of them released. I saw them in Freetown

1 the very day we were also released.

2 Q. When you were released from State House, what did you do --
3 my apologies, from Pademba Road Prison, what did you do?

4 A. We were all instructed to go to State House, which was the
15:30:29 5 office of the commander that lead the troops to Freetown at the
6 time.

7 Q. Did you know at that time who was the commander who had led
8 the troops into Freetown?

9 A. No, I didn't know except on the way while going.

15:30:47 10 Q. Why? How did you come to know that on the way going?

11 A. An RUF officer, whom I knew before this time, was with
12 them. They call him Alfred Brown.

13 Q. Pausing with him. You said that Alfred Brown was an RUF
14 officer.

15:30:58 15 A. Yes.

16 Q. How did you know him?

17 A. I knew him before this time, that he was a member of the
18 RUF.

19 Q. What nationality was he?

15:31:13 20 A. He was a Liberian.

21 Q. What happened in relation to Alfred Brown?

22 A. He disclosed me that Gullit led the troop, that initially
23 the troop was led by SAJ Musa, but he died at Benguema, and that
24 Gullit was now the commander.

15:31:30 25 Q. When did he tell you these things?

26 A. While moving from Pademba Road prisons going to State
27 House.

28 Q. When you got to State House, did you see anything there?

29 A. Yes.

1 Q. Who did you see there?

2 A. I saw military police deployed at the entrance of State
3 House. When I entered the first commander I saw was Five-Five.

4 Q. Did you see anyone else?

15:32:02 5 A. Yes, while I was there I saw Gullit also came.

6 Q. Anyone else?

7 A. Yes. I saw FAT Sesay; I later on saw Bazzy.

8 Q. Apart from these individuals -- let me pause a moment with
9 FAT Sesay. Who was he?

15:32:35 10 A. I was told he was colonel admin for the group that entered
11 Freetown.

12 Q. Do you know anything else about him?

13 A. He was a member of the Sierra Leone Army.

14 Q. Apart from these individuals you've identified, did you see
15 anything or anyone else when you entered State House?

15:32:54 16 A. Yes, I saw 16 Nigerians seated on the ground of State
17 House.

18 Q. Is this inside a building or where?

19 A. No, inside the compound, but not within the building.

15:33:11 20 Q. How did you know these people you saw were Nigerians?

21 A. I was there when Five-Five was talking to them. Some of
22 them were saying that they were not Nigerian soldiers, but they
23 were Nigerian businessmen.

24 Q. Did you see what they were wearing?

15:33:28 25 A. Yes, they were all wearing civil attires.

26 Q. Did anything happen in the compound of State House?

27 A. Yes. While we were there, Gullit came and Five-Five told
28 him that these are the Nigerians who are being captured and that
29 according to civilians they removed their military uniforms and

1 they wore civil attires. So they were no posing as civilians,
2 but they were Nigerian ECOMOG soldiers.

3 Q. Did you hear any response to what Five-Five said?

4 A. Yes, one or two of the civilians were denying that they
15:34:08 5 were not soldiers. Gullit eventually said why were they keeping
6 them if they were soldiers, and that they were responsible for
7 what was happen in Sierra Leone today.

8 Q. Was anything else said?

9 A. Yes. He said that they should get rid of them.

15:34:27 10 Q. Did anything then happen?

11 A. Yes. While I was at State House I saw some of them were
12 taken by Five-Five. Just across the road by State House, some of
13 them were shot and killed.

14 Q. How do you know that some were shot and killed?

15:34:43 15 A. I was present at State House when the shooting took place.

16 Q. You said they were taken by Five-Five.

17 A. Yes, and some soldiers.

18 Q. Did you see who shot them?

19 A. Yes. Five-Five was the first man who shot one of them.
15:34:58 20 And orders were given for the others to be killed.

21 Q. How do you know that orders were given for the others to be
22 killed?

23 A. Gullit, I have already told that they should get rid of
24 them. That simply means that they should kill them. That is
15:35:18 25 what happened exactly.

26 Q. What did you personally see yourself?

27 A. I saw four of them being killed and the others, including
28 the dead, loaded into a white four-wheel drive Jeep taken away
29 off from State House.

1 Q. Was anyone else with you when you saw this?

2 A. Yes. At that time Alfred Brown was still with me and
3 Steve Bio was still there.

4 Q. You said this didn't happen in the compound of State House.
15:35:57 5 Whereabouts did this happen, the shooting?

6 A. Just close by. I think there is a place now they are
7 referring to as the Defence Building. It was formerly a hotel.

8 Q. After this incident, did you remain at the State House, in
9 the compound at State House?

15:36:13 10 A. No. After some hours, I left and I walked in a group of
11 Gullit and his bodyguards.

12 Q. Where did you go?

13 A. We went to a place they called the G4 base, which was a
14 road up from Blackhall Road, leading towards the hills.

15:36:37 15 MS PACK: Pausing there. "Off Blackhall Road", Your
16 Honour, which is Black, H-A-L-L.

17 Q. Did you reach the G4?

18 A. Yes, I reached there.

19 Q. On the way to the G4, did anything happen?

15:36:53 20 A. Yes, myself and Steve Bio and Gullit were discussing.

21 Q. What were you discussing?

22 A. He was basically explaining about activities that went
23 between them and some members of RUF that led to an infight. And
24 I also narrated an issue of Sam Bockarie and others failing to
15:37:19 25 reinforce them before entering Freetown by giving them manpower
26 and arms and ammunition.

27 Q. When you got to the G4, did you stay there?

28 A. No. Lahai, who was a former bodyguard to Steve Bio --

29 Q. Pause there. Would you spell "Lahai", please?

1 A. L-A-H-A-I.

2 Q. Go on.

3 A. He brought us to almost Blackhall Road junction, getting
4 towards PWD, where he was staying and he asked that that was the
15:37:57 5 place we were to stay along with him.

6 Q. Who was Lahai?

7 A. He was a former bodyguard to Steve Bio during the days of
8 the NPRC. He was a former SLA.

9 Q. On this first day that you were released from Pademba Road
15:38:19 10 Prison, what did you do later on?

11 A. After that, when we got to where we were to sleep, we came
12 down again to State House. That was getting towards the evening.

13 Q. When you say "we", who are you talking about?

14 A. Myself, Steve Bio and Lahai.

15:38:37 15 Q. When you got to State House, what did you do?

16 A. We were there until the night when a meeting was called --
17 at that time Gullit was not around -- in one of the buildings of
18 State House, which was called NIC Building.

19 Q. Pausing there, I just want to ask you about the layout of
15:39:12 20 the buildings the State House. You referred to an NIC Building.
21 What was that?

22 A. This was a building when you enter State House, on the main
23 gate it is on your right.

24 Q. Were there other buildings in the State House compound?

15:39:24 25 A. Yes, you have the main building.

26 Q. Were there other buildings apart from that?

27 A. Yes, you have another building close by the main building
28 but almost joining it. They call the west wing.

29 Q. And any other buildings in the compound?

1 A. Yes. You have another smaller building at the gate and
2 another one close by the west wing.

3 Q. What was that building close by the west wing, the other
4 one?

15:39:49 5 A. At that time I saw a communication mounted there by the
6 AFRC men.

7 Q. On this occasion where did you go when you got to State
8 House?

9 A. We were seated in the NIC building.

15:40:10 10 Q. And what happened?

11 A. When we are there a meeting took place. I was about to
12 leave because most of their commanders were coming for that
13 meeting. And they asked me to be seated as I was the same with
14 them, so no need for me to leave.

15:40:21 15 Q. Who was present at this meeting?

16 A. Ibrahim Bazzy was there, Five-Five was there, FAT was
17 there, Officer Med was there and some of their key commanders
18 whom I could not remember their names now.

19 Q. You've mentioned a name Officer Med. Who is that?

15:40:44 20 A. I learnt he was one of their battalion commanders who was
21 in charge of Kingtom axis of Freetown.

22 Q. Did you remain at this meeting?

23 A. Yes, they asked me to be seated. I was there until Gullit
24 came and everybody brings themselves to attention for him to take
15:41:07 25 down his seat.

26 Q. Did a meeting then take place?

27 A. Yes.

28 Q. What happened at the meeting?

29 A. The meeting was basically about them organising to attack

1 Wilberforce where ECOMOG was based.

2 Q. Who conducted the meeting?

3 A. The meeting was conducted by Gullit in the presence of most
4 of his officers including his operational commander, O-Five.

15:41:43 5 Q. You've mentioned another name O-Five, the operational
6 commander you called him. Do you know anything about him?

7 A. Yes, I know also that he was a member of the Sierra Leone
8 Army.

9 Q. What was said at this meeting apart from the discussion
15:42:05 10 about Wilberforce? What was said about Wilberforce?

11 A. The discussion was for them to have about 100 armed men
12 within the next 24 hours and to be led by O-Five to attack
13 Wilberforce and that all commanders at various locations were to
14 cooperate with O-Five for that.

15:42:31 15 Q. Did you learn anything about how this group of men in
16 Freetown were structured amongst themselves at this meeting?

17 A. Yes.

18 Q. What did you learn?

19 A. From that meeting, the minutes taken there, I came to
15:42:44 20 understand that Gullit was the leader of the group.

21 Q. What else did you learn?

22 A. That he was the Chief of Defence Staff.

23 Q. What else did you learn?

24 A. I also learned that Five-Five was the Chief of Army Staff.

15:43:05 25 Q. And what else did you learn?

26 A. I also learned about the appointments of other commanders,
27 such as operational commander; Bazzy being the commander in
28 charge of the men and the armaments that they are using.

29 Q. Pause a moment with each of those. You learned, firstly,

1 the operational commander?

2 A. Yeah.

3 Q. Did you learn who that was?

4 A. Yeah, that was O-Five.

15:43:27 5 Q. You said that you learned that Bazzy was in charge of what?

6 A. The men and the equipments they were using.

7 Q. And how did you learn that at that meeting?

8 A. When minutes were taken each person's name were written

9 with their titles.

15:43:48 10 Q. You've spoken about minutes. Did you see minutes or what?

11 What are you talking about with the minutes?

12 A. The minutes of the meeting was taken by the colonel admin,

13 FAT Sesay and I went through that minute, about those who were

14 present and what the meeting was about and the decision taken.

15:44:06 15 Q. When did you go through the minutes?

16 A. Just at the end of the meeting.

17 Q. Did you stay for the duration of the meeting?

18 A. If I?

19 Q. Stayed for the whole of the meeting?

15:44:30 20 A. Yes.

21 Q. After the meeting did anything happen further at State

22 House?

23 A. Yes, I left them in the building and I came out. Later on

24 in the night --

15:44:42 25 Q. Go on, did anything else happen later on in the night?

26 A. Yes, I was called by Steve Bio who came from the main

27 building of State House.

28 Q. Did anything happen after you were called by Steve Bio?

29 A. Yes, he asked that both Gullit and Five-Five want to see me

1 up -- I think it was the third or fourth floor of the main
2 building, one of the floors.

3 Q. And what happened after that?

4 A. I was taken in one of the offices and I was made to
15:45:10 5 understand from both Gullit, Five-Five and he Steve that a BBC
6 reporter by the name of Max Bankole Jarrett called and he was
7 trying to clarify a statement made by the government information
8 minister that they have retaken State House from them.

9 Q. Pausing there. Max Bankole Jarrett, would you just spell
15:45:35 10 Bankole Jarrett, please.

11 A. I think it's B-A-N-K-O-L-E J-A-R-E-T [sic].

12 Q. What then happened?

13 A. They said that he wanted to confirm from an independent
14 source whether that when they were saying that they were in
15:45:59 15 control of State House, and the government was saying that they
16 were in control, which one was the fact. So they called me to
17 talk to them and I spoke to him.

18 Q. Who called to you talk to the BBC?

19 A. Steve called me and both Five-Five and Gullit conferred --
15:46:14 20 spoke to me that I should talk to Max.

21 Q. Did you then talk to the BBC representative?

22 A. Yes, I did.

23 Q. What did you say?

24 A. I told them -- I confirmed to them that I was released from
15:46:27 25 prison by the group and that they were still in control and that
26 this group comprises of both the AFRC and the RUF and that -- he
27 further asked me questions about the whereabouts of Foday Sankoh
28 and all the rest of it.

29 Q. And what did you say in relation to that?

1 A. I told him that, according to informations, Foday Sankoh
2 was taken from prison and he was flown out of Freetown to an
3 unknown destination.

4 Q. At this time did you know of any other -- you've spoken
15:47:09 5 about members of the -- a few individual members of the group in
6 Freetown including O-Five, Five-Five, Bazy, Gullit. Did you
7 know, at this point, any other of the commanders in Freetown?

8 A. Yes, before the day could go around, I also saw Woyoh, I
9 saw Bioyoh Sesay. I saw another man they call Coachie, I don't
15:47:44 10 know his actual name.

11 Q. Pause there. Coachie, are you able to spell that?

12 A. I think it is C-O-C-H-E-E [sic], I don't know.
13 C-O-C-H-E-E, Coachie.

14 Q. Do you know who he was?

15:48:03 15 A. Yes, I was told he was a member of the Sierra Leone Armed
16 Forces.

17 Q. Did you know what had happened to the members of the Sierra
18 Leone Army who had been released from Pademba Road and the
19 stadium?

15:48:19 20 A. Yes.

21 Q. What happened to them?

22 A. They were -- they all reported that same day to State House
23 and Five-Five spoke to them that they were all to work together.
24 Some of them were deployed along with the other brothers that
15:48:35 25 came to town.

26 Q. You've spoken about members of the Sierra Leone Army who
27 were in the group in Freetown. Did you come across any members
28 of the RUF?

29 A. Yes, I just spoke about Alfred Brown. I also saw King

1 Perry, another RUF guy, who was a radio communication man I knew
2 before in the RUF. I also saw Stragger who was a combatant.
3 Q. Pause there. King Perry, Perry is P-E-R-R-Y. Stragger,
4 would you spell Stragger, please, for the Chamber?
15:49:16 5 A. Yes, it is S-T-R-A-G-G-E-R.
6 Q. Who was he?
7 A. He was a member of the RUF.
8 Q. And did you learn anything about what he was doing in
9 Freetown?
15:49:30 10 A. Yes. He himself told me that he was deployed at the Queen
11 Elizabeth Port -- Water Quay, as we commonly call it.
12 Q. Did you learn how these men from the RUF, Stragger, Alfred
13 Brown and King Perry, had come to be with the men in Freetown?
14 A. Yes. While I was released from Pademba Road Prison, on the
15:49:56 15 way going and discussing with Alfred Brown, he confirmed to me
16 that during an infight in Koinadugu District while they were
17 deployed in some of the camps they were taken hostage by
18 SAJ Musa. And at some point in time they were not armed while
19 SAJ Musa was in control. They were disarmed on allegation that
15:50:19 20 he, Alfred Brown, was giving informations to Sam Bockarie.
21 Q. Were they subsequently armed?
22 A. Yes.
23 Q. Who by?
24 A. By Gullit's group.
15:50:34 25 Q. You've spoken about members of the Sierra Leone Army and
26 also members of the RUF in Freetown at this time. Were you able
27 to identify men from either group from what they were wearing?
28 A. Yes, they had a mix-up wearings. There were some of them
29 who had ECOMOG military uniforms on them. Other people were

1 wearing T-shirts with military trousers on them, you know.

2 Q. Were the RUF men and SLA men wearing the same or were they
3 wearing different clothing?

4 A. They were wearing the same attires. You could hardly
15:51:18 5 distinguish between them as to who was RUF, who was AFRC except
6 somebody who knew them before.

7 Q. Was there any way you could identify what ranks any of the
8 men in Freetown had from what they were wearing?

9 A. Yes. For instance, I saw Brigadier Five-Five wearing his
15:51:35 10 ranks, pips and a crown on his shoulder here as a brigadier.

11 Q. Pausing there. You said you saw pips on the soldier. What
12 do you mean by that?

13 A. I saw a crown fixed cut -- fixed with a piece of cloth. A
14 crown and a three button and I was made to understand that he was
15:52:00 15 a brigadier.

16 Q. Do you know if the man you've called Gullit had a rank at
17 this time?

18 A. Yes. On the document in the meeting I was made to
19 understand that he was the leader of the CDF and a
15:52:14 20 lieutenant-general, but I didn't see him wearing any rank on him.

21 Q. Did you see anyone else with ranks on their clothing?

22 A. Yes. I saw even the military police that were deployed at
23 the gate wearing their military badges and their ranks; captains,
24 lieutenants, colonels.

15:52:49 25 JUDGE SEBUTINDE: I'm not sure what gate. What gate is
26 this that we're talking about?

27 MS PACK:

28 Q. You've talked about the military police at a gate?

29 A. Yes, the State House gate. The gate at State House.

1 Q. I'll ask you just to deal with that briefly. You've said
2 there were military police deployed at State House. When did you
3 see them there?

4 A. The very first day I entered State House.

15:53:19 5 Q. Describe, please, how you recognized them to be military
6 police?

7 A. They had a red badge on their shoulder written on it
8 military police in black. "MP" in black on a red badge.

9 Q. Do you know what their role was, the military police?

15:53:38 10 A. Yes. At that time those deployed at State House, they were
11 there to control traffic and to stop armed men entering into
12 State House.

13 Q. How do you know that was their role?

14 A. I was at State House at one point in time when Gullit came
15:53:56 15 and beside one of his bodyguards who entered into State House.
16 They rested with their jeep outside the gate and some other
17 commanders subsequently came and they were all stopped at the
18 gate and only the commander entered.

19 Q. You've said that one of their roles was to control traffic.
15:54:16 20 What sort of traffic was entering State House at this time?

21 A. Vehicle traffic and human beings entering in there with
22 arms.

23 Q. Who had vehicles?

24 A. I saw almost all of the commanders had vehicles. I saw
15:54:31 25 Five-Five with a white Hilux, written on it UNDP. I saw other
26 ones having UNWFP.

27 Q. Where were these vehicles from?

28 A. I understood they were looted in Freetown.

29 Q. Staying with the military police, were there other

1 specialists units at this time deployed in Freetown, to your
2 knowledge?
3 A. Yes.
4 Q. What specialist unit?
15:55:04 5 A. While walking by foot from State House to the East End at
6 Upgun until I met another unit they called the Task Force.
7 Q. How do you know the unit you saw at Upgun was the Task
8 Force unit?
9 A. You also see on their badge they have a red badge with
15:55:28 10 black written TF, Task Force.
11 Q. Do you know what the Task Force unit did?
12 A. Yes, I understood from them that they were there to make
13 sure that no armed men leave the front line and go to the rear.
14 If anybody is caught, he has to be arrested and sent back to the
15:55:53 15 front line.
16 Q. Going back to State House?
17 A. Yes.
18 Q. Who was based at State House in the first days that you
19 went there?
15:56:10 20 A. As I earlier said, I saw most of the commanders at State
21 House, but those who were permanently there I knew were the MP --
22 the military police and FAT Sesay who was colonel admin. The
23 rest of the other commanders only came down there to work during
24 the day and return back to the East End.
15:56:32 25 Q. Who came down there to work during the day?
26 A. Gullit was one, Five-Five was another one.
27 Q. Do you know where these men were staying? You said they
28 were in the East End. Let's start first with Gullit, do you know
29 where he was staying in this early period after your release from

1 Pademba Road Prison?

2 A. Yes.

3 Q. Where was he staying?

4 A. He was staying at the Shankardass.

15:57:07 5 Q. Whereabouts -- first of all, spell Shankardass, please, for
6 the Chamber.

7 A. Sure. S-H-A-N -- S-H-A-K-A-N-D-E-R-S [sic] I've forgotten
8 how to spell it. That was a factory sort of for making drinks.

9 Q. Whereabouts, approximately in Freetown is that factory
15:57:39 10 Shankardass?

11 A. When you reached Ugun turntable, you reach Ferry Junction.
12 There is a road there. From this end, there is a road on your
13 left. When you take that road, you take another road going by
14 the right. When you go downwards by the right you meet
15:58:02 15 Shankardass.

16 Q. How near, approximately, Ferry Junction is it?

17 A. It is about, say, 200 to 300 metres up from Ferry Junction.

18 Q. Five-Five you've identified as an another commander who
19 came to work during the day at State House. Do you know in this
15:58:20 20 early period after your release where he was staying in Freetown?

21 A. Yes.

22 Q. Whereabouts?

23 A. He was staying in a house off the road from Blackhall Road
24 going towards the G4 area, a yellow building.

15:58:39 25 Q. You have told us where you were staying in this early
26 period. Did you remain at your first accommodation all the time
27 that you were in the Freetown?

28 A. No. We left there because I was staying there with Steve
29 Bio and Lahai. Immediately State House fell to ECOMOG forces, we

1 left that area.

2 Q. Where did you go?

3 A. We went to a location in the East End they call Samuels.

4 Q. Can you spell "Samuels"?

15:59:10 5 A. Yeah. S-A-M-U-E-L-S.

6 PRESIDING JUDGE: Ms Pack, I note the time. It would
7 appear that you are in a chronological progression there and
8 we've come to a point that may be appropriate. Is this an
9 appropriate point to adjourn?

15:59:31 10 MS PACK: Yes, it is, Your Honour.

11 PRESIDING JUDGE: In that case we will adjourn --

12 MR HODES: Your Honour, before you do, I just have a very
13 quick item to bring to the Court's attention and hopefully
14 Defence counsel can review this and see if they want to withdraw
15:59:44 15 their objection to the authenticity to the prior documents. It
16 is an Appeals Chamber decision, dated March 11, 2005 in
17 Prosecutor against Sam Hinga Norman et al, SCSL-04-14-AR65.
18 Again, it is dated March 11, 2005. The holding of the Appeals
19 Chamber in that case was that authenticity is not a prerequisite
16:00:12 20 of admissibility and dealt with a couple of items that had not
21 been signed but were still admitted -- actually were not admitted
22 by the Trial Chamber, but the Appellate Chamber ruled that they
23 should have been admitted.

24 JUDGE LUSSICK: I think we applied that decision of the
16:00:33 25 Appeals Chamber in one of our own decisions on the 6 July 2005.
26 We are aware of it, Mr Hodes.

27 MR HODES: Very good.

28 PRESIDING JUDGE: I'm not sure, Mr Hodes, if you're
29 inviting Defence to reply to that submission at this point, or do

1 you wish them to reserve and reply on Monday or what procedure am
2 I to follow?

3 MS THOMPSON: Your Honour, before my learned friend answers
4 that, can I beg the Court's indulgence that we reply on Monday.

16:01:06 5 PRESIDING JUDGE: I think that would be wise. We will
6 adjourn to Monday. We will start a little later on Monday as
7 there is a judge's meeting on Monday morning. We will open court
8 at 10.00 instead of our usual time. I will also remind the
9 witness of his oath.

16:01:19 10 Mr Witness, we are adjourning for the weekend. We start
11 again on Monday morning at 10.00, a little later than usual.
12 Between now and the time all your evidence is finished, you
13 should not discuss your evidence or anything to do with your
14 evidence with any other person. Do you understand this?

16:01:39 15 THE WITNESS: Thank you.

16 MS THOMPSON: Your Honour, before we adjourn, I think an
17 apologise is due from me. This morning I came in late after the
18 break. That was because I felt that I needed to take something.

19 PRESIDING JUDGE: You weren't looking the best,
16:01:54 20 Ms Thompson, so we let it pass.

21 MS THOMPSON: Thank you.

22 PRESIDING JUDGE: Adjourn Court, Mr Court Attendant, to
23 Monday morning.

24 [Whereupon the hearing adjourned at 4.05 p.m.
25 to be reconvened on Monday, the 10th day of
26 October, 2005, at 10.00 a.m.]

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29

EXHIBITS:

Exhibit No. P34 104

WITNESSES FOR THE PROSECUTION:

WITNESS: GIBRIL MASSAQUOI 5

EXAMINED BY MS PACK 5