

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

MONDAY, 09 OCTOBER 2006
9.15 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

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

For the accused Alex Tamba
Brima:

Mr Kojo Graham

For the accused Brima Bazy
Kamara:

Mr Andrew William Kodwo Daniels
Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Ajibola E Manly-Spain

1 [AFRC09OCT06A- MD]
2 Monday, 9 October 2006
3 [Open session]
4 [The accused present]
5 [The witness entered court]
6 [Upon commencing at 9.15 a.m.]
7 WITNESS: DBK-012 [Continued]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: Mr Witness, I'll remind you that you are
10 still on that oath to tell the truth that you took last week.
11 MR MANLY-SPAIN: Good morning.
12 PRESIDING JUDGE: Good morning, Mr Manly-Spain.
13 MR MANLY-SPAIN: Thank you.
14 CROSS-EXAMINED BY MR MANLY-SPAIN: [Continued]
15 Q. Good morning, Mr Witness. I'm going to continue --
16 A. Good morning, sir.
17 Q. -- with the cross-examination. Mr Witness, am I right to
18 say that you were with the movement from the beginning to the
19 end; that is, until the cease-fire?
20 A. Repeat, sir.
21 Q. Am I right to say you were with the movement, the SAJ Musa
22 movement, from the beginning to the end?
23 A. Yes, sir.
24 Q. Mr Witness, during that period you told us that you
25 captured ammunition, weapons et cetera, from ECOMOG. Is that so?
26 A. Yes, sir. So it was, sir.
27 Q. Did you have supply of ammunition from any other source?
28 A. No, sir.
29 Q. Is it not the case that you were supplied ammunition by

1 Charles Taylor, in Liberia, from Liberia?

2 A. No, sir.

3 Q. Were you not supplied ammunition by, and weapons, by the
4 RUF?

5 A. No, sir. No, sir.

6 Q. Thank you, Mr Witness. Mr Witness, during your, the time
7 of your participation in these events, firstly, during the time
8 SAJ Musa was alive, are you aware of any communication between
9 SAJ Musa and Charles Taylor?

10 A. No, sir. No, sir.

11 Q. During your march to Freetown, are you aware of any
12 communication between SAJ Musa and Mosquito, Sam Bockarie, the
13 RUF leader at the time?

14 A. No, sir.

15 Q. Are you aware of any communication between SAJ Musa and
16 Issa Sesay of the RUF?

17 A. No, sir. No, sir.

18 Q. Do you know whether after the events at Koinadugu, between
19 SAJ Musa and Superman, there were further communications between
20 the two of them?

21 A. Repeat the question, sir, I did not get you clear.

22 Q. Thank you. Did you know whether after SAJ Musa and
23 Superman parted, in Koinadugu, whether there were further
24 communication between them?

25 A. No, sir. No, sir. No, sir.

26 Q. What do you mean? Were there other communication?

27 A. No, sir.

28 Q. How do you know that there were no further communication?

29 A. Okay. First of all, Five Star General, he was SLA.

1 Q. I'm asking Superman.

2 A. There was no communication, sir, because they had been
3 trying to kidnap SAJ Musa, Five Star General, so there was no
4 communication between them.

5 Q. Thank you, Mr Witness. Mr Witness, do you know whether at
6 any time SAJ Musa said anything about Charles Taylor?

7 A. Yes, sir.

8 Q. Were you present when he spoke about him?

9 A. Yes, sir.

10 Q. Do you recall what he said?

11 A. Yes, sir.

12 Q. Please tell this Court.

13 A. Five Star General, he called a muster parade, a brigade
14 muster parade and explained to us about Charles Taylor. He said
15 he was one of the men who was against us, against our movement,
16 because he was the one that encouraged ECOMOG and, from
17 Liberia -- and it was from Liberia that --

18 THE INTERPRETER: Your Honours, would the witness go a
19 little bit slow.

20 MR MANLY-SPAIN:

21 Q. I missed something too. I want you to go from the muster
22 parade, what he told you?

23 A. Well, from the muster parade, Five Star General, SAJ Musa,
24 he called a brigade muster parade. He explained to us about how
25 the movement was going on, the pressure that we had been getting
26 from the air raid, from, I mean, the Alpha Jet. He said, well
27 now, he knew that the Alpha Jet it was coming from Liberia,
28 Monrovia, from ECOMOG base, coming from ECOMOG base to come and
29 destroy our country. He said it was Charles Taylor who was the

1 root cause, so Charles Taylor was a bad man for us. So he said
2 he was not going to encourage Charles Taylor. He would not
3 encourage any RUF because Charles Taylor was the one who had been
4 sending the jet to come and bombard him in his country. So, you
5 see, that was the grudge that was between them.

6 Q. Thank you, Mr Witness. Mr Witness, did you come across
7 anyone called Gibril Massaquoi during this movement?

8 A. Yes, sir.

9 Q. Do you know him?

10 A. Yes, sir.

11 Q. How do you know him?

12 A. I knew him as RUF.

13 Q. And during your movement to Freetown, and your return from
14 Freetown, did you meet with Gibril Massaquoi?

15 A. Yes, sir.

16 Q. Where was that?

17 A. Well, when we had been withdrawing, when I had been
18 withdrawing -- when I had been withdrawing, January 6, we met
19 him. First of all, we met him in prison when we came and we took
20 him from prison. We took him to the rear, in the eastern part of
21 the Western Area. So from that time, sir.

22 Q. Mr Witness, we have evidence before this Court that at one
23 time SAJ Musa declared that the third accused, Santi gie Kanu,
24 should remain as chief of staff of the movement. Are you aware
25 of that?

26 A. No, sir. No, sir.

27 Q. This, I put to you, happened in -- at the muster parade in
28 Eddie Town?

29 A. No, sir. No, sir.

1 Q. Do you know a village called Mare Bulla?

2 A. No, sir.

3 Q. We have evidence that your troops went to that village on
4 your way to Freetown from Eddie Town and burnt it down on the
5 orders of Santigie Kanu, alias Five-Five. Are you aware of that?

6 A. No, sir. No, sir. No, sir.

7 Q. Do you know whether it happened?

8 A. No, no. No. No. It did not happen.

9 Q. Mr Witness, on your march to Freetown from
10 Colonel Eddie Town do you know whether Five-Five, Santigie Kanu,
11 was in a position to give orders to the fighters?

12 A. No, sir.

13 Q. What do you mean by "no, sir"?

14 A. Well, what I meant by that, because he was under arrest.
15 He had no say. The we had our commander, who was Five Star
16 General, SAJ Musa. He was the one that had been giving orders.

17 Q. Are you aware of any time, after any attack, when the
18 commanders who had done the attack went back to report to the
19 third accused, Santigie Kanu, in the company of the first accused
20 and the second accused?

21 A. No, sir. No, sir.

22 MR MANLY-SPAIN: Just a second, Your Honour.

23 [Defence counsel conferred]

24 MR MANLY-SPAIN:

25 Q. Mr Witness, we also have evidence that your troops spent
26 some time at Kissy Road by the cinema called Starco?

27 A. No, sir.

28 Q. Do you know the place?

29 A. Yes, sir, by Kissy Road. Savage Square Junction.

1 Q. At the time you were retreating did your troops spend any
2 time there?

3 A. No.

4 Q. We have evidence, Mr Witness, that from that point your
5 troops went into the area known as Fourah Bay and burnt down
6 houses; do you recall your troops going to Fourah Bay and burning
7 down houses?

8 A. I'm not aware, sir.

9 Q. We also have evidence that at that place Santi gie Kanu
10 demonstrated how to amputate an arm? Did you ever hear about
11 that?

12 A. No. No, sir.

13 Q. Thank you, Mr Witness. Mr Witness, I want you to recall --
14 I want you to tell me about the soldiers who were released from
15 Pademba Road Prison, on January 6th. Were there any officers
16 amongst them?

17 A. Yes, sir. Yes, sir.

18 Q. Can you recall who they were?

19 A. Yes, sir. Yes, sir.

20 Q. Please tell the Court.

21 A. Well, when we came on the 6th of January, we met the first
22 officer and the one that we met was Lieutenant Kunateh. He was a
23 military police officer.

24 MR MANLY-SPAIN: K-U-N-A-T-E-H.

25 Q. Yes. Please, continue.

26 A. After that we met with Captain Wari tay. He was an officer.

27 Q. W-A-R-I-T-A-Y?

28 A. I cannot recall the other officers but these were the two
29 main officers that I can recall.

1 Q. Do you know, Mr Witness, that before you came into Freetown
2 certain officers of the Sierra Leone Army, had been tried and
3 found guilty by the court-martials?

4 A. Yes, sir. Yes, sir.

5 Q. And that some of these officers were executed?

6 A. Yes, sir.

7 Q. Do you know that some of them were also given a pardon --
8 their sentences were commuted from execution to life
9 imprisonment?

10 A. Yes, sir. Yes, sir.

11 Q. Do you know any of these officers, those officers who were
12 not executed and were still at Pademba Road at the time, January
13 6th, at Pademba Road Prison, at the time of January 6th?

14 A. Well, the officers, whom we met, those are the officers
15 that I called who were not executed and there were others whose
16 names I cannot remember.

17 Q. Thank you, Mr Witness. Mr Witness, whether the officers --
18 you have told us that the soldiers generally went -- the soldiers
19 released from Pademba Road Prison went out of hand and were not
20 under control. Did any of the officers join you in your movement
21 back from Freetown?

22 A. Yes, sir. They all joined us to go to Freetown. To go to
23 the provinces. The two officers, they joined us.

24 Q. Thank you, Mr Witness. Mr Witness, you said that you were
25 back at -- you went and you were there when the place called West
26 Side was founded?

27 A. Yes, sir.

28 Q. By the date of the signing of the peace agreement, that is
29 July 1999, were you still there?

1 A. Yes, sir.

2 MR MANLY-SPAIN: That will be all, Your Honour.

3 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Mr Graham, do
4 you have any questions.

5 MR GRAHAM: Just a few questions, Your Honours.

6 CROSS-EXAMINED BY MR GRAHAM:

7 Q. Good morning, Your Honours. Good morning, Mr Witness.

8 A. Good morning.

9 Q. Mr Witness, you told us about your presence in Masiaka
10 during the retreat from Freetown. And, Mr Witness, during the
11 time that you were in Masiaka, did you see the first accused,
12 Tamba Brima?

13 A. No, sir.

14 Q. And during this period did you see Johnny Paul Koroma at
15 Masiaka?

16 A. Yes, sir.

17 Q. And did you get to hear, during the time that you were at
18 Masiaka, whether Johnny Paul Koroma was interviewed by the BBC?

19 A. Yes, sir.

20 Q. When you say yes, what do you mean? Yes, was he
21 interviewed by the BBC or what?

22 A. Yes, sir. He was interviewed over BBC.

23 Q. How do you know that he was interviewed by the BBC?

24 A. Well, it was through radio. And I was there at Masiaka
25 when he came up to the media.

26 Q. Thank you, Mr Witness. Mr Witness, I'm going to take you
27 to Kabala. You've told this Court that you were at Kabala.
28 During the time that you were in Kabala, did you see the first
29 accused, Tamba Brima, Mr Witness?

1 A. No, sir. No, sir.

2 Q. Did any of the fighting forces, who were with you at that
3 time, did anyone tell you they had seen the first accused, Tamba
4 Brima in Kabala, during that time?

5 A. No, sir.

6 Q. Mr Witness, I'm going to take you to Mongo Bendugu. You
7 told this Court about your presence in Mongo Bendugu and during
8 the time that you were in Mongo Bendugu, Mr Witness, did you at
9 any time see the first accused, Tamba Brima?

10 A. No, sir.

11 Q. And did anyone tell you whether they had seen the first
12 accused, Tamba Brima, anywhere in Mongo Bendugu during that time?

13 A. No, sir.

14 Q. What do you mean by "no, sir," Mr Witness?

15 A. I did not see him around. I did not see him in that area.
16 That is why I said no, sir.

17 Q. Okay. Thank you. So, Mr Witness, am I right in saying
18 that if the first accused, Tamba Brima, was in Mongo Bendugu at
19 that time, you would have known about his presence?

20 A. Yes, sir. If he was around, I would have known, but he was
21 not around.

22 Q. Why do you say that if he was around, you would have known,
23 Mr Witness?

24 A. Because every week -- why I said so, every week, Five Star
25 General would call for a brigade muster parade, from the
26 battalion company and each headquarter would come on muster
27 parade.

28 Q. Thank you, Mr Witness. Mr Witness, there is evidence
29 before this Court that the first accused, Tamba Brima, was in

1 Mongo Bendugu and that he held a closed door meeting with SAJ
2 Musa, together with other officers. And at that meeting he
3 explained how he had been treated in Kailahun and also the
4 condition of Johnny Paul Koroma. What would you say to what I've
5 just told you, Mr Witness?

6 A. No, sir.

7 Q. What do you mean by "no, sir," Mr Witness?

8 A. I did not -- you see, it's not to my knowledge what you
9 said.

10 Q. And, Mr Witness, to clarify: If such a meeting had taken
11 place in Mongo Bendugu at the time, would you have known?

12 A. Yes, sir. I would have known.

13 Q. How would you have known, Mr Witness?

14 A. I would have known because there was nothing that took
15 place which was an SLA programme which Five Star SLA would not
16 explain to me, because everything would be said openly to
17 everybody, to everybody's understanding, so I would have known.

18 Q. Thank you, Mr Witness. Mr Witness, there is also evidence
19 before this Court that during this period in Mongo Bendugu SAJ
20 Musa sent the first accused, Tamba Brima, to move his troops to
21 the north, to build a strong defensive there. What would you say
22 to that, Mr Witness?

23 A. I'm not aware of that, sir.

24 Q. And, Mr Witness, if SAJ Musa had given such an order, would
25 you have known?

26 A. Yes, sir. I would have known.

27 Q. Thank you, Mr Witness.

28 A. Thank you, sir.

29 Q. And, Mr Witness, I'm going to take you to Kurubonla.

1 You've told this Court that you were there. During the period
2 that you were at Kurubonla, did you see the first accused, Tamba
3 Brima, Mr Witness?

4 A. No, sir. I did not see him at Kurubonla, sir.

5 Q. Did any of the fighting forces that you associated with
6 during the time, did any one of them tell you that they had seen
7 or heard that Tamba Brima, the first accused, was in Kurubonla?

8 A. No, sir.

9 Q. Thank you, Mr Witness. And, Mr Witness, you told this --
10 just a second, Your Honour. You told this Court, in the course
11 of your earlier testimony, that you went to a place called Petifu
12 in the Bombali District; am I right?

13 A. Yes, sir. You are correct, sir.

14 Q. And how long did you say at Petifu during that time,
15 Mr Witness?

16 A. Up to a month.

17 Q. And, Mr Witness, do you know Camp Rosos?

18 A. No, sir.

19 Q. And has anyone told you the distance between Petifu and
20 Camp Rosos?

21 A. Yes, sir.

22 Q. And what, as a result of what you've just told us, what is
23 the distance, if you know, between Petifu and Camp Rosos?

24 A. It's a long distance, sir. A long distance.

25 Q. Thank you. And, Mr Witness, I'm going to take you to
26 Colonel Eddie Town. During the time that you got to
27 Colonel Eddie Town, you've told this Court about the first
28 accused. Did you get to hear where the first accused had come
29 from, to Colonel Eddie Town, during the period that you were

1 there?

2 A. Well, according to information, yes, sir. Yes, sir.

3 Q. Yes. According to the information, what did the
4 information say? Please tell this Court, Mr Witness?

5 A. Well, the information said, well, when we had -- I had
6 information that he was captured in one village, around Kono,
7 which was called Yarya, in a farmhouse. There it was said that
8 he was captured and that was information that I had.

9 Q. Thank you, Mr Witness. And, Mr Witness, would you be kind
10 enough, if you know, to tell this Court where you got that
11 information? From whom you got that information?

12 A. Well, the information, I got it from 0-Five, the operation
13 commander.

14 Q. And did he tell you who arrested Tamba Brima at that
15 village in -- called Yarya in Kono; did he tell you that?

16 A. He said it was they. It was they. They were the ones that
17 arrested him.

18 Q. When you say "they were the ones who arrested him," who are
19 you referring to as "they," Mr Witness?

20 A. 0-Five. 0-Five.

21 Q. Thank you, Mr Witness. And, Mr Witness, there is evidence
22 before this Court that when SAJ Musa arrived in
23 Colonel Eddie Town he appointed the first accused, Tamba Brima,
24 as his -- the second overall, in terms of command. What do you
25 have to say to that, Mr Witness?

26 A. No, sir.

27 Q. What do you mean by no, sir, Mr Witness?

28 A. Well, at the time that Five Star General arrived at Colonel
29 Eddie Town, SAJ Musa, when he arrived at Colonel Eddie Town, he

1 found them under suppression and detention.

2 Q. Thank you. And, Mr Witness, during the time that the first
3 accused, Tamba Brima, was in suppression, at Colonel Eddie Town,
4 was he in any position to have made any promotions or
5 appointments in respect of the fighting forces that were based in
6 Colonel Eddie Town at the time?

7 A. No, sir.

8 Q. Why do you say "no, sir," Mr Witness?

9 A. Well, why I said "no, sir," because the man was under
10 detention. Too, we had our Five Star General SAJ Musa, who was
11 the commander, the overall commander for the SLA movement. So he
12 was the only man who would give promotions. No other man. That
13 man was under suppression. That man was on detention. So he did
14 not have any say. SAJ Five Star General SAJ Musa, he was the
15 overall commander. He was the one that had been given
16 promotions. He had made he made the command structure. He was
17 the overall. He was the only man that everybody had been looking
18 up to.

19 Q. Thank you, Mr Witness. And, Mr Witness, during this period
20 in Colonel Eddie Town, there is also evidence before this Court
21 that the second accused, Ibrahim Bazy Kamara, was also appointed
22 as the third in command by SAJ Musa, the Five Star General. What
23 would you say to that, Mr Witness?

24 A. No, sir. No, sir, that's not to my knowledge. No, sir.

25 Q. And, Mr Witness, during the period that you were in Colonel
26 Eddie Town, did SAJ Musa appoint any persons as military
27 supervisors, if you know?

28 A. Yes. SAJ Musa appointed.

29 Q. Please, if you know, Mr Witness, please tell this Court

1 whom did SAJ Musa appoint as military supervisors at
2 Colonel Eddie Town?

3 A. Captain King. Captain King, he appointed him.

4 Q. Captain King we have heard of that before. And apart from
5 Captain King, do you know of any other person who was appointed
6 as a military supervisor by the Five Star General at Colonel
7 Eddie Town, Mr Witness?

8 A. Well, I cannot recall, sir.

9 Q. Thank you, Mr Witness. Mr Witness, there is evidence
10 before this Court that when O-Five arrived at Colonel Eddie Town,
11 he reported to the first accused, Tamba Brima, that he had
12 arrived and that he had come with 200 manpower. What do you have
13 to say to that, Mr Witness?

14 A. No idea.

15 Q. What do you mean by "no idea," Mr Witness?

16 A. No, no.

17 Q. Do you know that it did not happen, or do you know that
18 it's not true; can you please clarify for the Court?

19 A. It did not happen, sir. It wasn't true.

20 Q. Thank you, Mr Witness.

21 A. Thank you, sir.

22 Q. Mr Witness, there is also evidence before this Court that
23 during the time that you were in Colonel Eddie Town, the first
24 accused, Tamba Brima, formed a new battalion which was the 5th
25 Battalion, which he named the Red Lion Battalion. And that this
26 battalion was comprised mostly of STF soldiers. What do you have
27 to say to that, Mr Witness?

28 A. Well, I want you to repeat that, sir.

29 Q. I said that there is evidence before this Court that at

1 Colonel Eddie Town, the first accused, Tamba Brima, formed a new
2 battalion called the 5th Battalion, which he named the Red Lion
3 Battalion and I'm saying that what do you say to that?

4 JUDGE DOHERTY: Mr Graham, you had an extra element in your
5 question.

6 MR GRAHAM: Yes, I'm sorry. Your Honour, I'm grateful.

7 Q. And that the Red Lion Battalion was comprised mostly of STF
8 soldiers; is that true?

9 A. No, sir. No, sir.

10 Q. What do you mean by "no, sir"?

11 A. It wasn't true. It did not happen.

12 Q. Thank you, Mr Witness. And, Mr Witness, before I go on,
13 the STF, do you know whether the -- Mr Witness, you know the
14 meaning of the STF, do you?

15 A. Yes. Yes, sir.

16 Q. And what is the meaning of the STF, Mr Witness?

17 A. Special Task Force.

18 Q. And, Mr Witness, please tell this Court, if you know, do
19 you know whether the Special Task Force had any special role
20 within the fighting forces at the time you were in
21 Colonel Eddie Town. Let me be specific, please.

22 A. Well, the STF, they were under Five Star General.

23 Q. Yes. My question was that, do you know whether -- what
24 they used to do? Whether they had anything special that they
25 used to do? Any special function within the fighting forces?

26 A. No, sir.

27 Q. Thank you, Mr Witness. Mr Witness, there is also evidence
28 before this Court that during the time that you were at
29 Colonel Eddie Town, an operation was ordered by the -- an

1 operation on Kukuna.

2 MR GRAHAM: Your Honours, Kukuna is spelled K-U-K-U-N-A.

3 Q. Kukuna, in the Kambia District. There is evidence before
4 this Court that the first accused, Tamba Brima, ordered an
5 operation on Kukuna and that he chose the third accused, Santiage
6 Borbor Kanu, to head that operation. Is that true?

7 A. No, sir. It wasn't true, sir.

8 Q. Why do you say it wasn't true, Mr Witness?

9 A. Well, why I said it wasn't true, because the men who were
10 under detention, we had a commander who was there at that time
11 and he was FAT, second in command. And Captain Eddie. So it was
12 first in command and FAT who gave the order to go on the Kukuna
13 operation and I myself was in the Kukuna operation.

14 Q. Thank you, Mr Witness. Mr Witness, do you know who headed
15 the -- who led the Kukuna operation?

16 A. Yes.

17 Q. Please tell this Court?

18 A. O-Five. Colonel O-Five. He was the one that led the
19 operation on Kukuna.

20 Q. Thank you, Mr Witness.

21 A. Yes, sir.

22 Q. And there is also evidence before this Court that during
23 the -- sorry, Your Honours. And, Mr Witness, during the time
24 that you were in Colonel Eddie Town, did you, at any time, see
25 the first accused, Tamba Brima, using any communication
26 equipment, or system?

27 A. No, sir.

28 Q. There is evidence before this Honourable Court that during
29 the time that you were at Colonel Eddie time, the first accused,

1 Tamba Brima, had communications with General Mosquito; is that
2 true, Mr Witness?

3 A. No, sir.

4 Q. Why do you say that is not true, Mr Witness?

5 A. Well, why I said it wasn't true, because the men were under
6 detention. How would the man have -- how would he have got --
7 how would he have communicated with Mosquito when he was in the
8 dungeon. It was not possible and he we had an overall commander
9 who had been heading the troop. So it wasn't possible.

10 Q. Thank you, Mr Witness. Mr Witness, there is also evidence
11 before this Court that during the time that you were at
12 Colonel Eddie Town the third accused, Santigie Borbor Kanu, also
13 communicated with Issa Sesay and Morris Kallon; is that true?

14 A. No, sir.

15 Q. Why do you say that is not true, Mr Witness?

16 A. Well, why I say it wasn't true, it was because these men
17 were under detention and, first of all, we had a group which
18 comprised communication signallers who were in control of
19 communication, so it was not everybody that would go around the
20 communication set or the communication area. These people were
21 under detention. No.

22 Q. Thank you, Mr Witness. And, Mr Witness, did the Five Star
23 General ever talk to the fighting forces about crimes against
24 humani ty?

25 A. Well, he gave us an ideology about that.

26 Q. What ideology did he give you, did the Five Star General
27 give you? Please tell the Court, Mr Witness.

28 A. Well, the ideology, which Five Star SAJ Musa gave to us, is
29 that he said that while we were moving, we should avoid every

1 civilian target. We only targeted five ECOMOG soldiers. So that
2 we will score our goal. He said that if any person made a
3 mistake and targeted any civilian, the person would feel the
4 pinch so that caused us to avoid them or wherever civilians were
5 we would avoid that area. We only launched attack where ECOMOG
6 soldiers were, so that never used to happen.

7 Q. And did you, Mr Witness, ever hear that the Five Star
8 General punished anyone of the fighting forces for not complying
9 with this advice against attack on civilians?

10 A. Well, no idea, sir.

11 Q. Thank you. Mr Witness, I'm going to take you to -- I'm
12 going to move onto Benguema. And, Mr Witness, during the time
13 that you arrived in Benguema, did you know the position of the
14 first accused, Tamba Brima, within the fighting forces?

15 A. Yes. The man had no position.

16 Q. Why do you say that he has no position, Mr Witness?

17 A. Well, he was under detention. So right from the start Five
18 Star General SAJ Musa didn't give him any appointment.

19 Q. Thank you. And, Mr Witness, after the death of SAJ Musa at
20 Benguema, are you -- sorry, Your Honours. Mr Witness, there is
21 evidence before this Court that after the death of SAJ Musa, the
22 first accused, Tamba Brima, took over overall command of the
23 fighting forces; is that true?

24 A. No, sir.

25 Q. There is also evidence that after the death of SAJ Musa --
26 there is also evidence before this Court that after the death of
27 SAJ Musa, the first accused, Tamba Brima, made a number of
28 promotions and appointments within the fighting forces. Is that
29 true, Mr Witness?

1 A. No, sir.

2 Q. Why do you say that, Mr Witness?

3 A. The reason why I said that was because we had a second in
4 command after SAJ Musa had died. Second in command took over
5 command as overall commander. FAT.

6 Q. And, thank you. Mr Witness, there is also evidence before
7 this Honourable Court that after the death of SAJ Musa, the first
8 accused, Tamba Brima, made contact with Mosquito and requested
9 that he send -- sorry, Your Honours. Made contact with Mosquito
10 and informed Mosquito about the lack of logistics that the
11 fighting forces were facing; is that true, Mr Witness?

12 A. No, sir.

13 Q. And, Mr Witness, there's also evidence before this Court
14 that after the death of the Five Star General, the first accused,
15 Tamba Brima, was seen wearing the uniform, the military uniforms
16 of SAJ Musa, the Five Star General. Is that true, Mr Witness?

17 A. No, sir.

18 Q. Why do you say so, Mr Witness?

19 A. At that time, the reason why I said that, when Five Star
20 died, we had a second in command, who was FAT. So, so that man
21 would not just take Five Star General SAJ Musa's uniform that the
22 Five Star was on and put it on. It was not possible.

23 Q. Thank you. And, Mr Witness, during the time that you were
24 in Freetown, that you told this Court that you went to Pademba
25 Road Prison, was the first accused, Tamba Brima, part of the
26 group that went to break the doors of the Pademba Road Prison
27 open?

28 A. No, sir.

29 Q. Did anyone tell you that they had seen him -- sorry, Your

1 Honours. I withdraw that, Your Honours. And, Mr Witness, during
2 the time that you were in Freetown, that you went to the State
3 House, did you, at any point in time, see the first accused,
4 Tamba Brima?

5 A. No, sir.

6 Q. And, Mr Witness, do you know one Alimamy Bobson Yapo Sesay?

7 A. Yes, sir. Yes, sir. I know him, sir.

8 Q. How do you know him, Mr Witness?

9 A. Well, Bobson Alimamy Yapo Sesay I know him for a long time,
10 and when we came January 6th, he was working under me. He was my
11 2 IC in operation. He was with me until we came to Freetown and
12 got back from the city. Throughout the movement.

13 Q. And do you know whether this Alimamy Bobson Yapo Sesay, at
14 any point in time after you met him, was sent to Pademba Road
15 Prison? Are you aware?

16 A. Yes, sir. I knew about it.

17 Q. And do you remember which year he was sent to the Pademba
18 Road Prison, Mr Witness?

19 A. Yes, sir.

20 Q. What year was he sent to the Pademba Road Prison,
21 Mr Witness?

22 A. The year 2000.

23 Q. And do you know why he was sent to the Pademba Road Prison?

24 A. Yes, sir.

25 Q. Why was he sent there, Mr Witness?

26 A. Why he was sent there? Well, cease fire was on. The peace
27 process was going on. They came from the West Side with a group
28 of men, with arms and ammunition. They launched an offensive
29 attack --

1 THE INTERPRETER: Your Honour, please can the witness go
2 over the cease fire portion.

3 MR GRAHAM:

4 Q. Mr Witness, please, can you speak a little bit clearly and
5 please repeat the last part of your testimony relating to the
6 period after the cease fire, please?

7 A. After the cease fire, then they moved, Alimamy Yapo Bobson
8 Sesay, he was the driver. He was driving for Hassan Bangura,
9 alias Bomb Blast.

10 Q. And do you know who sent him to jail?

11 JUDGE SEBUTINDE: Mr Graham, earlier the witness had said
12 something about an attack which he has not repeated. We didn't
13 get that part.

14 MR GRAHAM: Very well.

15 Q. Mr Witness, you heard Your Honour very well. Please, you
16 were earlier on telling this Court about an attack involving
17 Alimamy Bobson Yapo Sesay. Please tell this Court -- complete
18 your account of that?

19 A. Well, when the cease fire had gone on and the peace
20 process, Bobson Alimamy Yapo Sesay he was a driver driving for
21 Hassan Bangura, alias Bomb Blast. So they had an understanding
22 that Tamba Brima and Santigie Borbor Kanu, they went to Hassan
23 Bangura's house, so, so that Hassan Bangura to organise a troop
24 to meet Tamba Brima and Borbor, Santigie Borbor Kanu, up their
25 own place at Juba Hill.

26 So when they gave Hassan Bangura that information, he was
27 annoyed and he organised his men to attack the men. He said they
28 were his enemies. So when he got up to Juba Hill, Bobson Alimamy
29 Yapo Sesay stopped and opened firing, serious firing and the

1 entire city was in chaos. Vehicles were colliding and vehicles
2 were hitting children and they said the West Side men had come.
3 Alimamy Yapo Sesay had come to overthrow. Later on, they
4 arrested them. They took them to Cockerill. From Cockerill
5 to -- to Pademba Road.

6 Q. And, Mr Witness, do you know how long he was at Pademba
7 Road Prison?

8 A. Yes, from 2002. In fact, I myself, I met him in the
9 prison. I also had a problem. I met him inside the maximum
10 prison. I went there in 2002. I met him there. He went there
11 in 2000. I had an allegation case because they wanted to put me
12 into the RUF or the West Side but they were unable. I had
13 trained under the British.

14 Q. Thank you. Thank you, Mr Witness.

15 A. Yes, sir.

16 Q. Mr Witness, during the period that you were in the Pademba
17 Road Prison with Bobson, did you ever get to talk to him during
18 the period that you were there?

19 A. Yes, sir. I spoke to him, sir.

20 Q. And then what did you talk about, Mr Witness, when you
21 spoke to Alimamy Bobson Yapo Sesay?

22 A. Well, what both of us discussed, the first thing was I told
23 him about the mistake that they had made, when they violated the
24 cease-fire. That was the first thing I told him. I said: "You
25 people didn't do well. You've heard about cease-fire. You came
26 with arms to town and you violated the cease-fire. That is why
27 you people were jailed."

28 Q. Thank you, Mr Witness. And, Mr Witness, there is evidence
29 before this Court that during that period some prisoners in

1 Pademba Road Prison were contacted by -- sorry, Your Honours.
2 There's evidence before this Court that during the period that --
3 Your Honours, before I go on, Mr Witness, do you know when
4 Alimamy Bobson Yapo was released from Pademba Road Prison?

5 A. Yes, sir.

6 Q. When was he released?

7 A. He was released in 2004.

8 Q. Thank you. And, Mr Witness, during this period, there is
9 evidence before this Court that certain prisoners, in Pademba
10 Road Prison, received favourable treatment from the authorities.
11 Are you aware of that?

12 A. Yes, I know about it.

13 Q. What do you know about that, Mr Witness? Please tell this
14 Court.

15 A. What I know about that, when we were in prison, we -- we
16 saw a big difference between they and us. They were supplied
17 everything. We were suffering. They used to have everything.
18 They would take them and bring them outside and take them inside
19 again, so there was 80 per cent difference.

20 Q. And, Mr Witness, sorry, I wanted to ask you, when you said
21 "they" were treated, whom are you referring to as "they" were
22 different? Who were they? Do you know some of the people who
23 were treated or received this favourable treatment?

24 A. Like, the ones who had the good treatment, I knew them.
25 Number one, we had the provost, the yard provost, who was
26 Alabama.

27 Q. And apart from Alabama, who else? Do you know whether
28 Alimamy Bobson Yapo Sesay also received that favourable
29 treatment?

1 A. Yes, he had it. 80 per cent.

2 Q. Thank you, Mr Witness. And, Mr Witness, you also told this
3 Court that they used to come and take them out. Who used to come
4 and take these favoured ones out, Mr Witness?

5 A. Well, I usually see plain clothes men. They will come and
6 take them, take them to town. Up to five, seven hours, before
7 they would come and meet us in again. When they would come and
8 meet us in --

9 Q. And, Mr Witness, how did you know that these favoured ones
10 were being taken out?

11 A. How I came to know, I would see with my eyes and
12 information was circulating around, and we will be in groups and
13 talk amongst ourselves, gave ourselves different ideas and tell
14 them that these people are treated differently. They will come
15 and take them and take them outside. And we would see them.
16 When they would open the gates for them, they will be neatly
17 dressed. They will cross the gates. They will take like six,
18 seven hours and come inside again holding polythene [sic] bags in
19 their hands with provision in them and they would not allow us to
20 go with such things. Not even a cup. Some of them would hold
21 two polythene [sic] bags.

22 Q. And did you at any point in time see Alimamy Bobson Yapo
23 Sesay receive that favoured treatment, of going out and coming
24 back with bags of provisions, Mr Witness? Please tell this
25 Court.

26 A. Well, when they would go out, and come inside, they will be
27 happy.

28 Q. Mr Witness, my question was did you --

29 A. Yes.

1 Q. -- please listen to my question. Did you at any point see
2 Alimamy Bobson Yapo Sesay being taken out and come back with a
3 bag full of provisions? Just answer that, please.

4 A. Yes. I've mentioned that, yes. It's not even one, two or
5 three times. It's more than 30 times, in fact.

6 Q. Thank you, Mr Witness. And, Mr Witness, do you know why
7 they were receiving that favoured treatment?

8 A. Yes.

9 Q. Why were they receiving that favoured treatment, Mr
10 Witness? Please tell this Honourable Court?

11 A. Well, according to information, they said they wanted to
12 use them against some men for the Special Court to have them
13 gaoled. That was the information we used to have. So that gave
14 the cause for us to be afraid of them. Everybody kept to
15 themselves. They were going their own way and we would go on our
16 own way inside the prison.

17 Q. And, Mr Witness, did you -- how did you get this
18 information that someone wanted to use them to testify against
19 some people? How did you get this information?

20 JUDGE SEBUTINDE: Mr Graham, there is no evidence about
21 testifying. He said "use" them.

22 MR GRAHAM: Sorry, Your Honour. I'm grateful.

23 Q. Mr Witness, I've just been reminded by Your Honours,
24 please, I ask that how did you know that someone wanted to use
25 them?

26 A. Well, how I came to know that was through information and
27 what I also saw with my own eyes, they tried to convince other
28 people but they refused to do that, so those people revealed the
29 secrets.

1 Q. Thank you, Mr Witness. Before I go on, do you know who
2 these people were, who wanted to use these people who were
3 receiving favourable treatment?

4 A. Well, the people, I don't know them.

5 Q. And when they, you said they wanted to use them, what do
6 you mean by they wanted to use them against some people? What do
7 you mean by that?

8 A. What I meant by that was that they wanted to use, they
9 wanted to use them to prosecute in the Special Court, to be
10 witnesses against those who were under arrest.

11 Q. And who were these people who were under arrest that they
12 wanted to use them against? Do you know those people?

13 A. Well, men like Tamba Brima, Bazzy Kamara, and Borbor
14 Santigie Kanu. Those were the three names that we were going
15 around the prison, that they wanted to use men against.

16 Q. Thank you. And, Mr Witness, you told this Court earlier on
17 that they tried to convince others who revealed the secret. Do
18 you know anyone who these people tried to convince?

19 A. Yes.

20 Q. Can you please tell this Court? You've mentioned the names
21 of some of those people who they tried to convince.

22 A. Okay. The first person they tried to convince was Ayo
23 Cole.

24 Q. Apart from Ayo Cole, do you know of any other person who
25 they tried to convince?

26 A. The second man was Ranger.

27 Q. Thank you. And, Mr Witness, did you, during this period,
28 did you yourself ever get to talk to Ayo Cole or Ranger yourself?

29 A. Yes.

1 Q. And when you spoke to them, did they tell you anything
2 about the contact that they had made with those who were trying
3 to convince them?

4 PRESIDING JUDGE: Mr Graham, you said -- you asked him did
5 he speak to Ayo Cole or Ranger he said yes. He didn't say which
6 one he spoke to or whether he spoke to both of them.

7 MR GRAHAM: Thank you. Thank you.

8 Q. Mr Witness, for clarification, did you speak first, I will
9 start with Ayo Cole, did you speak with Ayo Cole during this
10 period about the contact they had with those who tried to
11 convince them?

12 A. Yes, sir.

13 Q. And did he tell you anything when you spoke to him?

14 A. Yes, sir.

15 Q. Please tell this Court what he told you when you spoke to
16 him, Mr Witness?

17 A. Well, Ayo Cole, when they removed him from the maximum
18 prison Pademba Road and brought him to town, up to four, five
19 hours, when he went, he said -- I saw him with polythene bags.
20 He went inside to his cell. But we first met at the corridor,
21 and he called me. I went into his cell and he said, "Small
22 brother," he said, "right now, I have been in gaol for how many
23 years? Now, they have called me and briefed me about those men
24 who are in detention at the Special Court to make a case against
25 them." He said, "So, these are the things that they bought for
26 me. They said they will free us from prison and when they free
27 us from prison they will use us against those men."

28 Q. And do you know whether Ayo Cole ever agreed to the offers
29 that you've just told this Court he told you about?

1 A. I want you to repeat it, sir.

2 Q. I'm saying that do you know after the conversation you've
3 just told this court you had with Ayo Cole, after that, do you
4 know whether he accepted the offer made to come and testify, to
5 be used against those who were being prosecuted by the Special
6 Court?

7 PRESIDING JUDGE: Was this fellow a protected witness by
8 any chance? Because that will identify him as a Prosecution
9 witness.

10 MR GRAHAM: He has not been a witness at all, Your Honour,
11 to the best of my knowledge. I don't think he is a witness. I'm
12 grateful.

13 Q. And do you know whether he eventually accepted the offer?

14 A. Yes, he accepted. Yes. He accepted.

15 Q. And Ranger, did you get to also talk to Ranger, during this
16 period?

17 A. Yes. Yes, sir.

18 Q. And did he tell you anything when you spoke to him?

19 A. Yes, sir.

20 Q. What did he tell you? Please tell this Honourable Court,
21 Mr Witness?

22 A. Well, he told me about this Special Court programme, so as
23 to come and prosecute the men that were arrested by the Special
24 Court, so as to prosecute them. He said they told him that he
25 would be freed from prison if he prosecuted these men. He would
26 be sent overseas and it will make his life, to make him very
27 lively in life.

28 Q. Thank you, Mr Witness. Mr Witness, were you yourself ever
29 contacted by these people who contacted Ayo Cole and Ranger?

1 A. Well, yes. They met me.

2 Q. Before your go on, who met you, Mr Witness?

3 A. Well, I cannot -- I cannot recall the individual who came
4 to me. He was in plain clothes. He was in the reception, in the
5 maximum prison. He sent for me. I went. He tried to interview
6 me, if I knew Tamba Brima, if I knew Bazy, if I knew Borbor
7 Santigie Kanu, and I told him that, yes, I knew them. He then
8 said, he said what made me to be in prison, and I told him that
9 my own case was different. He said it was an allegation.

10 Q. And after this conversation, after he told you that, did
11 you tell him anything?

12 A. Yes, sir.

13 Q. Please tell this Court what you told him?

14 A. Well, I told him that, see, I would not be able to. I
15 would not be able to, to do what he wanted me to because when I
16 was in gaol I was thinking about my own case and that I said I
17 was praying to God so that God could remove me from prison
18 healthily. Healthily.

19 Q. Thank you. And, Mr Witness, during the -- Mr Witness, you
20 know Junior Lion also known as Junior Johnson, don't you?

21 A. Yes, sir. I knew him.

22 Q. How do you know him, Mr Witness?

23 A. How I knew Junior Lion? I knew him. I worked under him.
24 All of us were together from NPRC days, when he had been working
25 as security to [indiscernible] until the AFRC, until the time
26 that we went to the bush and I was under him, till we came and I
27 was in prison, I heard that he was one of the men.

28 Q. So during the time that you were in Pademba Road Prison was
29 Junior Lion also there during that time?

1 A. No, sir. He wasn't there.

2 Q. Thank you. And, Mr Witness, do you -- Ayo Cole, and
3 Ranger, let me take them one by one. During the time that you
4 were -- were you in Pademba Road Prison when Alimamy Bobson Yapo
5 Sesay was released?

6 A. Yes, sir. I was in prison.

7 Q. And did you hear -- did you get to know why he was
8 released?

9 A. Yes, sir.

10 Q. Please tell this Court why was he released?

11 A. Well, why they released Bobson Alimamy Yapo Sesay because
12 he was put under safe custody because of -- because of the
13 violation of the cease-fire and, after that, he came and I
14 noticed that there was no safe custody any more.

15 Q. Mr Witness, please let me get back to my question again.
16 My question was: Do you know why Alimamy Bobson Yapo Sesay, do
17 you know why he was released from Pademba Road Prison?

18 A. Yes, sir.

19 Q. Please tell this Court why he was released?

20 MR HARDAWAY: Objection, Your Honour. He answered that
21 question.

22 PRESIDING JUDGE: What was his answer, Mr Hardaway?

23 MR HARDAWAY: He was released because he was under safe
24 custody and he was explaining the answer before counsel
25 interrupted him again. He was in the process of answering the
26 question.

27 PRESIDING JUDGE: Well, I think Mr Graham was attempting to
28 get a direct answer.

29 MR GRAHAM: Yes.

1 PRESIDING JUDGE: Yes, I will allow that. I will overrule
2 the objection.

3 MR GRAHAM: Thank you. I'm grateful, Your Honour.

4 Q. Mr Witness, and please be concise and direct with your
5 answers. The question was why? Do you know why he was released?

6 A. Why he was released? Because he was, he had two options.
7 The first option, he was under safe custody. Two, because of the
8 Special Court's programme, those were the two options.

9 Q. Mr Witness --

10 A. Which I was aware of.

11 Q. -- Mr Witness, what do you mean by safe custody?

12 A. Well, what I meant by safe custody, it was -- he was not
13 charged. They did not charge him. He had not been appearing in
14 the courts. He would just come so as to cool him down.

15 Q. And --

16 A. Yes.

17 Q. -- in respect of the reason, why do you know -- how do you
18 know that he was released because of the Special Court programme,
19 Mr Witness?

20 A. Why I said so, because they would take him and bring him
21 outside. They would obtain statements from him. See, what Six
22 Fingers told me, he is my uncle, both of them would come out and
23 it was through that they gave him the confidence -- they gave him
24 the confidence that he would be released.

25 Q. Thank you, Mr Witness. Mr Witness, who was Six Fingers?

26 A. Ayo Cole.

27 Q. And was Ayo Cole released during the period that you were
28 in Pademba Road Prison, Mr Witness?

29 A. Yes, sir. He also was released.

1 Q. And do you know why Six Fingers, Ayo Cole, was released
2 from Pademba Road Prison at the time?

3 A. Yes.

4 Q. Please tell this Honourable Court why Six Fingers was
5 released?

6 A. Well, Ayo Cole, alias Six Fingers, why he was released, it
7 was because they -- he was charged and he had been appearing in
8 Court up to how many years and he was not found guilty. So, that
9 was why he was released.

10 Q. And did his -- apart from what you've just told this court,
11 do you know whether in addition to that his release had anything
12 to do with the Special Court programme, Mr Witness?

13 A. Well, no.

14 Q. Thank you. Thank you, Mr Witness. Mr Witness, Ranger, you
15 told us about Ranger, was -- do you know whether Ranger was
16 released from Pademba Road Prison during the time that you were
17 there?

18 A. No. There Ranger died.

19 Q. Thank you. And, Mr Witness, do you know one Lamin Sidi ki,
20 also known as Terminator?

21 A. Yes, sir.

22 Q. How do you know him, Mr Witness?

23 A. Well, I knew him as a soldier.

24 Q. Did you know him as an SLA soldier or as a soldier with the
25 fighting forces during the time that you were in the jungle?

26 A. Well, he was an SLA from the beginning, SLA.

27 Q. And did he remain an SLA -- did he, sorry Your Honours.
28 Mr Witness, during the time that you were in Pademba Road Prison,
29 was Lamin Sidi ki, also known as Terminator, was he with you?

1 A. Yes, sir. I met him in prison.

2 Q. And during the time that you met him in prison, do you know
3 whether he was approached by anyone to be part of the -- what
4 you've called the Special Court programme?

5 A. Well, they approached a lot of people but --

6 Q. My question was --

7 A. -- we were so many in the gaol. I cannot tell.

8 Q. My -- well, okay. Fine. Thank you. And, Mr Witness,
9 during the time, there is evidence before this Court that during
10 the time that the fighting forces got to Freetown, the first
11 accused, Tamba Brima, gave orders to the effect that the CID
12 headquarter building be burnt down. Is that true, Mr Witness?

13 A. No, sir.

14 Q. Why do you say that is not true, Mr Witness?

15 A. Why I said that it wasn't true because the man was not
16 there.

17 Q. And, Mr Witness, you told this Court about the release of
18 the detained soldiers from the Pademba Road Prison, and I'm
19 asking you, apart from the detained soldiers that you released
20 from the Pademba Road Prison, did you release any other soldiers
21 anywhere else, apart from the Pademba Road Prison?

22 JUDGE DOHERTY: Just for purposes of clarity, Mr Graham,
23 this is 1999 we are talking about now?

24 MR GRAHAM: Yes, Your Honour.

25 Q. I'm talking about the time that you entered Freetown, and
26 you went to Pademba Road Prison, to break it down and release the
27 prisoners, my question is that: Did you release any soldiers who
28 were detained anywhere else, apart from the prison?

29 A. Yes, sir.

1 Q. Where did you -- where else did you release the detained
2 soldiers, Mr Witness?

3 A. We released -- we released them at the national stadium
4 swimming pool.

5 Q. How many -- but before I go on, how many soldiers, how many
6 people did you release from the national stadium during this
7 period, Mr Witness?

8 A. Well, I don't know the number of the men whom we released
9 at the swimming pool. There were many because during that time
10 firing had been going on. There were many. I cannot recall the
11 number, the strength of the manpower which was under the swimming
12 pool. The strength of the manpower which was under the swimming
13 pool.

14 Q. Mr Witness, can you roughly approximate, was it 200, 300?
15 Could you be a little bit more precise, to assist this Court, in
16 your own roughly estimation?

17 A. Yes.

18 Q. Please do, Mr Witness.

19 A. There were more than 400 soldiers.

20 Q. Thank you. And were apart from the soldiers, do you know
21 whether there were any civilians being held at the national
22 stadium at the time?

23 A. No, sir.

24 Q. And, Mr Witness, this about 400 soldiers that you saw at
25 the national stadium, did you get to know why they were there?

26 A. Yes, sir.

27 Q. Please tell this Court why they were there?

28 A. Well, I'm telling the Court now why these people were
29 there, in that particular site, in the swimming pool, it was

1 because they were soldiers. First of all, one, they were
2 soldiers. Two, they said it was the soldiers that overthrew
3 government of the SLPP.

4 Q. And the soldiers that you saw, when you saw them, where
5 were they? Which part of the stadium were they; do you know?

6 A. Yes, sir.

7 Q. Where were they, Mr Witness?

8 A. They were down at the swimming pool.

9 Q. They were down at the swimming pool. Are you saying they
10 were inside the swimming pool?

11 A. Yes, sir.

12 Q. And was there water in the swimming pool at the time?

13 A. Well, the water was drained. It was in there that they
14 were there -- that they were.

15 Q. And did you observe the mood of the soldiers who were being
16 held in the swimming pool when you got to the national stadium.

17 A. Yes. Yes, sir.

18 Q. Can you please tell this Court the mood of the about 400
19 soldiers that you saw at the stadium?

20 A. Yes, sir.

21 Q. Please --

22 A. So --

23 Q. -- please go on, Mr Witness.

24 A. Okay. So the mood in which I met them in the swimming
25 pool, because I was in the field, we were the ones that went for
26 them. They were under serious treatment, bad treatment. They
27 were being tortured. They told them that it was -- "Your
28 brothers have come and that we are going to kill all of you here.
29 You." He said, "Before these people would come and rescue you,

1 we would kill all of you." It was not up to 15 minutes. We came
2 around the area and we attacked the area and they moved owl the
3 all ECOMOG. We repelled them. I myself went down the swimming
4 pool and when I was coming out, two bombs were dropped in the
5 swimming pool. Two mortar, 82mm.

6 THE INTERPRETER: Your Honours, would the witness go a
7 little bit slow so as to enable the interpreter to catch up with
8 him.

9 MR GRAHAM: Mr Witness, please -- Your Honours, I will let
10 him finish his response and then we can take the break.

11 Q. Mr Witness, please be patient and then this finish this
12 part of your testimony.

13 PRESIDING JUDGE: Yes, please start where the two mortar
14 bombs landed in the swimming pool.

15 MR GRAHAM: Thank you, Your Honour.

16 A. Well, when I was coming out, moving some people from the
17 place, I understood that two communications mentioned that we,
18 the SLA, had come to rescue our brothers from the swimming pool.
19 So the ECOMOG force, which was at Congo Cross, they launched two,
20 82mm mortar, so the two bombs came and landed in the swimming
21 pool and killed soldiers whom I do not know about. So we
22 withdrew, tactically. We got out from the national stadium.

23 Q. Thank you, Mr Witness.

24 MR GRAHAM: Your Honours, with your kind permission, at
25 this point in time, I would request that we take our morning
26 break and I will come back and quickly finished the second part
27 of my cross-examination of the witness.

28 PRESIDING JUDGE: Yes. We will have a break now.

29 Mr Witness, I will remind you don't discuss the evidence with

1 anybody, or the case. So we will adjourn until five past 11.00.

2 [Break taken at 10.48 a.m.]

3 [Upon resuming at 11.08 a.m.]

4 PRESIDING JUDGE: Yes. Go on, Mr Graham.

5 MR GRAHAM: Thank you, Your Honour.

6 Q. Mr Witness, just before we left for the short recess, you
7 were telling this Court about your movement to national stadium.
8 And, Mr Witness. You told this Court that the soldiers that were
9 there were being treated badly and were being tortured. How did
10 you know that?

11 A. Well, how I came to know that, it was through the men
12 themselves and I went and saw with my own eyes, in the swimming
13 pool, how they were treated. I did not meet them being treated
14 but I saw them being --

15 THE INTERPRETER: Your Honours, let the witness go a little
16 bit slow.

17 MR GRAHAM:

18 Q. Mr Witness, please go a little bit slowly and just focus
19 please on the questions that I ask you, as briefly and concisely
20 as you can. My question, you've answered you said what you saw.
21 What did you see, in terms of the treatment, the condition of the
22 soldiers at the stadium? What did you see in respect of their
23 treatment?

24 A. The condition under which I met them, there was no place
25 for them to sleep. So they had been sleeping on the cement, the
26 bare cement. That was the first condition. The, two, they were
27 all emaciated, and they were not healthy, to a certain extent.

28 Q. Thank you, Mr Witness. And, Mr Witness, these soldiers, do
29 you know who was in control of them, prior to your arrival at the

1 stadium?

2 A. Yes, sir.

3 Q. Please tell this Court, Mr Witness.

4 A. They were under ECOMOG soldiers, the Nigerians.

5 Q. How did you know --

6 A. They were the ones.

7 Q. How did you know that, Mr Witness?

8 A. Well, how I came to know that, it was through the firing,
9 and our -- and we shot three down, when we had been exchanging
10 firing, so we saw the marks, see, on their jaws so that's how we
11 came to know that they were soldiers, Nigerian soldiers.

12 Q. And, Mr Witness, you also told us that the -- some mortar
13 bombs were fired by ECOMOG from Congo Cross; how did you know
14 that, Mr Witness?

15 A. Well, how I came to know that, because we had repelled
16 ECOMOG up to the bridge. We were in the swimming pool. ECOMOG
17 were at Congo Cross, by Water Street. It was from there -- it
18 was from the enemy position that the bomb came and it came and
19 dropped in the swimming pool so that was how I came to know that
20 it was they that sent the bomb. It was 82mm bomb.

21 Q. And, Mr Witness, you told this Court some soldiers were
22 killed as a result of that. Did you get to know how many
23 soldiers were killed as a result of the ECOMOG bombing to the
24 stadium?

25 A. No, I did not know the number of soldiers that died, but
26 they did die, because it was a bomb.

27 Q. And did you eventually release the soldiers that were being
28 detained at the national stadium?

29 A. Yes, sir.

1 Q. And when you released them, did they go anywhere,
2 Mr Witness?

3 A. Yes, sir.

4 Q. Where did they go, Mr Witness?

5 A. Some of them, they came to our own side. Some, I did not
6 know where they went. But I understood that they went and
7 surrendered again to the ECOMOG soldiers, and that they started
8 firing at them.

9 Q. How did you get to know that, the surrender and the firing?

10 A. Well, how I came to know, it was from the same men who came
11 and rescued. When they went to King Tom area, they met an ECOMOG
12 ambush. When they fired at them, two, three men withdrew and
13 came and met us. These were the men that informed us that the
14 men who went down, whom we rescued, had fallen into an ambush and
15 that they had been killed at King Tom.

16 Q. Thank you. And, Mr Witness, do you know whether these
17 soldiers who were released by your forces at the national
18 stadium, do you know whether they did anything bad in Freetown?

19 A. Yes.

20 Q. What did they do, Mr Witness?

21 A. Well, when we released them, they were disgruntled. They
22 were the ones who had been creating problems because there was no
23 control. They had been creating problems in the city.

24 Q. And when they were released at the national stadium, do you
25 know whether they were given any arms and ammunition?

26 A. Well, yes. ECOMOG gave them arms and ammunition so as
27 to -- some of them -- so as to come and fight against us, again.

28 Q. And how did you get to know that some of these soldiers
29 that you released from the national stadium were doing -- causing

1 trouble in Freetown?

2 A. I want you to repeat it so that I can get it clearly.

3 Q. You told us about the conduct of those. I'm asking that
4 how did you get to know that the disgruntled soldiers, as you
5 call them, that were released from the national stadium, caused
6 trouble, did bad things in Freetown?

7 A. Well, it was through information and we, ourselves, saw.
8 See, when they were doing these bad things and we -- we tried,
9 you know, to fight against that. We told them that that was not
10 one of the aims of our movement.

11 Q. Thank you. And, Mr Witness, if you talk about bad --
12 sorry, I used the word "bad things". Did you hear whether these
13 disgruntled soldiers engaged in any burning of houses in
14 Freetown?

15 A. Yes, we stopped them. We told them that that was not part
16 of our programme. We were SLA. No matter, although they had
17 been burnt in the city, they had killed their children, you have
18 to forget about that. Let us fight to reinstate the national
19 army.

20 Q. You just said that, you said that even though their
21 children had been killed they should forget about that. What do
22 you mean by that?

23 A. What I meant by that, I said they should forget because we
24 were in the jungle. We had information about how ECOMOG had been
25 treating soldiers and civilians had been burning soldiers,
26 burning their children, looting the property of soldiers and
27 killing the mothers of soldiers, saying that they were the ones
28 that gave birth to the soldiers, so had that information. So
29 when we came they wanted to revenge. So we controlled them. We

1 said no, you should stop that and forget about all that had
2 happened, so let us try to fight for our goal and that was what
3 -- reinstate the national army.

4 Q. Mr Witness, earlier on you mentioned Congo Cross where you
5 said ECOMOG launched the attack. Could you please clarify for
6 this Court: Are you referring to Congo Cross or the Congo Cross
7 Bridge, Mr Witness, from where you said ECOMOG launched the
8 attack on the national stadium?

9 A. I'm talking about the roundabout, Congo Cross roundabout.
10 It's not the bridge. Congo Cross roundabout. By the police
11 station.

12 Q. Thank you for the clarification, Mr Witness. Mr Witness,
13 there is evidence before this Court, but before I go on, let me
14 ask you a few questions about these detained soldiers from the
15 national stadium. Apart from the burning of houses, did you hear
16 whether these released soldiers did anything else, apart from
17 burning of houses whilst they were -- after they were released
18 from the stadium?

19 A. Well, you should know, because it was a revenge.

20 Q. My question is: I don't know, Mr Witness, my question was
21 apart from the burning, let me go further. Did you hear whether
22 they engaged in any killings in Freetown?

23 A. Well, I did not see that.

24 Q. My question was but did you hear, if you did not see, did
25 you hear about that?

26 A. Well, I heard about that, but I did not see with my own
27 eyes.

28 Q. And did you see or hear whether these disgruntled soldiers
29 had conducted -- engaged in any amputations of civilians in

1 Freetown; did you see or hear?

2 A. No, I did not see.

3 Q. But did you hear?

4 A. Yes, I heard about that.

5 Q. And did you see these disgruntled soldiers engage in any
6 looting in Freetown, after they were released?

7 A. Well, yes, they were disgruntled men. You should know what
8 a disgruntled man does.

9 PRESIDING JUDGE: Will you answer the question, please.

10 THE WITNESS: Yes, sir. Yes, sir. Yes, sir.

11 MR GRAHAM:

12 Q. Mr Witness, what does a disgruntled man do?

13 PRESIDING JUDGE: Look, let's not get into that.

14 Disgruntled men can do anything. They can go and seek
15 psychiatric care but we are looking at what is relevant evidence
16 here.

17 MR GRAHAM: All right.

18 Q. Mr Witness, did you see the soldiers that were --
19 disgruntled soldiers that were released from the -- did you see
20 them engage in any looting in Freetown?

21 A. Well, I did not see with my eye but I was told about that.
22 Yes. Yes.

23 Q. Who told you about that, Mr Witness?

24 A. Well, it was my colleague soldiers who told me about that.

25 Q. Thank you, Mr Witness. Mr Witness, there is evidence
26 before this Court that the first accused, Tamba Brima, was the
27 one who ordered the troops to go and capture and break into
28 Pademba Road Prisons; is that true?

29 A. No, sir.

1 Q. Why do you say that is not true, Mr Witness?

2 A. Why I said it wasn't true, it was because Five Star General
3 SAJ Musa had made his plan for the advance into Freetown, so it
4 was his plan. The second in command had been working on his
5 plan, so there was no other plan which was worked on, except that
6 of Five Star General's plan. So it wasn't true.

7 Q. So, did the break-in of the Pademba Road Prison, are you
8 saying that that was part of the Five Star General's plans?

9 A. Yes, sir.

10 Q. And do you recall at which time, if at all, the Five Star
11 General made the break-in of the Pademba Road Prison as part of
12 the overall plan?

13 A. I want you to repeat that so that I can get it clearly.

14 Q. I'm saying that do you remember at which point in time of
15 your movement did the Five Star General declare the breaking in
16 of Pademba Road Prison as part of his overall plan?

17 A. Yes, it was part of his plan.

18 Q. And my question was: Do you remember when it became part
19 of the plan?

20 A. Yes.

21 Q. When was this? Please tell this Court, Mr Witness?

22 A. Around November the 21st, 1998, at Colonel Eddie Town.
23 There he made his plan.

24 Q. Thank you, Mr Witness. Mr Witness --

25 A. Yes.

26 Q. -- there is evidence before this Honourable Court that
27 during the time that the fighting forces were at the State House,
28 in Freetown, the third accused, Santigie Borbor Kanu made an
29 announcement on radio saying that he was chief of staff and that

1 the army had taken over the government of President Kabbah and
2 that the first accused would be the overall commander. Is that
3 true, Mr Witness?

4 A. No idea. No idea.

5 Q. There is also evidence before this Court that FAT Sesay was
6 on the radio during the time that the fighting forces were in
7 Freetown, and he spoke on the radio to the effect that the Kabbah
8 government had been taken over by the army and that the new
9 leader was the first accused, Tamba Brima. Did you hear, did you
10 at any time hear this announcement on the radio, Mr Witness?

11 A. Well, I did not hear the announcement, but I heard FAT's
12 announcement on the BBC, but I cannot talk about Tamba Brima.

13 Q. And the statement that you heard on the radio by FAT, did
14 that statement make any reference to the first accused, Tamba
15 Brima?

16 A. No, sir.

17 Q. And, Mr Witness, there is also evidence before this Court
18 that the first accused, Tamba Brima, was in overall command of
19 the fighting forces at the State House; is that true?

20 A. No, sir.

21 Q. There is also evidence before this Court that during the
22 time that the fighting forces were -- had captured the State
23 House, 14 ECOMOG soldiers were captured and brought to the State
24 House. Did you hear about that, Mr Witness?

25 A. Yes, sir. I heard about that, as prisoners of war. I did
26 not see them.

27 Q. Thank you. And, Mr Witness, if I told you that there is
28 evidence before this Court that the first accused, Tamba Brima,
29 shot and killed two of the ECOMOG soldiers, what would you say to

1 that, Mr Witness?

2 A. I did not know about that.

3 Q. But, Mr Witness, if the first accused had shot these two
4 ECOMOG soldiers, would you have heard about that?

5 A. Yes, sir.

6 Q. Why would you have heard about that, Mr Witness?

7 A. Well, if the man had come to town, and that happened, I
8 would have known, but he did not come to town. He was at the
9 front. So, no.

10 Q. Thank you. Mr Witness, there is also evidence before this
11 Court that soldiers brought women to the State House and raped
12 them openly. Did you hear of that?

13 A. No, sir.

14 Q. Did you see any raping in the State House during that
15 period yourself, Mr Witness?

16 A. No, sir.

17 Q. And if it had happened, as I've told you, Mr Witness, would
18 you have known?

19 A. Yes, sir.

20 Q. Mr Witness --

21 JUDGE SEBUTINDE: Mr Graham, what is the point of these
22 hypothetical questions, if such-and-such would have happened? Is
23 there any point, evidential value, in that after a witness says
24 "I didn't see", "I didn't hear"?

25 MR GRAHAM: Well, it's kind of a -- if I may --

26 JUDGE SEBUTINDE: In other words, when he has given those
27 answers, does the next hypothetical question add value?

28 MR GRAHAM: Your Honours, if you may be a little bit clear.
29 I'm a bit lost.

1 JUDGE SEBUTINDE: I thought it was obvious when a witness
2 says I didn't see, I didn't hear X happening, you then go further
3 to ask if it had happened, would you have known about it. That
4 last question is hypothetical, and I'm saying, does it add value
5 to your evidence?

6 MR GRAHAM: Do I understand if one is in a position of
7 authority what he doesn't see or doesn't hear may well be
8 reported to him by any of the fighting forces. We've had
9 evidence.

10 JUDGE SEBUTINDE: In that case you simply ask: Did anyone
11 report to you? Which I think you have already asked, did you
12 hear, and he has told you no.

13 MR GRAHAM: Very well, Your Honours. I would take the cue
14 from the Bench. I am grateful.

15 Q. Mr Witness, are you all right?

16 A. Yes, yes.

17 Q. Were you in any command position during the time that you
18 were at the State House in Freetown?

19 A. Yes.

20 Q. What was your command position, Mr Witness?

21 A. Well, I was with D Company and I was a major.

22 Q. Thank you. Mr Witness, there is evidence before this Court
23 that the first accused, Tamba Brima, ordered Tito to shoot 12 --
24 the remaining 12 ECOMOG soldiers that were captured and brought
25 to the State House. Are you aware of that?

26 A. No, sir.

27 Q. There's also evidence that during the time that the
28 fighting forces were at the State House, beautiful young girls
29 were brought to the first, second and third accused for purposes

1 of sex. Did you see that during the period you were there,
2 Mr Witness?

3 A. No, sir.

4 Q. Did you hear of that during the period that you were there?

5 A. No, sir. No, sir.

6 Q. Did any one of the fighting forces on your command, did any
7 one of them report anything like that to you, Mr Witness?

8 A. No, sir.

9 Q. Mr Witness, there's also evidence before this Court that
10 the first accused, Tamba Brima, ordered O-Five, Commander O-Five,
11 to burn down the harbour police station in Freetown. Did you
12 hear of this?

13 A. No, sir.

14 Q. Did any one of the fighting forces under your command
15 report anything about -- like that to you, Mr Witness?

16 A. No, sir. No, sir.

17 Q. There is evidence before this Court that the first accused,
18 Tamba Brima, ordered the fighting forces to go to Fourah Bay, in
19 Freetown, to go and revenge the killing of one of the soldiers;
20 is that true?

21 A. No, sir.

22 Q. And do you -- during the time that you were in Freetown,
23 did you hear of any of the fighting forces going to Fourah Bay,
24 to kill any civilians?

25 A. No.

26 Q. Thank you, Mr Witness. And, Mr Witness, what time did you
27 leave -- were you released from Pademba Road Prison?

28 A. 2005.

29 Q. And after you left Pademba Road Prison, did you ever get to

1 hear that Junior Lion had been detained at the Pademba Road
2 Prison?

3 A. No, sir.

4 MR GRAHAM: Thank you, Your Honours. I don't have any
5 further questions of the witness. I'm grateful for the time.

6 PRESIDING JUDGE: Thank you, Mr Graham. Yes, Mr Hardaway.

7 MR HARDAWAY: Yes. At this point the Prosecution would ask
8 for an adjournment of the cross-examination of this witness until
9 18 October. The basis for the request for the adjournment is
10 that this was one of the summaries that was disclosed on 29
11 September, thus in violation of the 21-day rule, and the 21 days
12 would expire on 18 October. And we would need the full time, not
13 just for the full investigation of his chief but also through the
14 extensive cross by my learned friends, and also to investigate to
15 any possible issues of credibility.

16 PRESIDING JUDGE: That is 18 October, was it?

17 MR HARDAWAY: That's correct, Your Honour. I believe it's
18 a Wednesday.

19 PRESIDING JUDGE: Yes, does the Defence have anything to
20 say to the application?

21 MR GRAHAM: Your Honours, we have no objections to the
22 humble application of my learned friend.

23 PRESIDING JUDGE: Thank you, Mr Graham. Well, we note that
24 there is no objection to that application, Mr Hardaway, and the
25 application is granted. That will be to -- it's a Wednesday, is
26 it? Wednesday morning, 18 October?

27 MR HARDAWAY: I believe it's a Wednesday, Your Honour, yes.

28 PRESIDING JUDGE: Well, Mr Witness, we are going to ask you
29 to come back to finish your evidence on Wednesday of next week.

1 That is not the coming Wednesday of this week but Wednesday of
2 next week, which is 18 October. And you would by now be familiar
3 with the warning we give you, that you must not discuss this
4 case, or the evidence, in the meantime, with any other person.

5 THE WITNESS: Yes, sir. Thank you, sir.

6 PRESIDING JUDGE: Thank you, Mr Witness. If you just sit
7 there for a moment we will make arrangements for you to leave the
8 Court.

9 [The witness stood down]

10 PRESIDING JUDGE: Mr Hardaway, that cross-examination could
11 well clash with the expert witnesses. I believe Defence are
12 calling their experts commencing on the 16th.

13 MR HARDAWAY: I understand that, Your Honour, and when I
14 made the request we did have that in mind but, again, based upon
15 the evidence as presented in chief and through the cross, we feel
16 we need the entire time.

17 PRESIDING JUDGE: All right. We will deal with that
18 problem when we come to it.

19 MR HARDAWAY: Very well, Your Honour.

20 MR FOFANAH: Good morning, Your Honours.

21 PRESIDING JUDGE: Good morning, Mr Fofanah.

22 MR FOFANAH: Respectfully, the next witness shall be
23 another Kamara individual witness. He carries the pseudonym
24 DBK-129. He will be testifying in Krio.

25 JUDGE DOHERTY: Mr Fofanah, I note in the email of the 5th
26 of this month, a particular pseudonym is attributed to DBK-129
27 and on the summary the name or pseudonym is attributed to
28 DBK-131. Could we just clarify who it is that is being called?

29 MR FOFANAH: Yes, Your Honour. We noticed the error and in

1 one email which was copied to the Court through the legal officer
2 we indicated that DBK-131 appeared twice in the summary and this
3 particular witness is not 131 but 129, and there is another
4 witness who is actually DBK-131, and he will be called later.

5 JUDGE DOHERTY: Thank you.

6 MR FOFANAH: Thank you.

7 JUDGE SEBUTINDE: So, Mr Fofanah, this witness appears as
8 number 1 on the Kamara list.

9 MR FOFANAH: Yes, Your Honour, at page 19113 of the
10 records.

11 WITNESS: DBK-129 [Sworn]

12 [The witness answered through interpreter]

13 EXAMINED BY MR FOFANAH:

14 Q. Good morning, Mr Witness?

15 A. Yes, good morning, sir.

16 Q. Mr Witness, I will be asking you questions about certain
17 events that happened in Sierra Leone and, after I finish asking
18 you questions, my colleagues on this side may ask you questions
19 and then my colleagues on the other side shall also ask you
20 questions about your testimony. Please listen attentively to the
21 questions and give your answers as precisely as you can; do you
22 understand?

23 A. Yes.

24 Q. Mr Witness, you were born on xxx xxx 1972 at the 34 Military
25 Hospital, Wilberforce, Freetown?

26 A. Yes.

27 Q. Mr Witness, you are married and you have four children?

28 A. Yes.

29 Q. You attended the xxx xxx Primary School?

1 A. Yes.

2 Q. As well as you did your secondary education at the xxx
3 Secondary School xxx xxx, Freetown?

4 A. Yes.

5 Q. You can read and write?

6 A. Yes.

7 Q. Your occupation at the moment is that of a footballer,
8 playing at second division level?

9 A. Yes.

10 Q. In 1991, May, you were enrolled in the Sierra Leone Army?

11 A. Yes.

12 Q. Now, if given a pen and a paper, will you be able to write
13 down -- let me ask the question first, I'm sorry. Now, when you
14 were enrolled, were you given a military number?

15 A. Yes.

16 Q. Now, if given a pen and a paper, will you be able to write
17 down your military number?

18 A. Yes.

19 Q. And by military number, I mean your Sierra Leone Army
20 number?

21 A. Yes.

22 MR FOFANAH: Respectfully, Your Honours, may the witness be
23 given a sheet of paper and a pen so that he can write down his
24 military number.

25 Q. Mr Witness, you can also write your name. You can also
26 write your full names on that sheet of paper. Now, apart from
27 your full names, Mr Witness, do you have a nickname which I don't
28 want you to call? Do you have a nickname?

29 A. Yes.

1 Q. Can you write out your nickname on that piece of paper as
2 well?

3 A. Yes, I'm writing it. I've written it.

4 Q. Thank you.

5 PRESIDING JUDGE: Yes, Mr Fofanah.

6 MR FOFANAH: At this stage Your Honours, I'm respectfully
7 applying that for purposes of protecting the witness, that the
8 document bearing his full names, nickname and SLA number, be kept
9 under seal.

10 PRESIDING JUDGE: You are tendering it, are you?

11 MR FOFANAH: Yes, I'm tendering it as an Exhibit, to be
12 kept under seal.

13 PRESIDING JUDGE: Well, is there any objection from the
14 Prosecution?

15 MR WAGONA: No, objection, Your Honours.

16 PRESIDING JUDGE: Right. Thank you. Well, this document
17 giving the witness's military number, his name and his nickname,
18 will be admitted into evidence as Exhibit D31.

19 [Exhibit No. D31 was admitted]

20 MR FOFANAH: Grateful, Your Honours.

21 PRESIDING JUDGE: Madam Court Attendant, will you take
22 custody of this Exhibit? Go ahead, Mr Fofanah.

23 MR FOFANAH: Grateful, Your Honours.

24 Q. Mr Witness, when you enrolled in the Sierra Leone Army,
25 where were you enrolled?

26 A. At 1st Battalion.

27 Q. And where is that?

28 A. Up Wilberforce.

29 Q. Now, were you given any form of military training during

1 your enrolment?

2 A. Yes.

3 Q. How long were you trained for?

4 A. I was trained for six months.

5 Q. And what kind of training were you given?

6 A. Infantry training.

7 Q. And what do you mean by infantry training?

8 A. Well, I was trained to fight, to go to the war front, so I
9 am an infantry man.

10 Q. Were you trained in the use of weapons?

11 A. Yes.

12 Q. What kind of weapon?

13 A. Yes. I was trained with AK-47. GPMG, heavy support
14 weapon. Anti-aircraft weapon, AA.

15 Q. Now was your training, this six month training, was it
16 continuous?

17 A. Well, I was in the training school. From there I was moved
18 to the front but I was in the training school for six months.

19 Q. Thank you. Now, what front were you moved to?

20 A. I was moved straight off to Gandorhun, in Kono.

21 Q. What year was that?

22 A. '91.

23 Q. Do you recall the name of your training officer, at the
24 military school?

25 A. Well, my platoon commander was Lieutenant TB Mansaray. And
26 my CO was --

27 THE INTERPRETER: Your Honour, I didn't get the name of the
28 CO.

29 MR FOFANAH:

1 Q. Mr Witness, please go slowly. Your testimony is being
2 interpreted. Can you kindly go over the last bit of your
3 testimony? Did you have training commanders?

4 PRESIDING JUDGE: Well, we've got your platoon commander,
5 Mr Witness. We already have your platoon commander. Can you
6 give us the name of your CO? You mentioned it but the
7 interpreter did not register it.

8 THE WITNESS: My CO was Major Samura.

9 MR FOFANAH:

10 Q. What do you mean by CO?

11 A. Commanding officer.

12 Q. Mr Witness, do you know the second accused in this case,
13 Ibrahim Bazy Kamara?

14 A. Yes.

15 Q. How do you know him?

16 A. I knew him where he was and where I was very close. He was
17 by the barracks and I was by Wilberforce Village. So we were
18 staying close to each other and we used to see each other.

19 Q. Was this during your training, your military training, or
20 before?

21 A. No.

22 Q. Which one?

23 A. We used -- I had known him before the training and we used
24 to see each other.

25 Q. Can you describe him as a close friend of yours?

26 A. Yes. He was not my close friend. He was a colleague. We
27 were in different areas. He was at the village and I was at the
28 barracks.

29 Q. Okay. Thank you. Mr Witness, after your posting at

1 Gandorhun, in Kono, did you go anywhere?

2 A. No. From Gandorhun I continued to fight on to Bandajuma,
3 Yawie.

4 Q. Who were you fighting during that period?

5 JUDGE SEBUTINDE: Please supply some spelling.

6 MR FOFANAH:

7 Q. Did you say you continued to fight until Bandajuma?

8 A. At that time it was RUF time, not the SLA -- it was the SLA
9 time when I joined the military.

10 Q. Okay. We will come to that. I just want to get the name.

11 You said from Gandorhun -- Your Honours, I think we've had
12 Gandorhun before. And then from Gandorhun, where did you go to?

13 A. From Gandorhun I was deployed in Bandajuma.

14 Q. Bandajuma, Your Honours, is B-A-N-D-A-M-A-J-U-M-A [sic].

15 So I'll ask you the question: Who were you fighting? You said
16 you fought from Gandorhun to Bandajuma. Who were you fighting
17 during that period?

18 A. Well, at that time it was the RUF. I was with the
19 government troop. I was a soldier.

20 Q. What do you mean by RUF?

21 A. Well, at that time it was during the rebels. When I left
22 training school I was sent to the war front.

23 Q. Okay. Mr Witness, do you -- where were you in 1997, the
24 year 1997?

25 A. At that time I was in Freetown.

26 Q. Do you recall May 25th, 1997?

27 A. Yes, I can recall that day.

28 Q. Now where were you on May 25th, 1997?

29 A. I was in the billet. I was in the football team. I was

1 playing football with my team, so I was with them in the billet.

2 Q. What team was that?

3 A. The army football team. We were in camp, in the billet,
4 the army football team.

5 Q. And by army, do you mean the Sierra Leone Army football
6 team?

7 A. Yes.

8 Q. How many of you were in camp on that day?

9 A. Almost 31 in number.

10 Q. Did you have a coach?

11 A. Yes.

12 Q. Who was the coach?

13 A. Abu Sankoh, alias Zagalo, the late man.

14 Q. Now, can you recall those who formed part of the army
15 football team, the 31 people, do you know -- did you know all of
16 them?

17 A. Yes, I can recall some of them.

18 Q. Was the second accused, Ibrahim Bazzy Kamara, a member of
19 the army football team?

20 A. Never. He was not in the army team.

21 Q. Was the first accused, Tamba Brima, a member of the army
22 football team?

23 A. He was not in the army team.

24 Q. Was the third accused, Santigie Borbor Kanu, a member of
25 the army football team?

26 A. He was not in the army team.

27 Q. So who else can you recall as being part of the army
28 football team, apart from yourself and the coach?

29 A. Well, I had my captain, who was Maxim Sesay, and the

1 assistant --

2 Q. I have to spell the names. Maxim, Your Honours, is
3 M-A-X-I-M and Sesay is S-E-S-A-Y. You say Maxim Sesay was the
4 captain, who else?

5 A. The assistance captain was Panel .

6 Q. Panel, I think, as in the English word panel. Yes. Go on.

7 A. We had Basky Kambolai .

8 Q. Basky, B-A-S-K-Y. Kambolai, K-A-M-B-O-L-A-I. Do you
9 recall any other names?

10 A. We had Issa.

11 Q. I-S-S-A.

12 A. Lamina.

13 Q. Lamina, L-A-M-I-N-A. Okay. Mr Witness, you said you were
14 in total 31 in the team, not so? And the three accused were not
15 members of the team?

16 A. Not at all.

17 Q. Now, you said you recall events of May 25th, 1997. What
18 exactly happened on that day whilst at the billet?

19 A. Well, I slept in the billet. Around 6.30 I heard gunshots
20 around Cockerill area, so I moved. I went to my home in the
21 barracks so I was there until it was -- the place was cleared.
22 So around 7 --

23 Q. Hold it there; where is Cockerill? You said you heard
24 gunshots from the Cockerill direction.

25 A. Cockerill is around Wilkinson Road.

26 Q. And what place is Cockerill?

27 A. At the headquarters, the military headquarters.

28 Q. So did you go home after hearing the gunshots?

29 A. Yes, I went to my house.

1 Q. And apart from going home on that day, did anything else
2 happen which you can recall?

3 A. Well, I saw soldiers passing up and down and from then I
4 heard an announcement from one Corporal Gborie. I heard the
5 announcement that the SLPP government had been overthrown.

6 Q. Do you know this Corporal Gborie, who made the
7 announcement?

8 A. I had known him as a soldier.

9 Q. Was he a member of the Sierra Leone Army football team.

10 A. No.

11 Q. And after hearing about the announcement that a coup had
12 occurred, did you do anything?

13 A. No.

14 Q. Did you go anywhere?

15 A. I went to my house. From there, I stayed with my family.
16 I stayed with my family.

17 Q. Now you've talked about a coup. Do you know who the coup
18 plotters were?

19 A. Well, I didn't know the people who made the coup. It was
20 the announcement I heard from Corporal Gborie over 99.9.

21 Q. And do you know if any member of the Sierra Leone Army
22 football team was part of those who plotted the coup?

23 A. No, I didn't hear about them. I only heard the
24 announcement that Gborie made because I was in the camp.

25 Q. Now, as a soldier, having heard the announcement and having
26 gone home to your family, did you report to the military
27 headquarters after hearing the coup?

28 A. Yes. Later I asked what had happened. I saw my colleagues
29 and I reported at the 1st Battalion.

- 1 Q. And where was the 1st Battalion?
- 2 A. Up Wilberforce Barracks.
- 3 Q. And did anything happen after you reported for normal duty?
- 4 A. Well, I saw soldiers going up and about. Nothing had
5 happened to me, so I only reported to my battalion.
- 6 Q. Now, do you know if a government was formed following the
7 announcement of the coup?
- 8 A. Yes, they formed a government.
- 9 Q. What government was it?
- 10 A. The AFRC government.
- 11 Q. Did that government have any leader that you know?
- 12 A. Yes.
- 13 Q. Who was the leader?
- 14 A. JP Koroma was the leader.
- 15 Q. Does the letters JP stand for anything that you know?
- 16 A. Repeat please.
- 17 Q. You said JP Koroma was the leader. Does the letters JP
18 stand for anything that you know?
- 19 A. Well, when I heard the announcement, I knew JP as the
20 leader.
- 21 Q. What does the letters JP mean to you?
- 22 A. Johnny Paul Koroma.
- 23 Q. Now, apart from Johnny Paul Koroma who you've described as
24 leader of the AFRC, did you know any other members of the AFRC
25 government?
- 26 A. Yes, I heard some appointment that JP gave.
- 27 Q. What sort of appointments did you hear about?
- 28 A. I heard about SAJ Musa, chief secretary of state. Then,
29 Bazy, as a PLO 2.

- 1 Q. Hold it. By Bazzy --
- 2 A. Sorry.
- 3 Q. -- by Bazzy are you referring to the second accused,
- 4 Ibrahim Bazzy Kamara?
- 5 A. Yes. Ibrahim Bazzy Kamara, second accused.
- 6 Q. You said he was PLO what?
- 7 A. PLO 3.
- 8 Q. Yes. Apart from Bazzy and SAJ Musa, who else did you hear
- 9 about?
- 10 A. I heard about other appointments, like Tamba Brima.
- 11 Q. What appointment was given to Tamba Brima?
- 12 A. PLO 2.
- 13 Q. Anyone else?
- 14 A. Abu Sankoh, Zagalo, PLO 1.
- 15 Q. Anyone else?
- 16 A. Yes, there were other men who were given appointments.
- 17 Q. Now, do you know what the letters PLO stand for?
- 18 A. No.
- 19 Q. And do you know if Ibrahim Bazzy Kamara performed any
- 20 functions as PLO 3?
- 21 A. Well, by then, I was with my boss. I had been deployed to
- 22 my boss, SAJ Musa, as security.
- 23 Q. So you served as security to SAJ Musa during this period?
- 24 A. Yes.
- 25 Q. How long did you serve as security for, to SAJ Musa, after
- 26 the overthrow of the SLPP government?
- 27 A. Well, the time he came -- when he came from overseas, that
- 28 was the time I was with him. When he came to Sierra Leone.
- 29 Q. So for how long were you with him?

1 A. I was with him until the intervention.

2 Q. Now, were you always with him during the AFRC period?

3 A. Yes.

4 Q. Did you know during that period if SAJ Musa attended AFRC
5 meetings?

6 A. Well, we used to go to JP but it was during the night but I
7 always stayed outside and he would go inside.

8 Q. So how many times did you go to JP during the night?

9 A. Any time he would go, if I would be fortunate, then I will
10 go with him.

11 Q. And during those trips that you made to JP Koroma, did you
12 see the second --

13 JUDGE SEBUTINDE: What does JP -- "I will go to JP", what
14 is that? What is JP? Is that a place?

15 MR FOFANAH: Your Honour, I think I've asked him that
16 question before and he said it was Johnny Paul.

17 JUDGE SEBUTINDE: You asked him with regard to the name,
18 the initials JP, but it's not clear from this evidence what JP
19 means.

20 MR FOFANAH: I will clarify that. Thank you, Your Honour,
21 I will clarify it.

22 Q. Mr Witness, when you said you went, you, yourself and SAJ
23 Musa went to JP, what do you mean by JP?

24 A. Johnny Paul Koroma, the leader of AFRC.

25 Q. And where were you -- where was it that you went to him? I
26 mean, what place?

27 A. It was down Spur Road, around the British High Commission.

28 Q. During those visits did you see the second accused, Ibrahim
29 Bazy Kamara, also paying visits?

- 1 A. I never -- I never saw him there.
- 2 Q. Did you see the first accused, Tamba Bri ma, during the
3 visits?
- 4 A. I never saw them there.
- 5 Q. What about the third, Santigie Borbor Kanu?
- 6 A. I didn't used to see them.
- 7 Q. Now, you said you were SAJ Musa throughout the AFRC period
8 until the time of the overthrow. Do you know when -- do you
9 recall events of the AFRC period, in particular, regarding the
10 conduct of SLA soldiers during the AFRC period?
- 11 A. Well, by then, I was with my boss. I was with SAJ Musa.
- 12 Q. Now, apart from SLA soldiers, were there any other armed
13 group of people in Freetown at that time?
- 14 A. I didn't know whether there was another group. There were
15 SLA soldiers.
- 16 Q. You've mentioned the word RUF before. Do you know if RUF
17 soldiers were in Freetown during that period?
- 18 A. During the time of the government?
- 19 Q. During the time of the AFRC government, yes?
- 20 A. Yes.
- 21 Q. Was anyone leading them or commanding them, that you know?
- 22 A. Well, Sam Bockarie, Mosquito.
- 23 Q. Was he based in Freetown during the AFRC period?
- 24 A. He was not in Freetown.
- 25 Q. Now do you recall February 1998?
- 26 A. Yes.
- 27 Q. Where were you, in February 1998?
- 28 A. February '98, I can't recall that, except you explain.
- 29 Q. Did you hear about the ECOMOG intervention into Freetown in

1 February 1998?

2 A. Yes. Yes.

3 Q. So where were you during that intervention?

4 A. That time I was with my boss.

5 Q. And by your boss, you mean who?

6 A. SAJ Musa.

7 Q. So did anything happen during that month in Freetown?

8 A. At that time ECOMOG started to fight.

9 Q. From where did they start to fight?

10 A. They first start from the city, along Mammy Yoko area, on
11 to Wellington area.

12 Q. Now, did you do anything during the ECOMOG fight?

13 A. Yes, I was with my boss. I was a soldier. So I tried to
14 secure him in order for us to locate where we would be for the
15 moment.

16 Q. Now, did you stay in Freetown throughout the month of
17 February 1998?

18 A. No.

19 Q. Where did you go to?

20 A. I pulled out with my boss.

21 Q. Where did you go to?

22 A. We went to Tombo.

23 Q. And where is Tombo?

24 A. Around the peninsular.

25 Q. Now, before you left for Tombo, in Freetown, as a result of
26 the riot that you have referred to, waged by ECOMOG, do you know
27 if anything happened to Freetown during that fight?

28 A. No, I can't remember.

29 Q. Okay. So, from Tombo in the peninsular, where did you go

1 to?

2 A. We crossed to RDF camp; Sumbuya.

3 Q. What do you mean by RDF?

4 A. RDF is Rapid Deployment Forces, something like a camp made
5 for soldiers.

6 Q. And from RDF camp at Sumbuya, did you go anywhere?

7 A. We moved to Masiaka.

8 Q. Did you meet people at Masiaka?

9 A. Yes, I met a lot of people at Masiaka.

10 Q. Who and who were at Masiaka?

11 A. We were many. I saw a lot of soldiers. I saw JP Koroma,
12 Johnny Paul Koroma, I saw SAJ Musa, Superman and some other
13 soldiers.

14 Q. Who is Superman?

15 A. Superman was an RUF commander.

16 Q. Now, when you arrived at Masiaka, did anything happen at
17 Masiaka?

18 A. Yes.

19 Q. Please tell the Court.

20 A. When we got to Masiaka JP Koroma, Johnny Paul Koroma,
21 summoned a meeting. He encouraged us to come back to Freetown.
22 He spoke to the Guineans. The Guineans said they wouldn't be
23 able except they are giving money for ammunition.

24 Q. Now, you said JPK encouraged you to come back to Freetown.
25 What do you mean by that?

26 A. JP said we should stand up as soldiers and fight to come
27 back to Freetown.

28 Q. And you said the Guineans said you should give them money
29 for what?

- 1 A. For ammunition.
- 2 Q. Who were these Guineans?
- 3 A. The Guineans soldiers.
- 4 Q. Where were they based at that time?
- 5 A. They were at Masiaka.
- 6 Q. Were you present when they demanded money for ammunition?
- 7 A. I was present.
- 8 Q. How much money was demanded?
- 9 A. \$10,000.
- 10 Q. And to the best of your knowledge was the sum of \$10,000
- 11 given for any ammunition?
- 12 A. No.
- 13 Q. So what was the relationship like between the SLAs and the
- 14 RUFs you met at Masiaka, as against the Guinean soldiers who were
- 15 there?
- 16 A. Well, the Guineans were in their own areas, area, and we
- 17 were in our own area at Masiaka.
- 18 Q. Was there any form of communication between the Guinean
- 19 soldiers and the SLAs and the RUF?
- 20 A. We were not able to talk to them. They were in their own
- 21 area and we were in our own area.
- 22 Q. So how did you reach the conclusion, then, that they were
- 23 demanding money for ammunition?
- 24 A. At that time, I was there when they were talking about the
- 25 ammunition. I was at the parade that JP had called, the one that
- 26 JP Koroma had called.
- 27 Q. So who talked about the ammunition; was it the Guineans or
- 28 JP Koroma?
- 29 A. It was JP Koroma who demanded for ammunition from them

1 because he was in need of ammunition, but they didn't settle
2 that.

3 Q. Okay. Now apart from the demand for ammunition, did JP
4 Koroma do or say anything in -- at Masiaka?

5 A. Yes.

6 Q. What did he do or say?

7 A. Well, when he summoned the soldiers, he spoke to the
8 soldiers, so everybody took a stand in order to fight; in order
9 to reinstate our army.

10 Q. Did you come back to Freetown to reinstate your army as a
11 result of what JP Koroma said?

12 A. Yes.

13 Q. So from Masiaka, where did you go to?

14 A. To Kabala. Kabala.

15 Q. Now, did you see the second accused at Masiaka, Ibrahim
16 Bazzy Kamara?

17 A. Yes, I saw him at Masiaka.

18 Q. Was he alone when you saw him?

19 A. He was with his family.

20 Q. Did you see him at Kabala when you travelled to Kabala?

21 A. We only saw each other at Masiaka. I didn't see him in
22 Kabala.

23 Q. Did you travel alone to Kabala?

24 A. No, I went with my colleagues, other soldiers. All of us
25 went to Kabala.

26 Q. Just one moment. You said you saw Ibrahim Bazzy Kamara,
27 the second accused with his family. Now, apart from his family,
28 did you see him controlling or commanding any troops at Masiaka?

29 A. No. He only told me that he was going to Port Loko, to

1 I leave his family there, his wife.

2 Q. Did he tell you what part of Port Loko he was going to
3 settle his family?

4 A. No, he didn't tell me.

5 Q. Now, when you arrived at Kabala, did you meet people there?

6 A. Yes, I met plenty people in Kabala.

7 Q. Were they armed men or civilians?

8 A. You mean soldiers or civilians?

9 Q. The people that you met, were they civilians or armed men
10 or both?

11 A. Well, the time we were dislodged from Freetown --

12 THE INTERPRETER: Your Honours, I didn't get the last bit
13 of the witness.

14 MR FOFANAH:

15 Q. Mr Witness, can you come close to the mic a bit, please,
16 and please be as audible as you can. My question is: You said
17 you went to Kabala from Masiaka. When you arrived at Kabala, the
18 people that you met, were they civilians or armed men? By that I
19 mean soldiers or both?

20 A. We met a lot of people; both soldiers and civilians.

21 Q. Now, the soldiers you met, do you know if they had any
22 overall commander at Kabala?

23 A. Yes. SAJ Musa was the overall commander.

24 Q. Now, you've told the Court that you left -- when you went
25 to Masiaka, SAJ Musa was there. Did you travel together with SAJ
26 Musa to Kabala?

27 A. No, we didn't travel together.

28 Q. But when you arrived at Kabala you met him there?

29 A. Yes.

1 Q. Apart from SAJ Musa who you said was the overall commander
2 of the soldiers, do you know any other person who had a command
3 position at Kabala?

4 A. Yes, Superman was there. Denis Mingo. They were all in
5 Kabala, the RUF.

6 Q. So what was the relationship like between the soldiers and
7 the RUF when you arrived at Kabala?

8 A. The relationship, they didn't appear to be good because
9 everybody was on their own defensive. The RUF were there and the
10 soldiers were there.

11 Q. Did you stay in Kabala when you arrived there?

12 A. Yes. Yes.

13 Q. Do you recall what month and year it was that you arrived
14 at Kabala?

15 A. No, I can't recall the month.

16 Q. But do you recall the year?

17 A. From the time that we were dislodged from Freetown '97,
18 that was the time we arrived in Kabala.

19 Q. Did you say you were dislodged from Freetown in 1997?

20 A. Yes. '98.

21 Q. Okay. So you said you stayed in Kabala for a while.

22 Whilst at Kabala, did anything happen, that you can recall?

23 A. When I arrived in Kabala, because we had to move back into
24 the small villages, so we had been going up and down. So we were
25 in Kabala. From Kabala we went to Kono.

26 Q. When you say "we went to Kono from Kabala," who are the
27 "we"?

28 A. We all went to Kono. We went and left JP. JP. We went
29 and left him in Kono. JP.

1 Q. Who is JP?

2 A. Johnny Paul Koroma, AFRC leader.

3 Q. So did you reach Kono, when you went with JP? Did you
4 arrive at Kono?

5 A. Yes. I arrived in Kono.

6 Q. Now, do you know how large the troops were that went to
7 accompany JP at Kono?

8 A. Well, we were many, who entered Kono.

9 Q. Did SAJ Musa go with the troops that went to accompany JP
10 to Kono?

11 A. No, SAJ didn't go to Kono.

12 Q. Now, when you arrived at Kono, did you meet people there?

13 A. Yes. We met RUF, RUF fighters in Kono.

14 Q. And do you know if they had any overall commander at Kono,
15 the RUF?

16 A. Yes, Superman was the overall commander in Kono.

17 Q. How did you know that?

18 A. Because I myself, I was in Kono. I was there. They were
19 the only people that had been controlling and commanding the area
20 so when they sent the SLA there they were not many, so they were
21 in control.

22 Q. Do you know if Superman had any second in command?

23 A. Yes, he had a second in command, who was Peleto. He was
24 RUF also.

25 Q. Peleto, Your Honours, is P-E-L-E-T-O. Now, when you
26 arrived there, together with Johnny Paul Koroma, did you stay in
27 Kono?

28 A. Yes, I was in Kono for some time.

29 Q. And can you recall how long; was it up to a month?

1 A. No, I did not spend up to a month there.

2 Q. During that time, did the SLAs have a commander whilst you
3 were in Kono?

4 A. It was the RUF that had the commander, in Kono, and they
5 had the overall command.

6 Q. Did you see Ibrahim Bazy Kamara, the second accused, in
7 Kono, during that time?

8 A. No.

9 Q. Did you also see the other two accused Tamba Brima and
10 Santigie Borbor Kanu in Kono during that time?

11 A. No.

12 Q. Now you said that the SLA, the RUF had -- they were in
13 control in Kono, they were in command. Those of you who went as
14 SLAs with Johnny Paul Koroma, were you under the RUF or did you
15 have your own commander?

16 A. No, we were under RUF, because they had the command because
17 they were in the town.

18 Q. Did Johnny Paul Koroma stay in Kono?

19 A. No, he went to Kailahun.

20 Q. From Kono, did you go anywhere?

21 A. I had to return to Kabala.

22 Q. Before your return to Kabala, did you see or hear about any
23 mining activities in Kono?

24 A. No.

25 Q. Did you see or hear about any looting being done by SLA
26 soldiers in Kono during that period?

27 A. No.

28 Q. Did you see or hear about any rape being done by SLA
29 soldiers during that period?

1 A. No.

2 Q. Did you see or hear about any burning of houses or other
3 property in Kono during that period?

4 A. No. It was the RUF that had been burning houses because I
5 was there when the RUF had been burning houses.

6 Q. So which of -- who -- do you know who ordered the burning
7 of houses? Which of the RUFs?

8 A. It was Superman that had been giving orders because he was
9 the commander.

10 Q. And do you know how many houses he had burnt down in Kono?

11 A. I cannot recall the number of houses that were burnt.

12 Q. Do you recall any particular place or street where houses
13 were burnt?

14 A. Well, because I was down at this place, Five-Five, and the
15 fire was right up by -- up by -- by the police station. There
16 they had been setting fire on the houses and I was by Five-Five
17 because during the time I had not been working in Kono but it was
18 the RUF that was in control.

19 Q. Did you see or hear about the killing, killing of
20 civilians, during that period?

21 A. No.

22 Q. Now, you said you left Kono after staying there for a
23 while. Where did you go to, from Kono?

24 A. Well, I had to return to Kabala.

25 Q. Did you go alone?

26 A. No. I went with some other soldiers to Kabala again.

27 Q. Did you reach Kabala?

28 A. Yes.

29 Q. When you arrived there, did you meet anybody in Kabala?

1 A. Yes, I met soldiers there in Kabala.

2 Q. Did the soldiers you met have any commanding officer? Was
3 there anyone who was in overall command of the soldiers you met?

4 A. Yes. I met SAJ Musa again in Kabala.

5 Q. And by this time, did you have any relationship with SAJ
6 Musa?

7 A. Yes, I had a relationship with SAJ Musa.

8 Q. So did you continue to be his bodyguard, his security,
9 around this time?

10 A. Yes; during that time I was with him.

11 Q. And did you stay in Kabala when you returned?

12 A. Well, I stayed in Kabala for some weeks.

13 Q. And where did you go to from Kabala?

14 A. I had to leave. I went to the villages, some villages
15 after Kabala. Some other villages, by Kurubonla.

16 Q. Now, just one question back on Kono. Can you tell the
17 Court why you left Kono for Kabala?

18 A. Yes.

19 Q. Why did you leave Kono?

20 A. Because the command, I was not pleased with the command
21 that was in Kono, I as a soldier, so I decided to return to
22 Kabala.

23 Q. What command was in Kono that you were not pleased with?

24 A. Because it was the RUF that had the command.

25 Q. Okay. So let's come back to Kurubonla. You said when you
26 left Kabala you went to Kurubonla; did you go to Kurubonla alone?

27 A. No, I went with soldiers. My colleagues.

28 Q. And when you went to Kurubonla, did you stay there?

29 A. I stayed there for some weeks.

1 Q. Did you meet people at Kurubonla?

2 A. Yes, soldiers were there, again. I met soldiers there in
3 Kurubonla.

4 Q. Now, you've earlier told the Court that when you first came
5 to Kabala, that is before you went with JP to Kono, Superman was
6 at Kabala. Now, upon your return, did you meet Superman in
7 Kabala?

8 A. No, when I returned, I did not meet Superman in Kabala.

9 Q. The soldiers at Kurubonla, do you know if they had any
10 overall commander?

11 A. Yes. During that time it was SAJ Musa that was the overall
12 commander.

13 Q. And how do you know that?

14 A. Well, SAJ Musa was my boss-man, so wherever he was I had to
15 trace him so as to know that he was around.

16 Q. And do you know if he had any second in command, during
17 that time?

18 A. Yes, he had a second in command.

19 Q. Who was his second in command?

20 A. The second in command during that time was Superman because
21 they had been operating together during that time.

22 Q. Now, you've told the Court that when you came back to
23 Kabala Superman was not there. Was Superman SAJ Musa's second in
24 command at Kabala when you returned?

25 MR WAGONA: Objecti on. Leadi ng.

26 MR FOFANAH: I'm merely to clari fy, Your Honours.

27 PRESIDING JUDGE: Well, it is leadi ng, Mr Fofanah.

28 MR FOFANAH: Thank you, Your Honour.

29 Q. When was Superman SAJ Musa's second in command?

1 A. Well, Superman himself went to Kono, so he returned to
2 Kabala. So he and SAJ Musa had been operating because he did not
3 go to Kailahun. He was not fortunate to go to Kailahun. He was
4 fortunate to go to Kabala area. He did not operate in Kailahun,
5 the Kailahun area. He operated in the north.

6 Q. So did you see Superman in Kurubonla when you arrived
7 there?

8 A. Yes, they were together. I saw Superman.

9 Q. So from Kurubonla, did you go anywhere?

10 A. I went to Mongo.

11 Q. Did you see the second accused at Kurubonla, Ibrahim Bazy
12 Kamara?

13 A. I did not see him at Kurubonla.

14 Q. Did you see the first accused, Tamba Bri ma, at Kurubonla?

15 A. No.

16 Q. Did you see the third accused, Santi gie Borbor Kanu, at
17 Kurubonla?

18 A. No.

19 Q. Now, upon your return at Kabala, did you see any of the
20 three accused persons I have mentioned at Kabala?

21 A. No.

22 Q. Now, you said you went to Mongo. Mongo, Your Honours, we
23 have had that before. When you arrived -- did you reach Mongo?

24 A. Yes, I reached Mongo.

25 Q. And did you meet anybody at Mongo?

26 A. Well, because from Kurubonla when I came to Mongo, I met my
27 boss again there, in Mongo, SAJ Musa.

28 PRESIDING JUDGE: I think we will pause there, Mr Fofanah.

29 MR FOFANAH: I`m grateful, Your Honours. Thank you.

1 PRESIDING JUDGE: Mr Witness, we are going to take the
2 lunch break now. I will caution you that while you are in the
3 course of giving evidence you are not permitted to discuss the
4 evidence or the case with any other person; is that clear?

5 THE WITNESS: Yes.

6 PRESIDING JUDGE: We will adjourn until 2.15.

7 [Luncheon recess taken at 12.45 p.m.]

8 [AFRC09OCT06B-RK]

9 [Upon resuming at 2.15 p.m.]

10 PRESIDING JUDGE: Yes, Mr Fofanah.

11 MR FOFANAH: Good afternoon, Your Honours.

12 Q. Good afternoon, Mr Witness.

13 A. Good afternoon.

14 Q. Mr Witness, when we broke off you had told the Court that
15 you left Kurubonla and went to Mongo; do you remember?

16 A. Yes, I left Kurubonla and went to Mongo.

17 Q. You said when you arrived at Mongo you also met soldiers
18 there?

19 A. Yes.

20 Q. So who were the soldiers that you met at Mongo?

21 A. I met SLAs and the RUF soldiers.

22 Q. Now, were those soldiers under any command?

23 A. Yes.

24 Q. Who was their overall commander?

25 A. The overall commander was SAJ Musa in Mongo.

26 Q. And do you know if there was any command structure at
27 Mongo?

28 A. Yes.

29 Q. Can you describe to the Court the command structure you met

1 at Mongo when you arrived there?

2 A. After SAJ Musa was an RUF commander; I can't recall the
3 name. That was how it used to go. After that, the RUF
4 commander, after SAJ.

5 Q. Now, do you know how the troops were structured at Mongo?

6 A. Everybody was in Mongo, the RUFs and the SLAs, but I did
7 not spend a long time in Mongo. We -- I withdrew.

8 Q. So, how did you know that those whom you referred to as RUF
9 were, in fact, RUF soldiers?

10 A. I was on the ground for some time before I left to go to
11 Guinea.

12 Q. Now, apart from SAJ Musa, were there any other SLA
13 commanders that you can recall at Mongo?

14 A. Yes. You have SLA Rambo.

15 Q. Go on.

16 A. SLA Rambo, and you have Alabama who was there, the late
17 Alabama, he was there.

18 Q. Now, who was SLA Rambo, within the military structure at
19 Mongo?

20 A. I was a commander myself.

21 THE INTERPRETER: Correction, interpreter. He too was a
22 command.

23 MR FOFANAH:

24 Q. What about Alabama; who was he within the SLA structure at
25 Mongo?

26 A. He was a commander too.

27 Q. Apart from these two and SAJ Musa, did you recall any other
28 commanders who were SLAs at Mongo?

29 A. We were among the juniors, and we used to be promoted to

1 captain, lieutenant, major.

2 Q. So whilst there, did you receive any promotion?

3 A. Yes, I had a promotion as a lieutenant.

4 Q. And, apart from that promotion, did you have any position?
5 Were you given any assignment?

6 A. Yes, I had an assignment to go to a village. After that
7 village, I laid an ambush and I was bulldozed to Guinea.

8 Q. What do you mean you were bulldozed to Guinea?

9 A. By the ECOMOG, because they were advancing to our area, so
10 I was removed from that area and I found myself in Guinea.

11 Q. So what village did you attack when you were at Mongo?

12 A. I can't recall the village. It is Koranako village, but I
13 can't remember the name of the village.

14 Q. So you said you went to Guinea; how did you leave Mongo for
15 Guinea?

16 A. I went through Waliya. I crossed with my family, because I
17 had my child and my wife. I had to cross through the Waliya
18 border to come to Guinea.

19 MR FOFANAH: Waliya, Your Honours, is spelt W-A-L-I-Y-A.

20 Q. So, when you came into Guinea, did you go anywhere in
21 Guinea?

22 A. I was in Guinea and I went back to Liberia.

23 Q. How long did you take in Guinea?

24 A. I did not stay very long in Guinea, just about, about three
25 to four weeks. Then I went to Liberia; I returned to Liberia.

26 Q. Did you go to Liberia alone?

27 A. Yes, I was the only one who went to Liberia.

28 Q. So what part of Liberia did you go to?

29 A. In the city. Monrovia city, Freeport.

1 Q. And did you stay in Monrovia when you arrived there?

2 A. I stayed there for a week and I went on to Kailahun.

3 Q. Whilst in Monrovia were you in contact with any SLA
4 soldiers?

5 A. Because I did not spend a long time there, I was unable to
6 speak to any of them. I went, I, in fact, I tried to go to
7 Kailahun.

8 Q. So how did you travel to Kailahun?

9 A. I used a vehicle from Monrovia to Kailahun. From Kailahun
10 I arrived under the commander of Mosquito. I spent some time in
11 Kailahun and then went to Tongo.

12 Q. Now, let's talk about Kailahun a bit. So, did you spend
13 time in Kailahun when you left Liberia for Kailahun, when you
14 arrived in Kailahun?

15 A. Yes, I spent some time in Kailahun.

16 Q. Do you know how -- roughly how long you took there?

17 A. I did not spend a long time, because I was in a hurry to
18 come, so I did not spend a long time in Kailahun.

19 Q. Did you meet SLA soldiers in Kailahun when you arrived?

20 A. I met a few, but the RUF are in control of Kailahun, they
21 are there, but I did not see soldiers.

22 Q. So who was the overall commander of the RUFs in Kailahun,
23 if you know?

24 A. Sam Bockarie, Mosquito.

25 Q. And how did you know that he was the overall commander?

26 A. Because when I arrived, he received me and he took me to
27 the head commander, so, so I saw him.

28 Q. Now, did you see the second accused, Ibrahim Bazy Kamara,
29 in Kailahun, whilst you were there?

1 A. No.

2 Q. Did you see the first accused, Tamba Bri ma, in Kailahun,
3 whilst you were there?

4 A. No.

5 Q. Did you hear about the presence of Tamba Bri ma, the first
6 accused, in Kailahun, during your brief stay there?

7 A. No.

8 Q. Did you hear or see Santi gie Borbor Kanu in Kailahun whilst
9 you were there?

10 A. No.

11 Q. Now, whilst in Kailahun, did you hear or see any incident
12 of rape in Kailahun?

13 A. No, because I did not stay long in Kailahun. I proceeded
14 to Tongo.

15 Q. Now, during your brief stay in Kailahun, did you hear or
16 see any incident of killing of civilians in Kailahun?

17 A. No.

18 Q. Did you hear or see children below the age of 15 years
19 being used as soldiers in Kailahun, during your brief stay there?

20 A. No.

21 Q. Did you hear or see any houses being burnt down in
22 Kailahun, whilst you were there?

23 A. No.

24 Q. So you said you came to Tongo. Do you know what district
25 Tongo is?

26 A. Tongo, I know the district.

27 Q. What district is it?

28 A. I don't know the district of Tongo.

29 Q. So did you meet people in Tongo when you arrived there?

1 A. Yes, I met white men in Tongo. I met the RUF; they were in
2 charge of Tongo.

3 Q. Now, when you say they were in charge of Tongo, who was in
4 charge of Tongo?

5 A. The commander I met in Tongo was Akim.

6 Q. And do you know what group or organisation Akim belonged
7 to?

8 A. He was -- he was under the RUF.

9 Q. How did you know that?

10 A. Because I stayed with them for awhile and I -- it was the
11 RUF command that was present.

12 Q. Now, during your stay with them, did you observe or notice
13 any incidence of mining of diamonds in Tongo?

14 A. In Tongo, I did not spend a long time in Tongo, and I did
15 not see where they were digging diamonds. I was fighting to go
16 to Kono.

17 Q. So did you leave for Kono?

18 A. Yes.

19 Q. Is there any reason why you were in such a rush moving from
20 Guinea, to Liberia, to Kailahun to Tongo to Kono?

21 A. Yes, because I was trailing my brothers, so I was able to.

22 Q. Who were your brothers that you were trailing?

23 A. My SLA colleagues.

24 Q. When you were moving through these places, did you know
25 where the SLAs were?

26 A. Yes, we were -- we were moving, because I knew they were
27 around. They had entered Freetown, so I was looking for them
28 around there.

29 Q. So when you arrived in Tongo, do you know what year it was?

1 A. Tongo. I arrived in Tongo around -- in February, the first
2 week in February. I arrived in Tongo the first week in February.

3 Q. What year was it?

4 A. I cannot recall the year.

5 Q. So from Tongo you said you went to Kono?

6 A. Yes.

7 Q. Did you arrive at Kono?

8 A. Yes.

9 Q. Did you meet people there?

10 A. In Kono, I met people there.

11 Q. Whom did you meet at Kono?

12 A. Well, it was the RUF that were in Kono again.

13 Q. And how did you know that?

14 A. Because I spoke with a few men on the ground before I went
15 to Makeni.

16 Q. Now you've referred to the words SLA brothers. Did you
17 meet your SLA brothers at Kono, when you arrived there?

18 A. Yes, I met a few of them there.

19 Q. Was there any overall commander in Kono, when you arrived
20 there?

21 A. Well, the time I passed through Kono, I was eager to come
22 to Makeni, but I didn't ask -- went about asking questions, so I
23 was just trying to come to Makeni. I did not bother to inquire
24 much about my SLA brothers there.

25 Q. So how did you travel from Tongo to Kono?

26 A. I walked.

27 Q. How did you also travel from Kono to Makeni?

28 A. From Kono to Makeni, there were vehicles plying the route,
29 so I had to board myself into a vehicle that brought me from Kono

1 to Makeni .

2 Q. Did you meet people in Makeni ?

3 A. I met a lot of people in Makeni .

4 Q. Whom did you meet in Makeni ?

5 A. I met -- I met some soldiers, some RUFs, because they were
6 in command of Makeni . The RUF were in command.

7 Q. Did they have any leader, the RUF, who was commanding them
8 in Makeni ?

9 A. Yes, they had leaders there, but -- but I was unable to
10 speak with them, because I was proceeding to come to the point
11 where my men were.

12 Q. So, from Makeni , where did you go to?

13 A. Well, from Makeni , I came so Four Mile.

14 Q. And where is Four Mile?

15 A. It is just by the Freetown Highway, between Waterloo.

16 Q. Waterloo and where?

17 A. After Waterloo, you come -- after Waterloo, you come over
18 to Four Mile, by the Freetown Highway.

19 Q. So how did you travel from Makeni to Four Mile?

20 A. From Makeni to -- from Makeni to Four Mile, it was a
21 vehicle that brought me there, a Hilux vehicle.

22 Q. And did you travel with other people?

23 A. Yes, I travelled in an RUF vehicle which brought me from
24 Makeni to Four Mile.

25 Q. And did you meet people at Four Mile?

26 A. Yes, I met people at Four Mile.

27 Q. Who were at Four Mile?

28 A. Well, when I came to Four Mile, I met Junior Johnson,
29 O-Five, I met Tito, I met Foday Bah Marah.

1 Q. Junior Johnson, did he have any other name, apart from
2 Junior Johnson?

3 A. They used to call him Junior Lion.

4 Q. So you said you met them there; were they doing anything
5 when you met them at Four Mile?

6 A. Well, he was the commander I met at Four Mile. It was
7 through him I reported when I came. He was the commander. I met
8 O-Five there, I met Tito, and I met Foday Bah Marah, as well.

9 Q. So, you've called a number of names. Who was the commander
10 to whom you reported?

11 A. Well, to O-Five.

12 Q. Now, do you know if all -- if apart from these soldiers
13 that you mentioned -- if there were other SLA soldiers at Four
14 Mile?

15 A. Yes, there were many. There were -- there were a lot of
16 soldiers around.

17 Q. And can you estimate the number of soldiers who were at
18 Four Mile around this time?

19 A. Yes. At Four Mile I met more than 100 at Four Mile.

20 Q. And did these SLAs have an overall commander?

21 A. Yes.

22 Q. Who was their overall commander?

23 A. O-Five.

24 Q. Do you know if O-Five had a second in command around this
25 time?

26 A. Yes, Junior Lion.

27 Q. Now, around what time or what month and year did you come
28 to Four Mile?

29 A. It was in February, in the same February, that was the time

1 I entered Four Mile.

2 Q. What year was it?

3 A. Around '99.

4 Q. So you've said O-Five was the overall commander. Did you
5 spend time at Four Mile when you arrived there?

6 A. Yes. During that time I stayed at Four Mile, because I had
7 seen my men, so I decided to stay at Four Mile.

8 Q. How long did you stay in Four Mile?

9 A. Well, I -- I stayed there for some months. I was there.

10 Q. Now, did you have any discussions with the men that you met
11 at Four Mile, your SLA brothers?

12 A. Yes, I -- I spoke with them. They asked me where I was. I
13 had to explain to them where I came from, so we had discussions.
14 I stayed there. That was where I was.

15 Q. Did they tell you where they were coming from?

16 A. Yes. They told me that they were from Freetown. So that
17 was the place I met them. They explained to me that they came
18 from Freetown.

19 Q. And the SLAs that you met at Four Mile, were they armed?

20 A. Yes, they had arms.

21 Q. What kind of weapons did they carry?

22 A. They had AK-47. They had GPMG.

23 Q. Now, whilst at Four Mile, did anything happen that you can
24 recall?

25 A. We were at Four Mile for some time and the ECOMOG started
26 pushing us from Four Mile. They pushed us on to Mamamah.

27 Q. Now what is ECOMOG? You said the ECOMOG started pushing
28 you; what is ECOMOG?

29 A. The Nigerian forces, the ECOMOG.

- 1 Q. From what direction were they pushing you?
- 2 A. From the part of Freetown, they pushed us from Four Mile on
3 to Mamamah, because we were initially based at Four Mile.
- 4 Q. How far is Mamamah from Four Mile?
- 5 A. It is along the highway. It is the same highway.
- 6 Q. Now, did you reach Mamamah?
- 7 A. Yes.
- 8 Q. And were there people at Mamamah when you arrived there?
- 9 A. Yes, there were people there. Some civilians were at
10 Mamamah.
- 11 Q. At this time, were you under the command of anyone?
- 12 A. Yes, I was under the command of somebody.
- 13 Q. Who was your commander?
- 14 A. During that time, the commander under whom I was operating
15 was Junior Johnson, Junior Lion.
- 16 Q. Now, when you arrived at Mamamah, did you do anything
17 there?
- 18 A. Well, we blocked Mamamah. We had -- we made a small
19 resistance. Junior Lion told us to dig some holes so that we can
20 forestall the ECOMOG that were coming rapidly. So if -- after we
21 had done that, it was not easy for the ECOMOG to come over.
- 22 Q. Where were the holes dug?
- 23 A. It was on the main highway, on the Main Street.
- 24 Q. Now, you said you blocked Mamamah; what do you mean by
25 that?
- 26 A. Well, we set up a defensive at Mamamah, because the ECOMOG
27 were advancing, so we too had to set up a defensive at Mamamah.
- 28 Q. Now, before you left Four Mile, did you have any encounter
29 with the ECOMOG forces?

1 A. Yes, they moved us from Four Mile. That was why we came to
2 Mamamah, because we came with heavy artilleries.

3 Q. Was there a fight at Four Mile?

4 A. Yes, we fought there at Four Mile.

5 Q. And during that fight did anything happen?

6 A. Yes, we had casualties on our own part.

7 Q. And what do you mean by that?

8 A. Because they fired at some of our colleagues, others were
9 damaged.

10 Q. Now, did you spend time in Mamamah after you set up the
11 block force, the blocking force? Did you stay in Mamamah?

12 A. Yes, we stayed there.

13 Q. How long did you take in Mamamah?

14 A. Well, we did not spend a long time there, so we moved. So
15 the ECOMOG had wanted the highway, so they were advancing. They
16 moved us from there. Anywhere we blocked they were pushing us
17 off from that place.

18 Q. Now, you've told the Court that you dug the highway, so
19 that you can block ECOMOG from advancing. How were you removed
20 from Mamamah by ECOMOG?

21 A. Well, the way the road was made at Four Mile, they had to
22 use their tanks to ply the road, so they were able to push us
23 from that place.

24 Q. So, did anything happen in Mamamah before you left?

25 A. Yes. Before we left Mamamah, Junior Lion gave an order to
26 one soldier.

27 Q. Who was that soldier to whom Junior Lion gave an order?

28 A. The soldier's name is Kankada.

29 Q. Spelt K-A-N-K-A-D-A. Yes, what was the order given to

1 Kankada?

2 A. He gave him an order to make the area fearful. So since
3 the ECOMOG were advancing, if they were to meet the heads of
4 human beings and their bodies littering, so they would be afraid.
5 So some people were killed and laid their bodies and heads at the
6 checkpoint.

7 Q. Now, who killed the people that you have referred to?

8 A. Well, these people, Junior Lion gave the order to one of
9 his security, one Kankada.

10 Q. Who killed the people, that is what I want to know? You've
11 told the Court that Junior Lion gave the order, so who killed the
12 people?

13 A. It was Kankada. Kankada. His name is Kankada.

14 Q. Do you know how many people were killed at Mamamah?

15 A. Well, the people were more than four.

16 Q. The people who were killed, were they soldiers or
17 civilians?

18 A. Civilians.

19 Q. And how did you know that?

20 A. Because I was present and, when the order was given, it was
21 the civilians that were killed, so that when the ECOMOG could
22 have arrived at the place and saw these bodies laid on the
23 ground, they would be afraid.

24 Q. And were you present when Junior Lion gave this order to
25 Kankada, to kill these people?

26 A. Yes, I was around. I was present.

27 Q. Apart from this incident which you have told the Court
28 about, did any other thing happen before you left Mamamah?

29 A. Well, after that, we did not stay long. We moved to 38.

1 Q. Now, let me just take you one step back. Whilst you were
2 at Four Mile, did you see Ibrahim Bazy Kamara at Four Mile,
3 during your stay there?

4 A. I did not ever see him at Four Mile.

5 Q. Did you see Tamba Brima at Four Mile?

6 A. I did not see him at Four Mile, no.

7 Q. What about Santigie Borbor Kanu?

8 A. No.

9 Q. When you came to Mamamah, did you see Ibrahim Bazy Kamara
10 with the troops?

11 A. No.

12 Q. Do you know if Junior Lion was reporting to any Ibrahim
13 Bazy Kamara, who is the second accused in this case?

14 A. No. Junior Lion was the commander. He was the one that I
15 met as the commander. I did not meet those men you are calling.

16 Q. Was Junior Lion reporting to anyone who was superior in
17 command to him?

18 A. No.

19 Q. Did Junior Lion at Mamamah have a second in command?

20 A. Yes.

21 Q. Who was second in command?

22 A. He had Tito. Tito was there. He had SLA Rambo. He had
23 Foday Bah Marah.

24 Q. So from Mamamah, did you go anywhere?

25 A. Yes, we went to 38.

26 Q. Now, did you witness or notice any burning of houses in
27 Mamamah before you left?

28 A. Yes. By the time we were to move, Junior Lion gave an
29 order that we should -- we should burn down the houses there at

1 Mamamah, before we could have left.

2 Q. And were houses burnt down at Mamamah on the orders of
3 Junior Lion before you left?

4 A. Yes.

5 Q. How many houses did you burn at Mamamah?

6 A. We burnt down about four houses in Mamamah before we left
7 there.

8 Q. And you said you went to Mile 38 from Mamamah; did you meet
9 people at Mile 38?

10 A. At 38, no, only few civilians that were there were the
11 people that occupied there.

12 THE INTERPRETER: Could the witness come --

13 MR FOFANAH:

14 Q. Mr Witness, please, you have to talk a bit slowly because
15 you are being interpreted and if you can come close to the mic so
16 that they can hear you clearly. The question again, did you meet
17 people in -- at Mile 38 when you arrived?

18 A. We did not meet many people there. There were no -- there
19 were only few civilians, when we came from Four Mile to Mamamah
20 on to 38 where the people had occupied the area now.

21 Q. And at this time where was ECOMOG?

22 A. They were advancing.

23 Q. How did you know that?

24 A. Because we used -- we used to exchange fire as they were
25 coming, so, when they came to 38, we left them there again.

26 Q. Now, how long did you take in Mile 38 before you left?

27 A. 38, we did not spend long time there, because during the
28 time the ECOMOG were advancing, as they were pushing us, they
29 continued to come, so we moved from one place. We went to a

1 place called Magbeni .

2 Q. Did anything happened at Mile 38 before you left for
3 Magbeni ?

4 MR FOFANAH: Magbeni , Your Honours, is M-A-G-B-E-N-I .

5 THE WITNESS: Well , at Mile 38, the commander, Junior Lion,
6 passed an order that we should burn down the houses so that the
7 ECOMOG would not have a way to stay there. So we obeyed the
8 order and we proceeded to Magbeni .

9 Q. How many house did you burn at Mile 38 before you
10 proceeded?

11 A. About three houses.

12 Q. And when I say "you," I mean yourself and the other
13 soldiers, how many houses?

14 A. Yes, we were all together. We were all together. It was
15 about three houses.

16 Q. Now, how far is Magbeni from Mile 38?

17 A. From Mile 38 to Magbeni --

18 Q. Do you know how long it is or -- in mileage?

19 A. Well, it is not up to five miles to six miles from the
20 highway to Magbeni .

21 Q. And do you know where Magbeni is?

22 A. Yes.

23 Q. Where is Magbeni ?

24 A. It is by Okra Hill , behind Okra Hill . You would ride --
25 you would ride and go to Okra Hill . We use the footpath through.

26 Q. Do you know what district Magbeni is?

27 A. It is the Koya District.

28 Q. So when you arrived at -- did you arrive at Magbeni ?

29 A. Yes.

1 Q. When you arrived there, did you meet people there?

2 A. Yes, we met civilians in Magbeni.

3 Q. How many civilians did you meet at Magbeni?

4 A. They were there. There were many in Magbeni.

5 Q. And around the time when you arrived at Magbeni was Ibrahim
6 Bazy Kamara with you and the other troops, the other soldiers?

7 A. No, he wasn't with me. He wasn't with us. Junior Lion was
8 the commander; he and the troops moved together.

9 Q. Did you see or hear about Ibrahim Bazy Kamara at Mile 38
10 before you moved to Magbeni?

11 A. No.

12 Q. And during your movement, do you know if Junior Lion was
13 answerable to Ibrahim Bazy Kamara?

14 A. No.

15 Q. So what is "no"? No, you don't know, or no what? Do you
16 know if Junior Lion was answerable to Ibrahim --

17 A. That was not the case. I don't know -- I don't know that.
18 He was not answerable to anybody.

19 Q. Who was not answerable to anybody?

20 A. Junior, Junior was the overall commander for the troop
21 during that period.

22 Q. You said you met people at Magbeni when you arrived. Now,
23 did you stay at Magbeni when you arrived there?

24 A. Yes. We were in Magbeni for some time and we sent the
25 advance team in order to cross over the water, in order to find a
26 base.

27 Q. What water are you referring to?

28 A. Well, it is a big river.

29 Q. And who constituted the advance team that you sent across

1 the river to find a base?

2 A. Well, it was Kai and Yapo Sesay who led the advance team;
3 Bobby.

4 Q. Now, who is Kai?

5 A. A soldier.

6 Q. Is that his full name?

7 A. That was the name by which he was called. That is the name
8 I knew.

9 MR FOFANAH: One moment.

10 Q. Now, do you know if he had any other name, apart from Kai?

11 MR WAGONA: Objection. That question has been answered,
12 Your Honours.

13 PRESIDING JUDGE: What was the answer, Mr Wagona?

14 MR WAGONA: Your Honours, the answer was that it was Kai.

15 PRESIDING JUDGE: But the question was: Did he have any
16 other name? Go ahead, Mr Fofanah.

17 MR FOFANAH: Grateful.

18 Q. Did Kai have any other name that you know?

19 A. That is the name I know him for.

20 Q. And can you describe this person that you call Kai?

21 A. Yes. A fair complexion soldier, a short one, fair in
22 complexion.

23 Q. You also called another name. Can you go over the name,
24 the other person that constituted the advance team that went over
25 the river?

26 A. Well, the next man that they went together was Bobby Yapo
27 Sesay.

28 Q. Do you know if they went across and found a base that you
29 talked about?

1 A. Yes, they left. Yes, they left us at Magbeni, they went
2 with the advance team and found a base.

3 MR FOFANAH: Your Honours, respectfully may the first
4 accused be permitted to use the convenience.

5 PRESIDING JUDGE: Yes, Mr Brima can leave the Court.

6 MR FOFANAH:

7 Q. How did you know that they, in fact, found a base that
8 you're talking about?

9 A. Well, they were in the advance team, they were the first to
10 cross and they were the ones that found the base before we could
11 join them later.

12 Q. Now, this base that they found, did it have any name?

13 A. Yes, after we found the base, then Junior Lion, the
14 commander, came and named the place West Side.

15 Q. How did you move from Magbeni to West Side?

16 A. We had to cross over the water with a canoe. We went over
17 with canoes.

18 Q. Before you left Magbeni, did anything happen there which
19 you can recall?

20 A. I can't recall anything happened.

21 Q. Did you see or hear about any killing of civilians at
22 Magbeni, whilst you were there?

23 A. No.

24 Q. Now, around what time did you arrive at the base called
25 West Side, what month and year?

26 A. West Side was around February. February, that was the time
27 we arrived at West Side. I can't recall the year.

28 Q. Now, when you arrived at West Side, did you meet people
29 there, apart from the advance team?

1 A. After we crossed over, we met civilians.

2 Q. Did West Side have any other name that you know?

3 A. Well, I don't know another name for him, because I don't --
4 I don't know the other name. As we arrived, Junior Lion called
5 the place West Side, so that was the name it was called, the
6 place was called.

7 Q. Did you stay at West Side?

8 A. Yes, we settled there.

9 Q. How long did you take at West Side?

10 A. We were based there. We took months, we took three, four,
11 five months in West Side.

12 Q. Do you know if there was any overall commander at West Side
13 when you were based there?

14 A. The time we were there, Junior Lion was the commander for
15 West Side.

16 Q. Did you see or hear about Ibrahim Bazzy Kamara being at the
17 West Side during your stay there?

18 A. I did not see him. I did not see him at West Side when I
19 arrived there, when we crossed over.

20 Q. Now, do you know if any military structure was set up at
21 West Side whilst you were there?

22 A. No.

23 Q. Was there anyone who was second in command to Junior Lion
24 whilst you were there?

25 A. Yes.

26 Q. Who was second in command to Junior Lion?

27 A. Tito.

28 Q. Now, during your stay at West Side, did anything happen,
29 which you can recall?

1 A. Yes, we were at West Side for some time and we started
2 operations. Junior Lion said we should plan an operation for
3 Port Loko. We planned the operation for Port Loko to attack the
4 Malians. Junior Lion was in charge of that operation at Port
5 Loko.

6 Q. Where were the Malians, where were they based?

7 A. They were at --

8 THE INTERPRETER: Your Honours, can the witness take the
9 name of the school.

10 MR FOFANAH:

11 Q. Can you go over the name of the school again? Where were
12 the Malians based?

13 A. It is a school at Port Loko, Schlenker. That is where they
14 were based.

15 MR FOFANAH: I think it is S-C-H-L-E-N-K-E-R.

16 Q. Did you go on this operation yourself?

17 A. No, I was at the base. Junior Lion went on that operation
18 with Keforkeh.

19 Q. Now, you've -- who is Keforkeh?

20 A. Keforkeh is a soldier. He's an SLA soldier.

21 Q. Is he the same as the Kai you have earlier referred to?

22 A. Yes, the very same. The same Kai.

23 Q. So this Keforkeh is also called Kai?

24 A. Yes.

25 Q. Since you did not go on the operation, how did you know
26 about the operation?

27 A. Because I was in the camp when they left to go on the
28 operation. When they returned, they met me in the camp at the
29 base.

1 Q. And when they came back, do you know what happened to do
2 them at Schlenker where the Malians were based?

3 A. Yes, they returned with -- yes, they captured, two Malians
4 when they returned and with ammunition.

5 Q. Can we respectfully get that again, because I heard the
6 witness say "they brought two captured Malians," and the
7 interpretation is: "They captured two Malians on their way."
8 Mr Witness, can you go over your testimony again regarding the
9 two Malians. What happened to them?

10 A. They returned with these captured Malians at the base at
11 West Side, these two Malians.

12 Q. How did you know that they were Malians?

13 A. When they returned, I knew they were Malians, because they
14 were allowed to speak to the ambassador, the Malian ambassador.

15 Q. Where was the Malian ambassador?

16 A. He was in Freetown.

17 Q. How did the two captured Malians speak to him?

18 A. Over a radio set.

19 Q. Who was operating the radio set?

20 A. A Pronto by the name of --

21 Q. Can you go over the name, please?

22 A. Olingimah, a pronto.

23 Q. What do you mean by pronto?

24 A. The man who operates the set.

25 MR FOFANAH: Olingimah, Your Honours, is spelled

26 O-L-I-N-G-I-M-A-H.

27 Q. So you said Olingimah was the set operator. Do you know if
28 Olingimah was answerable to or under the control of anyone?

29 A. Yes, he was subordinate of Junior Lion, under the command

1 of Junior Lion.

2 Q. Were you present when the Malians spoke with the
3 ambassador?

4 A. Yes.

5 Q. What did they say?

6 A. They spoke in their language. They told them to tell the
7 ambassador that they had captured the two of them and they were
8 at the base. They had been captured and held as prisoners of
9 war.

10 Q. So who told who to say what?

11 A. Junior Lion told them to speak to their boss, to the
12 ambassador.

13 Q. Now, apart from the two Malians who were brought, do you
14 know if anything happened at Port Loko upon the attack?

15 A. Well, I cannot tell, because I was not there.

16 Q. Apart from the two Malians who were captured and brought,
17 do you know if Junior Lion and his soldiers brought anything else
18 to the West Side base?

19 A. Yes, I saw ammunition.

20 Q. Apart from this attack on Port Loko, do you know if any
21 other attack was planned and organised at West Side?

22 A. Not in the West Side. When Junior Lion came from Port
23 Loko, he planned another operation, he said, so I was in charge
24 of that operation to the highway Makoloh.

25 Q. Is Makoloh the name of a place or the highway?

26 A. It is around the highway by a school.

27 MR FOFANAH: Makoloh, Your Honours is, M-A-K-O-L-O-H.

28 Q. So did you go on the operation?

29 A. Yes. I was the operation commander for that operation.

1 Q. How many of you went on that operation?

2 A. I went with 250 men.

3 Q. And who were based at Makoloh?

4 A. That was the headquarters of the ECOMOG, the battalion
5 headquarters.

6 Q. And you said you went on the attack. When you arrived
7 there, were there ECOMOG soldiers at Makoloh?

8 A. Yes, they were there. That is the battalion headquarter.
9 They were there.

10 Q. So what happened when you arrived at Makoloh with your
11 troops?

12 A. I was in charge of the operation, so we attacked Makoloh
13 and removed the ECOMOG at Makoloh. Because I went in search of
14 ammunition and I got the ammunition that I had gone for.

15 Q. How did you remove the ECOMOG from Makoloh?

16 A. I did not use the highway. I used a bypass, by the bush
17 road.

18 Q. So was there a fight between your troops and ECOMOG at
19 Makoloh?

20 A. Yes, yes.

21 Q. Did anything happen during that fight?

22 A. After the fight, we fought and we won. We captured the
23 area, so some of them went to Freetown and we settled there. We
24 did not spend a long time there. We only took ammunition and
25 returned.

26 Q. During that fight, were there any killings of people at
27 Makoloh?

28 A. Well, I would not say that people were killed, because we
29 attacked at night around 2.00, because it was an exchange firing

1 between us and the ECOMOG.

2 Q. And did you do any burning of houses at Makoloh during that
3 attack?

4 A. No, we did not burn down houses. We only took ammunitions
5 and pulled out.

6 Q. From Makoloh where did you go to?

7 A. We returned to Magbeni to cross over to go to West Side.

8 Q. Also, during your attack as commander on the Makoloh
9 operation, did you see or hear about any incident of rape at
10 Makoloh?

11 A. No, because it was at night.

12 Q. Were houses looted at Makoloh by your troops?

13 A. We went in search of ammunition and we got the ammunition.
14 We went to the headquarters.

15 THE INTERPRETER: Your Honours, can the witness take that
16 bit again.

17 MR FOFANAH:

18 Q. Did you loot any houses at Makoloh when you went on the
19 operation?

20 A. Yes.

21 Q. How many houses did you loot?

22 A. Well, the number of houses I cannot recall.

23 Q. So you said you returned back to your base from Makoloh.
24 When you returned to the base, was Junior Lion still there, the
25 overall commander?

26 A. Junior Lion was the commander, so he was waiting for me at
27 the Waterside to welcome me.

28 Q. And when you arrived, did he welcome you?

29 A. Yes, he was happy because he saw the ammunition, so he was

1 glad.

2 Q. Was there anyone who served as second in command to you on
3 the Makoloh attack?

4 A. Yes.

5 Q. Who was your second in command?

6 A. The second in command was Mohammed. He is an SLA soldier.

7 Q. Now, when you went back to West Side base, did you continue
8 to stay at West Side?

9 A. Yes. We retired there, because we had ammunition, because
10 we were in charge, so we settled.

11 Q. And were there any other operation planned whilst you were
12 at the West Side?

13 A. Yes, we planned another operation for the highway, for the
14 cease fire.

15 Q. What do you mean by cease fire?

16 A. Before the cease fire, we planned an operation [Overlapping
17 speakers] Mansumana before the cease fire.

18 Q. Where is Mansumana?

19 A. Mansumana is after 38.

20 MR FOFANAH: Mansumana, Your Honours is, M-A-N-S-U-M-A-N-A.

21 Q. So did you plan this operation on Mansumana?

22 A. Yes, because we had a superior, Junior Lion, he planned an
23 operation and he said he would take us there, to Mansumana.

24 Q. So did he himself, Junior Lion, take yourself and the other
25 SLA troops to Mansumana on this operation?

26 A. No, did I not the go with them, because I had returned from
27 Makoloh, so another man took that operation.

28 Q. So who was the other man who took the operation?

29 A. His name was Keforkeh. The fellow I described awhile ago.

1 Q. Do you know if he, in fact, went on the operation?

2 A. Kai or who?

3 Q. Did Keforkeh attack Mansumana?

4 A. Yes, he attacked Mansumana.

5 Q. Who were at Mansumana, if you know?

6 A. The ECOMOG were based there.

7 Q. What kind of ECOMOG?

8 A. Nigerian ECOMOG.

9 Q. And you mean ECOMOG soldiers?

10 A. Yes, ECOMOG soldiers, ECOMOG Nigerian soldiers.

11 Q. Do you know the outcome of the attack by Keforkeh on
12 Mansumana?

13 A. Yes, he attacked Mansumana. He stayed there for a while
14 before he pulled out and returned.

15 Q. So when you said he stayed there for a while, is it your
16 testimony that the attack on Mansumana was successful?

17 MR WAGONA: Your Honours --

18 THE WITNESS: Yes, we succeeded at Mansumana. We
19 succeeded.

20 MR WAGONA: Your Honours, the Prosecution is getting
21 concerned about these attacks on ECOMOG on grounds of relevance
22 to the indictment.

23 PRESIDING JUDGE: I think we have had this objection
24 before. What is your reply to that, Mr Fofanah?

25 MR FOFANAH: Your Honours, especially with regards the
26 second accused, a number of alleged atrocities and crimes were
27 alluded to him by witnesses of the Prosecution and a lot of them
28 had to do with the use of arms and ammunition. And the
29 indictment, as drafted, is not only restricted to armed men, but

1 civilians as well, and the witnesses of the Prosecution recounted
2 on a number of occasions that all the attacks on the places under
3 review were, in fact, done on the orders of the second accused.
4 That in some cases he was present himself and in other cases he
5 was given orders and instructions. We are merely trying to put
6 our case and see how the witness will respond to it.

7 MR AGHA: Your Honours, there is no case for the
8 Prosecution that the second accused was attacking ECOMOG
9 soldiers. The indictment clearly leads civilians. The
10 indictment is about attack on civilian populations.

11 PRESIDING JUDGE: Yes, was is your reply, Mr Fofanah?
12 There has been an objection on the grounds of relevance, so why
13 do you say it is relevant?

14 MR FOFANAH: Yes, Your Honours, firstly, I started by
15 indicating that he said they went there to get arms and
16 ammunition, which they brought back to the base. Those arms and
17 ammunitions were obviously used for a purpose, and regarding the
18 ECOMOG soldiers' presence, it is merely part of the story,
19 because in order to get the arms and ammunition from ECOMOG,
20 which was used for various other attacks, I mean, they had to be
21 engaged in a fight. And without prejudice to their case, I mean,
22 even if ECOMOG was based in these locations, it is also alleged
23 that certain things happened to the places where ECOMOG was. For
24 example, burning of houses, raping of civilians, and even if
25 civilians were not there, it does not mean if houses were burnt
26 down, they could not be -- except if the Prosecution indicates
27 they are withdrawing that aspect of the indictment. But I
28 respectfully believe that we are trying to establish the range.

29 JUDGE SEBUTINDE: Incidentally, what time frame is this?

1 What time frame is this evidence?

2 MR FOFANAH: I think it is 1999, after February, but I will
3 put that to the witness.

4 MR AGHA: I don't think, Your Honours, looting and burning
5 appears for Port Loko at all. I may stand to be corrected on
6 that. But again, it goes back to whether they were taking arms
7 and ammunition. The Prosecution is quite happy about that, but
8 does not really see the relevance in terms of the indictment.

9 PRESIDING JUDGE: What part of the indictment are you
10 answering, Mr Fofanah, by leading evidence from this witness?

11 MR FOFANAH: Your Honours, counts 6 to 9 talks about sexual
12 violence, and Port Loko at page 14 is indicated as a district.

13 MR AGHA: Well, the questioning, Your Honour, is not about
14 sexual violence, so far as I can see.

15 MR FOFANAH: I am just putting the case.

16 PRESIDING JUDGE: All right. We have heard you more times
17 than we have to, Mr Agha.

18 MR FOFANAH: That is one, and then there is this widespread
19 use of terror, I mean, which is a general count. Counts 1 to 2,
20 terrorising the civilian population and collective punishment.
21 Port Loko, as a district, is not merely restricted to the areas
22 we have referred to. Port Loko it is large enough to embrace
23 many other villages and towns. And then, Your Honours --

24 PRESIDING JUDGE: I appreciate that, Mr Fofanah, but the
25 objection is to the relevance of leading evidence on attacks on
26 ECOMOG. I just cannot see how that fits in to what you are
27 saying.

28 MR FOFANAH: Well, if -- may I seek your indulgence for a
29 movement, Your Honours.

1 [Defence counsel conferred]

2 PRESIDING JUDGE: Yes, Mr Fofanah.

3 MR FOFANAH: Grateful. Thank you very much, Your Honours.
4 Just on this same point, Your Honours, I would particularly like
5 to draw the Court's attention to paragraphs 38 and 39. In fact,
6 from 37 to 39 -- 37 to 40, paragraphs 37 to 40 of the indictment,
7 which clearly lays out the case theory of the Prosecution in
8 developing the count charges. I mean, paragraph 38 particularly
9 states that at all times relevant to this indictment members of
10 the RUF/AFRC junta and or AFRC/RUF forces subordinate to and/or
11 acting in concert with Alex Tamba Brima, Brima Bazzy Kamara and
12 Santigie Borbor Kanu conducted armed attacks. Those are my
13 emphasis, conducted armed attacks throughout the territory of the
14 Republic of Sierra Leone, including Bo, Kono, Kenema, Koinadugu,
15 Bombali and Kailahun and Port Loko Districts. And then it went
16 further to say that at paragraph 39, these attacks were carried
17 out primarily to terrorize the civilian population but also used
18 to punish the population for failing to provide sufficient
19 support the AFRC/RUF or for allegedly providing support to the
20 Kabbah government.

21 PRESIDING JUDGE: All right. I can see the relevance of
22 that evidence, Mr Fofanah. I will overrule the objection. You
23 go ahead.

24 MR FOFANAH: I'm grateful, Your Honours. Your Honours, may
25 I respectfully be guided by your records. I was cut off
26 midstream.

27 PRESIDING JUDGE: Well, my last --

28 JUDGE SEBUTINDE: The last issue was the operation on
29 Mansumana being successful. You were asking the witness: So was

1 the operation successful? And he had not answered that question.
2 That means, the operation to attack ECOMOG at Mansumana, was it
3 successful.

4 MR FOFANAH: Thank you, I'm grateful.

5 Q. Mr Witness, we last stopped at where you said Keforkeh led
6 the troops on Mansumana, and then you said he stayed there for a
7 while before returning to the West Side base. So the question I
8 which asked was: By saying that he stayed at Mansumana for a
9 while, were you indicating that the attack on Mansumana was
10 successful?

11 A. Yes.

12 Q. And did Keforkeh and the soldiers he used in the attack,
13 did they later return to the West Side base?

14 A. Yes, they returned back to the West Side base.

15 Q. And did they carry anything upon their return?

16 A. Yes, they went along with ammunition.

17 Q. Now, did they tell you -- did anyone, including Keforkeh
18 and those who went on the attack, did they tell you whether they
19 were involved in the killing of civilians at Mansumana, when they
20 went on the attack?

21 A. No.

22 Q. Were you told or did you hear of civilians dying during the
23 fight between the troops that went to attack ECOMOG and ECOMOG
24 itself?

25 A. No.

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

27 A. They did not tell me that.

28 Q. So you said that he brought ammunitions back to the West
29 Side base. Were these weapons used for any purpose that you know

1 about?

2 A. Yes. They took the ammunition from the ECOMOG and returned
3 to the West Side base with them.

4 Q. What did you do with the ammunitions that were brought to
5 the West Side base?

6 A. We kept the ammunition for defensive purposes.

7 Q. Now, throughout your stay at the West Side base, did Junior
8 Lion remain as overall commander?

9 A. Yes. Junior Lion remained the overall commander until
10 Kallay came from Makeni, who took over from him; that is, Foday
11 Kallay, he was the one that was made the overall commander.

12 Q. Who is Foday Kallay?

13 A. A soldier, an SLA soldier.

14 Q. Do you know what year it was that Foday Kallay came to the
15 West Side base?

16 A. Well, the time I cannot recall, because he came from Makeni
17 and joined the West Side.

18 Q. Were you present at the West Side when Foday Kallay came?

19 A. Yes.

20 Q. Did any other incident happen at the West Side whilst you
21 were there?

22 A. Nothing happened until the time I left the West Side and I
23 came over to Freetown during the time of the cease fire.

24 Q. Now, throughout your stay at the West Side until Foday
25 Kallay came and became overall commander, did you hear or see
26 Ibrahim Bazy Kamara at the West Side?

27 A. I did not see him at the West Side.

28 Q. Do you know if the commanders at the West Side were acting
29 under the instructions or command of Ibrahim Bazy Kamara when

1 they were there?

2 A. No. They were acting under the orders of Junior Lion at
3 the time I was at the West Side.

4 Q. Were there children used as soldiers at the West Side
5 during your stay there?

6 A. No. They brought a lot of children from Freetown, but they
7 were not used to fight.

8 Q. Who brought children from Freetown?

9 A. Well, the time I was at Four Mile, it was Junior Lion I
10 used to see with a lot of children, ladies, who were civilians.

11 Q. Do you know how old these children were?

12 A. Well, according to my observation, some were big girls,
13 some were little girls under age, but majority of them were big
14 girls, but among them were children whose number was reasonable.

15 Q. Now, when you say girls, were all the children girls?

16 A. No, they were mixed, boys and girls.

17 Q. Do you know if many of the children that you saw were below
18 the age of 15.

19 A. Yes, some were below 15, some were above.

20 Q. And were these children taken to the West Side base?

21 A. Yes.

22 Q. Did they continue to stay at the West Side base until you
23 left for Freetown?

24 A. No, we released some children. We handed them over to the
25 UN. They came with some and some remained with us.

26 Q. Who handed them over to the UN?

27 A. It was Junior Lion.

28 Q. Do you know how many children were handed over to the UN?

29 A. Yes, there were more than 50.

1 Q. How many children remained at the West Side?

2 A. I did not count the number that remained.

3 Q. Were these children free to move about whilst they were at
4 the West Side?

5 A. Yes, they used to move about.

6 MR FOFANAH: Your Honours, I have no further questions for
7 the witness.

8 PRESIDING JUDGE: Thank you, Mr Fofanah. Yes, which of the
9 Defence is going next to cross-examine?

10 MR MANLY-SPAIN: I will, Your Honour.

11 CROSS-EXAMINED BY MR MANLY-SPAIN:

12 Q. Mr Witness, on this question of children at West Side, at
13 one time you said that you had with you your wife and child; am I
14 right?

15 A. At West Side?

16 Q. Not at West Side.

17 A. Yes, I had my wife and child.

18 Q. And with them you went to Conakry -- to Guinea?

19 A. Yes.

20 Q. Do you know whether other soldiers, like you, had their
21 wives and children, brothers and sisters at West Side?

22 A. Yes, many of them. Some of them had their children and
23 their wives.

24 Q. Thank you, Mr Witness. Mr Witness, throughout the period
25 you have given evidence about, did you see the third accused,
26 Santigie Kanu, commanding other soldiers who were under him?

27 A. Where?

28 Q. Anywhere, throughout?

29 A. No, no, no.

1 Q. Did you know that the third accused had soldiers who were
2 subordinate to him, during this period?

3 A. No.

4 Q. Thank you, Mr Witness.

5 JUDGE DOHERTY: I'm not sure, Mr Manly-Spain, if he means
6 he didn't know or the third accused did not have soldiers under
7 his command.

8 MR MANLY-SPAIN:

9 Q. I'm asking: Did the third accused have soldiers
10 subordinate to him throughout this period you have given evidence
11 about?

12 A. No.

13 Q. Thank you. Mr Witness, I only have a few questions.
14 Mr Witness, when went from Guinea, Liberia, Kailahun, Kono,
15 Makeni and back to meet your friends, your colleagues, at Four
16 Mile, were you carrying a weapon?

17 A. No, during the time I was moving, I hadn't a weapon.

18 Q. Mr Witness, at the beginning when the AFRC was overthrown,
19 when you went to Masiaka, did you see the third accused, Santiage
20 Kanu?

21 A. I was unable to see any of them at Masiaka, because I was
22 with my family too.

23 MR MANLY-SPAIN: Your Honour, can I ask leave for the
24 second accused to use the bathroom.

25 PRESIDING JUDGE: Yes, Mr Kamara can leave the Court.

26 MR MANLY-SPAIN: Thank you.

27 Q. Mr Witness, you said you were deployed with SAJ Musa at the
28 time of the ECOMOG intervention.

29 A. Yes.

1 Q. You said you pulled out of Freetown when ECOMOG attacked?

2 A. Yes.

3 Q. Do you remember what ECOMOG attacked with?

4 A. It was the Nigerian soldiers.

5 Q. But what did they attack with?

6 A. Heavy artillery: They used the jet; they used heavy
7 support weapons; they used the tanks.

8 Q. Thank you, Mr Witness. Mr Witness, were you part of any
9 resistance to ECOMOG when they attacked Freetown?

10 A. Well, the time I was in Freetown, since I was a soldier, so
11 I was with them fighting, because I was a soldier.

12 Q. And do you know how this fighting took place before the
13 AFRC collapsed?

14 A. Say again, sir?

15 Q. Do you know how long the fighting between the ECOMOG and
16 the SLA took place before the AFRC collapsed?

17 A. They fought us. They drove us from Freetown because they
18 had not wanted the AFRC in power.

19 Q. How long did you resist for, let me put it that way?

20 A. Well, about nearly a month.

21 Q. Thank you, Mr Witness. Mr Witness, you referred to meeting
22 one Akim in Tongo.

23 A. Yes.

24 Q. Before then, did you know him?

25 A. Yes, I knew him before as a soldier, because I have fought
26 with him. I have fought along with him.

27 Q. Thank you. Do you know whether, at the time you met him in
28 Tongo, he was fighting as an SLA or RUF?

29 A. Because -- he was under the RUF command, because he used to

1 take command from Mosquito.

2 Q. The first time you went to Kono, Mr Witness, after the
3 intervention, you said something like at Kono you were with
4 Five-Five; am I right?

5 A. Which Five-Five? Five-Five at the -- I was at Five-Five.
6 That was where I was able to see some of my colleagues, so that
7 was the place I was down.

8 Q. Yes, what is Five-Five that you are referring to?

9 A. Well, that is the place -- that is the name of a place in
10 Kono. The place is called Five-Five.

11 Q. Thank you, Mr Witness. Mr Witness, at time you were at
12 Tongo, do you know whether SLAs had arrived in Freetown on
13 January 6?

14 A. Yes.

15 THE INTERPRETER: The interpreter is sorry. Can the
16 witness come again, he is not audible at the last part of his
17 testimony.

18 MR MANLY-SPAIN:

19 Q. Do you know whether the SLAs had arrived in Freetown in
20 January? To clarify, January 6, 1999.

21 A. They had already come to Freetown, yes.

22 Q. So am I right to say that when you met them at Four Mile,
23 this was at the time they were retreating from Freetown?

24 A. Yes. They had left Freetown, the time I met them at Four
25 Mile.

26 Q. Thank you very much. Mr Witness, did you see the third
27 accused, Santigie Borbor Kanu, at Four Mile?

28 A. No. No.

29 Q. Before you got to West Side, did you come across the third

1 accused, Santigie Borbor Kanu, with the troops who were
2 retreating?

3 A. No.

4 Q. Thank you, Mr Witness. Mr Witness, when did you actually
5 leave the West Side?

6 A. Well, after the cease fire. That was the time I left the
7 West Side. When the cease fire agreement was signed, I came to
8 Freetown to come over to my work again.

9 Q. Did you go through the DDR programme?

10 A. No, I did not go through the DDR programme. I went through
11 a training as a soldier. The British came and trained us.

12 Q. Are you still serving in the SLA?

13 A. I am still serving. I am in the army team.

14 Q. Thank you, Mr Witness.

15 MR MANLY-SPAIN: No more questions.

16 PRESIDING JUDGE: Thank you. Mr Graham, have you any
17 questions.

18 MR GRAHAM: No, Your Honour, I have no questions for the
19 witness.

20 PRESIDING JUDGE: Yes, Mr Wagona.

21 MR WAGONA: Your Honours, at this stage the Prosecution
22 humbly requests for an adjournment on the grounds that we are not
23 yet ready with cross-examination, and this is one of the
24 witnesses whose summary was disclosed on 29 September, outside
25 the 21-day rule. And we will need this time to conduct whatever
26 investigations that we need to conduct to address the testimony
27 of the witness. And given that there will be another witness for
28 cross-examination on 18, we humbly pray that this adjournment be
29 given for 19th.

1 PRESIDING JUDGE: Well, I think 18th is a better date. We
2 could set that day aside for cross-examining these witnesses. We
3 have no indication yet how long the cross-examination is going to
4 take. If we don't get through both witness in the morning, we
5 can adjourn one of them to another date.

6 MR WAGONA: Much obliged.

7 PRESIDING JUDGE: Is there any objection from the Defence
8 to that application?

9 MR FOFANAH: Your Honours, we have no objection. We are
10 entirely in the Court's hands.

11 PRESIDING JUDGE: Thank you, Mr Fofanah.

12 [Trial Chamber conferred]

13 PRESIDING JUDGE: Yes, your application is granted,
14 Mr Wagona, with one slight variation. We'll adjourn this witness
15 also to the 18 October. So we understand the Defence will be
16 calling expert witnesses on the 16th, but notwithstanding that,
17 we will keep the 18th, at least the morning of the 18th, for
18 cross-examination of these witnesses.

19 MR WAGONA: Thank you, Your Honour.

20 PRESIDING JUDGE: 18 of October. Mr Witness, we will ask
21 you to come back to court on Wednesday of next week. That is 18
22 October, and you will be able to, hopefully, finish your
23 testimony then. But in the meantime, because you are still in
24 the course of giving evidence, I have to repeat my warning, that
25 you are not permitted to discuss your evidence or the case with
26 any other person at all. Is that clear?

27 THE WITNESS: Sir.

28 PRESIDING JUDGE: All right. Thank you. If you would just
29 sit there, we will make arrangements for -- pardon me for a

1 moment. I think we will -- it is ten to 4.00, by the time we get
2 another witness in and swear him, it will be time to adjourn for
3 the day. Just sit there, Mr Witness, for the moment, and we will
4 adjourn the Court to 9.15 tomorrow morning.

5 [The witness stood down]

6 [Whereupon the hearing adjourned at 3.50 p.m. to
7 be reconvened on Tuesday, the 10th day of September,
8 2006, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D31 53

WITNESSES FOR THE DEFENCE:

WITNESS: DBK-012 2

CROSS-EXAMINED BY MR MANLY-SPAIN 2

CROSS-EXAMINED BY MR GRAHAM 9

WITNESS: DBK-129 51

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