

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

MONDAY, 10 OCTOBER 2005
10.03 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Maureen Edmonds Mr Geoff Walker
For the Prosecution:	Ms Melissa Pack Mr Jim Hodes Ms Maja Dimitrova (Case Manager) Ms Martine Durocher (intern)
For the Principal Defender:	Mr Ibrahim Foday Mansaray
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazzy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kan:	Mr Geert-Jan Alexander Knoops

1 [AFRC10OCT05A - SV]
2 Monday, 10 October 2005
3 [Open session]
4 [The accused present]
09:58:06 5 [Upon commencing at 10.03 a.m.]
6 WITNESS: GIBRIL MASSAQUOI [Continued]
7 PRESIDING JUDGE: Good morning. I notice we're all present
8 and correct this morning. Unless there is some other matter to
9 be raised -- sorry, there is a matter. At the end of hearing on
10:03:42 10 Friday, the Prosecution invited the Defence to withdraw an
11 application. Defence, have you -- there is already a ruling on
12 it and it's a matter of whether you say yes or no, we agree to
13 withdrawing it or we don't agree to withdrawing it.
14 MR KNOOPS: Thank you, Your Honours. Good morning. We
10:04:02 15 don't believe that we should withdraw our objection and I took --
16 PRESIDING JUDGE: Thank you, Mr Knoops. If you don't wish
17 to withdraw it then the ruling stands. The ruling has been made
18 and like any ruling it remains until it's either changed by
19 order, variation or reflection of time. I've noted it. Thank
10:04:25 20 you. I will then -- if there is no other matter I will remind
21 the witness of his oath.
22 Mr Witness, you recall that you swore to tell the
23 truth and that promise and that oath is still binding on you
24 today. You are to continue to answer questions and to answer
10:04:46 25 questions truthfully. Do you understand?
26 THE WITNESS: Yes, Your Honours.
27 PRESIDING JUDGE: Thank you very much. Ms Pack, please
28 proceed.
29 EXAMINED BY MS PACK: [Continued]

1 Q. Mr Massaquoi, when we left off on Friday, I was asking you
2 about the various locations at which you were based in the days
3 following your release from Pademba Road Prison. I'll just
4 remind you, the last -- where we'd got to. You said you moved
10:05:28 5 when State House fell to a place called Samuels. Would you tell
6 us which area of Freetown Samuels is located?

7 A. Yes. Samuels is in the east end of Freetown at Kissy.

8 Q. Who were you based there with?

9 A. I was based there with Steve Bio and Lahai.

10:05:54 10 Q. I want to ask you about the movement of the commanders and
11 the men who were in Freetown. Firstly, starting off with the
12 first days after your release, where was the headquarters of the
13 men in Freetown in the first days after your release?

14 A. It was at State House.

10:06:23 15 Q. After State House was lost, was there a headquarters
16 elsewhere in Freetown?

17 A. Yeah, there was not much of a headquarter, but every one of
18 them met at where their leader was staying, Gullit was staying at
19 Shankardass.

10:06:41 20 Q. What do you mean by every one of them?

21 A. I'm talking of the key leaders that came with Gullit in
22 Freetown.

23 Q. Did you ever go to Shankardass?

24 A. Yes.

10:06:56 25 Q. Did you go to any meetings there?

26 A. No.

27 Q. About when was it that State House was lost by the men in
28 Freetown after your release from prison?

29 A. They lost it just a few days after they have spent one week

1 there.

2 Q. Did Gullit remain at Shankardass for the remaining period
3 in Freetown?

4 A. No.

10:07:31 5 Q. What happened? Where did he move to?

6 A. As government forces continued their advancement, he left
7 Shankardass.

8 Q. Do you know where he went after that?

9 A. Not specifically, but I knew every one of who were in town
10:07:50 10 were now located at Wellington, Calaba Town and Allen Town.

11 Q. When you say as the government troops advanced, where had
12 they advanced to by the time you all then moved to the
13 Wellington, Calaba Town, Allen Town area?

14 A. Government forces have already advanced from State House to
10:08:19 15 East End Police, East End Police to Upgun Turntable and all the
16 way to Ferry Junction.

17 Q. By this time where did you move to?

18 A. We also moved to Calaba Town.

19 Q. Do you recall anyone else who was based there in Calaba
10:08:42 20 Town at this time?

21 A. Yes. I saw Bazzy there. I saw Five-Five, but I did not
22 know at that time which particular house they were sleeping in.

23 Q. After Calaba Town where did you go?

24 A. From Calaba Town we went to the mental home area.

10:09:10 25 Q. Which mental home is that?

26 A. At Kissy.

27 Q. Why did you go from Calaba Town to the mental home in
28 Kissy?

29 A. Because government forces -- I mean the ECOMOG forces were

1 now advancing on -- from two flanks. From Jui, at the same time
2 from Ferry Junction, occupying the main highways.
3 Q. Do you know the nationality of the ECOMOG troops coming
4 from the Jui end?
10:09:42 5 A. Yes, they were Guineans.
6 Q. And from the other end, from the Ferry Junction end, what
7 nationality were those ECOMOG troops?
8 A. They were Nigerians.
9 Q. Who went to the mental home, was it just you?
10:10:00 10 A. No, the whole crowd.
11 Q. By the whole crowd, who do you mean?
12 A. The fighters, including their commanders and my very self.
13 Q. When State House was still under control of Gullit and the
14 other men in Freetown, what would you do on a daily basis?
10:10:29 15 A. Every day I reported to State House to them.
16 Q. Were you just in State House at this time?
17 A. No.
18 Q. What else were you doing?
19 A. I also move around town, areas under their control.
10:10:47 20 Q. How were you moving around town?
21 A. I move in a pick-up which was given to us by Lahai, myself
22 and Steve, to be used.
23 Q. I want to go back to the first couple of days after your
24 release from Pademba Road prison. You've told us about the first
10:11:08 25 day and what happened on that day. You've told us about the
26 meeting and your conversation with a representative from the BBC
27 in Freetown. That was the first day?
28 A. Yeah.
29 Q. On the second day did anything happen?

1 A. Yes.

2 Q. What happened?

3 A. I recall there was a dialogue between Sam Bockarie and
4 Gullit.

10:11:34 5 Q. How do you know about that dialogue?

6 A. I was with him just close by the radio, right at State
7 House.

8 Q. Was anyone else present at that time, during the dialogue?

9 A. Yes, Steve Bio was there also and the bodyguards of
10:11:53 10 Gullit --

11 MS PACK: Pause a moment.

12 PRESIDING JUDGE: Ms Pack, there's a reference to "I was
13 with him close by". Who's him?

14 MS PACK: Thank you, Your Honour.

10:12:02 15 Q. Who were you with? Who was the person you were with
16 when --

17 A. Gullit. Gullit.

18 Q. How did you know that the communication was with Sam
19 Bockarie, between Gullit and Sam Bockarie?

10:12:14 20 A. Before he even went to the radio room he told me that he
21 was going to have dialogue with Sam Bockarie.

22 Q. Then what happened once you got to the radio room?

23 A. He had discussions with Sam Bockarie.

24 Q. Where were you at the time the discussion took place?

10:12:34 25 A. Right at the veranda while he was in the radio room.

26 Q. Do you know anything about what was said during those
27 discussions?

28 A. Yes.

29 Q. How do you know what was said?

1 A. I was standing by. It was not like it was something they
2 were discussing nobody else could know, because at the distance
3 where I was, I was listening everything.

4 Q. What was said then in the discussion between Sam Bockarie
10:13:02 5 and Gullit?

6 A. It was basically about sending reinforcement for them and
7 some ammunitions as they were running out of ammunitions.

8 Q. Who was going to be sending reinforcement and ammunition?

9 A. Sam Bockarie.

10:13:18 10 Q. To whom?

11 A. To Gullit.

12 Q. Was anything else said in that communication that you
13 recall?

14 A. Yes. Sam Bockarie promised that he was going to send some
10:13:30 15 people.

16 Q. Did he say anyone specifically?

17 A. Yes. He said Issa Sesay have already dispatched Rambo,
18 John Flomo.

19 Q. How was the radio set up, the radio set?

10:13:51 20 A. This is a VHF radio, having its antenna mounted up on top
21 of the building and the radio is in there with open speakers.

22 Q. And how was --

23 JUDGE SEBUTINDE: Ms Pack, sorry, there was Rambo John
24 something.

10:14:09 25 MS PACK: I'm sorry, Your Honour. I'll ask the witness to
26 repeat that.

27 Q. You said there was Rambo John Flomo. I'd like you just to
28 spell John Flomo, please, for the Chamber?

29 A. J-O-H-N, John. F-L-O-M-O, Flomo.

1 Q. Pausing there with that name, who was John Flomo, Rambo?
2 A. He was an RUF Vanguard.
3 Q. Going back to the radio set, you've said it had speakers.
4 How would a communication be made from the Freetown end?
10:14:50 5 A. Pardon?
6 Q. How would you talk to the person at the other end?
7 A. You have the receiver. When you talk, you give chance,
8 then the next one also would talk. Made very loud, you can get
9 every one of it.
10:15:05 10 Q. After the conversation between Gullit and Sam Bockarie did
11 anything else happen?
12 A. Yes. Gullit informed him that myself and Steve Bio were
13 there and that we wanted to talk to him.
14 Q. What happened after that?
10:15:21 15 A. I first spoke to Sam Bockarie. He called me in and I spoke
16 to Sam Bockarie.
17 Q. What was said during your communication with Sam Bockarie?
18 A. It was basically on the same issue of sending reinforcement
19 for them and, after I greeted him, that was the first thing;
10:15:46 20 Gullit urged me to talk to him so that they could get
21 reinforcement.
22 Q. After you'd spoken about reinforcements was anything else
23 said?
24 A. Yes. In fact he blasted at me. He said I do not know what
10:16:04 25 has been happening. I am just from prison. It's better I keep
26 my mouth shut and give the receiver to Steve Bio so that he can
27 talk to him.
28 Q. Who blasted at you?
29 A. Sam Bockarie did.

1 Q. Did he say anything else to you?

2 A. Yes. He said I do not know anything, I'm just from prison.

3 Q. Did you then pass the receiver to Steve Bio?

4 A. Yes, I did.

10:16:30 5 Q. Did Steve Bio then talk to Sam Bockarie?

6 A. Yes, he spoke to --

7 Q. Do you know what was said during that communication?

8 A. Yes.

9 Q. What was said?

10:16:42 10 A. He greeted Sam Bockarie and after a few conversation of

11 greeting asking about health, he also pleaded with him for them

12 to send reinforcement for them, for the troop in Freetown.

13 Q. This was on the second day after your release from Pademba

14 Road? On the following day, were there any other radio

10:17:07 15 communications that you knew of?

16 A. Yes. I only knew that the following day Bazy came and

17 told Gullit that he himself have spoken to Issa Sesay and that he

18 promise him faithfully that the men were moving and they were

19 going to join them.

10:17:25 20 Q. Who had made the promise?

21 A. He said Issa Sesay made the promise.

22 Q. How do you know that Bazy told Gullit about this

23 conversation?

24 A. I was at State House when Bazy was explaining to Gullit.

10:17:39 25 Q. Did, in the event, either Bockarie or Issa Sesay send

26 reinforcements to Freetown?

27 A. Not at all.

28 Q. Did anyone else enter Freetown as reinforcements to the men

29 there?

1 A. Yes. I recall one SLA man they call Rambo.

2 Q. Was this the same Rambo as John Flomo who you've referred
3 to earlier?

4 A. No, no.

10:18:17 5 Q. What do you recall about the SLA Rambo?

6 A. I know he came. He said he bypassed Jui where ECOMOG
7 troops were occupying and entered Freetown with some armed men.

8 Q. How do you know that he said this?

9 A. I saw him myself. I was at State House when he was
10:18:39 10 explaining to FAT Sesay while they were waiting to explain to
11 Five-Five or Gullit about his arrival.

12 Q. Was anyone else with you at this time?

13 A. Yes.

14 Q. Who else?

10:18:57 15 A. Woyoh was there at that time with some other officers.

16 Q. Did Rambo say if he'd entered Freetown with any men?

17 A. Yes. He said he came with some men.

18 Q. Did he say how many?

19 A. I think he said about 11 men or so.

10:19:21 20 Q. Did he say where he had come from before he had entered
21 Freetown through Jui?

22 A. He said he bypassed Jui, he came from the RUF zone and
23 entered Freetown.

24 Q. Mr Massaquoi, you've told us about commanders who were at
10:19:44 25 State House and you've told us about the military police there.
26 Did you see anyone else at State House apart from these men?

27 A. Yes.

28 Q. Who?

29 A. Civilians were also coming there on daily basis.

1 Q. How do you know that?

2 A. On two occasions I have been there when some of them came
3 with complaints.

4 Q. Who did they complain to?

10:20:13 5 A. They made a complaint to the military police.

6 Q. Do you know what they complained about?

7 A. Yes. I recall one woman made a complaint that they burst
8 her house and looted properties.

9 Q. Were there any other complaints that you heard at this
10:20:39 10 time?

11 A. Yes. Another man also came. I think they came in group.

12 Q. What was the other complaint you heard?

13 A. They complained that the armed men entered a room and they
14 said they were looking for women and one of the woman said that
10:20:56 15 she was old and she was the only one in the room. When they
16 entered the house, they said they were looking for girls.

17 Q. You've said the complaints were made to the military
18 police. Were they made to anyone else apart from them?

19 A. Yes. There was another complaint to the military police
10:21:18 20 which, in my presence, they forwarded to Bazy.

21 Q. What was that a complaint of?

22 A. Pardon?

23 Q. What was that a complaint of?

24 A. It was on the same: looting; entering to people's house at
10:21:35 25 night, which Bazy told the military police to investigate.

26 Q. Do you know if anything was done after that?

27 A. No.

28 Q. You don't know or nothing was done?

29 A. I know that he said they should investigate and try to get

1 those who were involved, but I didn't know whatever happened

2 thereafter.

3 Q. Did you ever see or hear of anyone being punished for
4 looting or entering houses for women in Freetown?

10:22:03 5 A. No, not at all.

6 Q. Whilst State House was still the headquarters of the men in
7 Freetown, do you recall anything else happening either at State
8 House or in the surrounding area?

9 A. Yes. I could recall one other morning when Five-Five gave
10:22:38 10 orders to the military police.

11 Q. What were those orders?

12 A. To take the dead bodies that were around State House to be
13 deposited to Connaught as --

14 Q. How do you know that that instruction was given by
10:22:53 15 Five-Five?

16 A. I was right at State House that morning when he was giving
17 that instruction, that the place was getting very stinky and that
18 they should try to get rid of it - all of the bodies to be taken
19 to Connaught.

10:23:09 20 Q. Had you yourself seen any dead bodies in the area?

21 A. Yes.

22 Q. Did you see what the bodies were wearing?

23 A. No. Most of them were not in any attire.

24 Q. Were they wearing nothing or were they wearing a particular
10:23:28 25 type of clothing?

26 A. No.

27 Q. Were they wearing uniforms?

28 A. No. I was only made to understand that some of them were
29 ECOMOG soldiers whom they killed and they removed their combats

1 from them.

2 Q. Did you yourself ever go to Connaught Hospital?

3 A. Yeah, I passed by Connaught Hospital in a vehicle.

4 Q. Did you see anything there?

10:23:54 5 A. Yeah, I saw bodies deposit side of Connaught Hospital.

6 Q. Again, in the days before State House was lost, do you
7 recall anything else happening in the area?

8 A. Yes, I recall.

9 Q. Go on, what do you recall?

10:24:18 10 A. I recall late one afternoon when a soldier who came from
11 the front line, from the Pademba Road access going towards New
12 England, who came and reported. By then Five-Five was at State
13 House.

14 Q. Go on, what happened? What was reported at State House?

10:24:42 15 A. He reported to Five-Five that government forces were --
16 ECOMOG were advancing, and that they have come as far as Campbell
17 Street junction with Pademba Road.

18 MS PACK: Pause there. Campbell Street junction, Your
19 Honours have heard that name, C-A-M-P-B-E-L-L Street.

10:25:02 20 Q. How do you know that a report was made to Five-Five on this
21 occasion?

22 A. I was there when they made the report.

23 Q. Did anything happen after the report was made?

24 A. Yes, I heard Five-Five telling some officers to look for
10:25:19 25 some men to reinforce that particular area.

26 Q. Do you know if that then happened?

27 A. Yes, getting towards 7.00, they were able to get some men
28 all around State House and some other locations.

29 Q. After the men had been established around State House, did

1 anything happen?

2 A. Yes. They moved down to Pademba Road joining State Avenue.

3 Q. Did anything happen there?

4 A. A very large crowd -- yes, that was around getting to 7.00.

10:25:58 5 The place was getting dark.

6 Q. Did anything happen there at the junction?

7 A. Yes. Gullit -- Five-Five gave orders that they should put

8 the war candle on, right from that junction getting towards the

9 area where the troops -- ECOMOG troops have advanced.

10:26:21 10 PRESIDING JUDGE: I'm sorry, Ms Pack. I didn't quite hear

11 the words, gave orders that they should put what on?

12 MS PACK:

13 Q. Repeat what you said. The orders should be to put on? I

14 think you said war candle; is that correct?

10:26:35 15 A. Yeah, he said they should put up the war candle, meaning

16 they should set fire on the houses.

17 Q. Who did he issue this instruction to?

18 A. Yes, he had some officers who were with the men and --

19 Q. How do you know the instruction was given?

10:26:51 20 A. I was right at State Avenue joining Pademba Road junction

21 with him and --

22 Q. After he gave this instruction, did he or anyone else do

23 anything?

24 A. Yes, he send for some kerosene from State House in the

10:27:05 25 store which they brought in a five gallon container and they

26 distributed it.

27 Q. Who distributed it?

28 A. The officers distributed it among themselves.

29 Q. After the officers distributed the kerosene did anything

1 happen?

2 A. Yeah, they began setting some of the houses ablaze right on
3 Pademba Road going down.

4 Q. How do you know that?

10:27:34 5 A. I was on State Avenue junction joining Pademba Road when
6 they began the exercise before I left.

7 Q. Did you see how the buildings were being set on fire?

8 A. Yeah, they use the kerosene on some part of the house, set
9 fire on them.

10:27:48 10 Q. Whilst this was going on, did you see anything else
11 happening?

12 A. Yes, I recall some -- in one of the house people were shut
13 in there which they removed them and some of them were saying we
14 should leave them in because they were communicating with
10:28:14 15 government troops to come and advance and take them and they were
16 showing their positions.

17 Q. Did you see where Five-Five was at this time?

18 A. Yes, Five-Five left me at the junction when he was behind
19 them while the troops were advancing bit by bit.

10:28:31 20 Q. Were there other instances of burning or attempts to burn
21 buildings in Freetown in the period before State House was lost
22 that you recall?

23 A. No, I can't recall any. The only incident I could remember
24 is that there was an attempt.

10:28:55 25 Q. Go on.

26 A. When we saw a group of soldiers with kerosene and some
27 petrol.

28 Q. Pausing a moment, you say "we saw," who are you talking
29 about?

1 A. Myself, Steve Bio, Lahai with some other soldiers who were
2 in the pickup while we were coming to State House.

3 Q. You said you saw soldiers with containers, kerosene
4 containers, did anything happen after you saw them with these
10:29:17 5 containers?

6 A. Yes, they told -- Steve stopped them because one of the
7 soldier had already told Steve that they were going to set fire
8 on Parliament building and from there next they would be coming
9 to State House.

10:29:33 10 Q. What happened? Did they say who had instructed them, if
11 anyone, to do this? Did they say if anyone had instructed them
12 to do this?

13 A. Yeah, they said Five-Five gave them the order.

14 Q. Did anything happen after Steve Bio communicated with them?

10:29:49 15 A. Yes. Steve stopped them. He loaded them in the pickup.
16 We all came down to State House. He tried to investigate the
17 matter, but by then Five-Five was not there, so they took all the
18 kerosene rubbers from them and put it in the MP store there.

19 Q. Who took all the kerosene from whom?

10:30:10 20 A. The MPs that were at the gate, Steve told them to keep the
21 fuel while they were searching for Five-Five.

22 Q. Do you recall Steve saying -- Steve Bio saying anything in
23 particular at State House?

24 A. Yes, he told them that it was not good to burn those
10:30:29 25 infrastructures because even if they were going to take power,
26 they too needed it.

27 Q. In the event were either the parliament building or State
28 House burned?

29 A. No, not at all.

1 Q. After State House was lost, did you see or hear of any
2 other instances of burning of buildings in Freetown?

3 A. Yes. Burnings were going on. You can be far off seeing
4 smokes coming from houses. But at one point in time while I was
10:31:08 5 walking on foot --

6 Q. Whereabouts?

7 A. This was at Kissy joining by PWD and the old road.

8 Q. Go on, what happened?

9 A. I met Five-Five by his jeep there and a lady was explaining
10:31:24 10 about how a group of soldiers have just set her house ablaze.

11 Q. Did you see or hear anything said after this?

12 A. Yes. Fortunately the lady turned and saw one of the
13 soldiers coming and pointed at her. So what Five-Five did was to
14 arrest the soldier and put him in the vehicle and drove away and
10:31:49 15 went to the front.

16 Q. Did you hear anything said by anyone apart from the lady
17 who was explaining what happened?

18 A. Except like Five-Five was saying that they have not given
19 orders to somebody to do that and these things were becoming very
10:32:10 20 rampant. From there they drove and they went away.

21 Q. Do you know why the soldier was taken away in the jeep, in
22 Five-Five's vehicle?

23 A. No, but I believe that it was because the complaint was
24 about him. That was why he took him and carried him to the
10:32:25 25 front.

26 Q. In the period again before State House was lost, do you
27 recall anything else happening in Freetown?

28 A. Yes.

29 Q. What else happened?

1 A. I recall one morning while we were driving one of the
2 soldiers have to brake the vehicle and told Lahai that they have
3 arrested Bishop Ganda and some nuns.

4 Q. Pausing there, who was Bishop Ganda?

10:33:17 5 A. Bishop Ganda is the bishop of -- I don't know which of the
6 locations but it's in Sierra Leone here.

7 Q. Can you spell Ganda, please, for the Chamber?

8 A. Yeah, G-A-N-D-A.

9 Q. After you were told this about Bishop Ganda and some nuns,
10:33:37 10 did anything happen?

11 A. Yes. We were told further by the same soldier that they
12 were punishing them and we asked where were they, they said they
13 were at the house of Five-Five.

14 Q. Did you do anything after you received this information?

10:33:56 15 A. Yes, we drove. We drove. We went to the place.

16 Q. To where?

17 A. To the house where Five-Five was staying which was off
18 Blackhall Road going towards the G4 area.

19 Q. Did you see anything when you got there?

10:34:11 20 A. Yeah, when we entered the parlour, we asked for the
21 security. They told us that Five-Five was in.

22 Q. Did you see anything after that?

23 A. Yeah. We told him that where were they keeping Bishop
24 Ganda and the nuns and the soldier have to direct us to the room
10:34:33 25 and we saw Bishop Ganda seated on the floor. He showed us some
26 beating marks at his back and some scars on him.

27 Q. Was anyone else in the house?

28 A. Yeah, the other room opposite, we saw the other nuns also
29 seated on the ground with a priest.

1 Q. You said that Five-Five was in the house?
2 A. Yes.
3 Q. Did you see him?
4 A. Yeah, we saw him later. He came to the parlour, we all sat
10:35:04 5 and discussed.
6 Q. Who sat and discussed?
7 A. Myself, Steve Bio, Five-Five.
8 Q. What was discussed?
9 A. The discussion was basically on to release these nuns and
10:35:20 10 the bishop as they were religious people, they have nothing in
11 the politics of Sierra Leone.
12 Q. Did you see or hear of any other incidents in this area in
13 Freetown?
14 A. Yes.
10:35:39 15 Q. Go on?
16 A. This was at the time when we were retreating.
17 Q. Go on?
18 A. When we were retreating -- even before that we heard an
19 information that two ministers have been captured but by the time
10:36:04 20 we came to the scene, we already met them dead. We only saw
21 their dead bodies.
22 Q. Where did you see the dead bodies of two ministers?
23 A. This was on the old road joining Blackhall Road.
24 Q. In that area, the old road, Blackhall Road area, did you
10:36:20 25 see anything else take place whilst you were in Freetown?
26 A. Yes, on another day we bracketed a soldier and far off from
27 us we saw they were beating an old man.
28 Q. Who's "we" who saw this?
29 A. Yeah, myself, Lahai with some other soldiers driving in the

1 vehicle.

2 Q. Did you see which men were beating?

3 A. Yes, the old man they were beating was one politician, they
4 call him Mannah Kpaka.

10:36:53 5 Q. Would you spell Mannah Kpaka, please, for the Chamber?

6 A. M-A-N-N-A-H.

7 Q. And Kpaka?

8 A. K-P-A-K-A.

9 Q. Did you see who was beating him?

10:37:05 10 A. Yeah, these were soldiers. The SLAs and some of them who
11 came to Freetown. They were about five of them.

12 Q. Did you see any one of them in particular?

13 A. Yes, one of them among them was a bodyguard of Five-Five.

14 Q. You've told us, and I'm moving on to the period after State
10:37:28 15 House had fallen -- you've told us that Gullit was based at
16 Shankardass and that you went there yourself --

17 A. Yes.

18 Q. -- on occasions. On one of the occasions that you went
19 there, do you recall anything happening?

10:37:51 20 A. Yes, we went there one time. We couldn't meet Gullit at
21 the house. We only saw a group of girls cooking in the compound.

22 Q. Did you -- you've told us about the Uppun turntable?

23 A. Yes.

24 Q. Did you ever go to the Uppun turntable during your time in
10:38:14 25 Freetown?

26 A. Yes, at one morning when I met Gullit at Shankardass, that
27 was the time he has already been informed that East End Police
28 also have fallen to ECOMOG.

29 Q. What happened when you went on this occasion?

1 A. I walked with him in his convoy with this bodyguards.
2 Q. Where did you walk to?
3 A. We walked by foot all the way to Upgun turntable.
4 Q. Do you know why you were walking there?
10:38:50 5 A. Yes, he was trying to see whether the task force who were
6 there, whether they were still there, whether the soldiers were
7 at the front.
8 Q. Who was with you and Gullit on this occasion as you walked
9 in a convoy to Upgun?
10:39:06 10 A. Gullit, his bodyguards, 0-Five, myself, you know.
11 Q. On the way did anything happen, on the way to Upgun?
12 A. Yes, we were just discussing -- he was discussing about
13 delayances [sic] from Sam Bockarie and others who have earlier
14 promised to send reinforcement and could not do that up till now
10:39:34 15 and ECOMOG was advancing.
16 Q. And when you got to Upgun, did anything happen?
17 A. Yes, we sat there, he called on the Task Force men they met
18 there.
19 Q. Pause a moment. Was that Task Force men?
10:39:51 20 A. Task Force, T-A-S-K.
21 Q. Go on. After Gullit called on the Task Force men, what
22 happened?
23 A. Yeah, he saw that they were very scanty there and he tried
24 to restructure the particular end, because it was a junction.
10:40:10 25 Q. Did you hear him say anything at this time?
26 A. Yes.
27 Q. What was he saying?
28 A. He told the Task Force that they should deploy on the roads
29 joining to Upgun turntable and they should make sure that

1 soldiers who are being taken to the front line, they should not
2 retreat back to the rear.

3 Q. Do you know why he was making these orders at this time?
4 A. Yes, to make sure that the men stayed to the front and they
10:40:42 5 do not retreat to the rear.

6 Q. You've told us, and I'm moving on from Upgun -- you've told
7 us that you, at one point, moved to the mental home at Kissy.
8 When you were there, do you recall anything happening around that
9 location?

10:41:09 10 A. Yes, I recall that before the death of Steve Bio and others
11 we were standing in a group with Bazzy when --

12 Q. What happened?
13 A. -- a lady, an elderly lady came.

14 Q. What happened?
10:41:29 15 A. With a daughter of about an age of 12 to 13 years and her
16 left arm was chopped off.

17 Q. Whose arm was chopped off?
18 A. Was cut off.

19 Q. Whose, the woman or her daughter?
10:41:45 20 A. The daughter.

21 Q. What happened after she came?
22 A. It was tied with the clothes but the blood was still oozing
23 out.

24 Q. What happened after the daughter came?
10:41:57 25 A. The lady was complaining. He met us in a group. We were
26 in a very large group: Myself, Steve Bio, Bazzy, some other
27 soldiers. We were all standing there.

28 Q. Go on, what happened?
29 A. The lady came and started explaining that a group of

1 soldiers entered her house. They were searching and she doesn't
2 know what they were searching for. At the end of the day they
3 wanted to take her daughter forcibly, she refused. While she was
4 trying to escape with the little girl they trapped them down and
10:42:33 5 they chopped her, the girl's, left arm off.

6 Q. Was anything else said by her or anyone else?

7 A. Yes, while we were standing there Bazy asked the lady a
8 question. When the lady saw a group of soldiers coming she was
9 able to identify them that that was the particular group that
10:42:56 10 entered her house.

11 Q. Did you see the group she identified?

12 A. Pardon?

13 Q. Did you see the group of men she identified?

14 A. Yes, they eventually came to where we were standing.

10:43:04 15 Q. What happened after they were identified?

16 A. Bazy asked how she managed to know that that particular
17 group was the group that were involved in such an act.

18 Q. And after he said this was anything else said?

19 A. Yes, the lady said that she could recognise some of them
10:43:26 20 and the attires they wore, and so eventually that was the
21 particular group so --

22 Q. What happened after that?

23 A. After that, myself, Steve, with two of the soldiers who
24 were with him, advised the lady that they should go towards Ugun
10:43:41 25 turntable and look for ECOMOG locations so that they could try to
26 save the life of the poor girl.

27 Q. Did anything happen after the woman and her daughter left?

28 A. Pardon?

29 Q. Did anything happen after the woman and her daughter left?

1 A. No. Immediately they were about to leave this same group
2 reached where we were standing, and one of the soldiers went
3 close by them and inquired from them whether they were the ones
4 who did the act.

10:44:09 5 Q. Who made the inquiry of whom?

6 A. One of the soldiers who was with Bazzy.

7 Q. And what did the men who had just arrived say?

8 A. We heard one of them denying that they were not the ones
9 involved in such an act.

10:44:22 10 Q. Did you see if they were armed, these men?

11 A. Yes, some of them were armed. I saw two of them with
12 cutlass; I saw the rest of them with rifles.

13 Q. After this woman had complained, told you and Bazzy and
14 others present what had happened to her daughter, was anything
10:44:43 15 done in relation to this incident?

16 A. Nothing else was done, except the lady had to go with the
17 daughter to find, you know, a secure place so that they could try
18 to save the girl.

19 Q. Were there any other communications that you recall having
10:45:01 20 with Bazzy, or that you recall others having with Bazzy in your
21 presence whilst you were in Freetown?

22 A. Yes. A day when almost all the group gathered towards the
23 mental home area.

24 Q. Go on.

10:45:16 25 A. Almost all the vehicles I saw them using in Freetown, they
26 carried it in that same corner, and Bazzy gave orders that they
27 should burn all of it and this was not time for vehicle any
28 longer, and they were all burnt.

29 Q. When was this order passed?

1 A. This was the just a day -- when we spent one day at the
2 place, the next day.

3 Q. Which location?

4 A. This was around the mental home axis.

10:45:46 5 Q. About how many vehicles were burned?

6 A. A lot of vehicles. I was there when they set fire on more
7 than five of it, a lot of vehicles.

8 Q. Staying at the mental home for a while, how long were you
9 based there?

10:46:05 10 A. We were there for some days.

11 Q. Do you recall how many?

12 A. Pardon?

13 Q. Do you recall how many?

14 A. Yeah, some days, not even for a week.

10:46:20 15 Q. Apart from these incidents that you've described, did
16 anything else happen there?

17 A. Yes. That very morning when Steve Bio and others died --

18 Q. How did Steve Bio and others die?

19 A. Well, I left them few minutes ago when they were shelling,
10:46:45 20 using mortars, shelling in the city from the hillside.

21 Q. And as a result of that shelling, what happened?

22 A. I understood one of the bomb blasted right at the area
23 where they were standing and they died, Steve Bio and several
24 others.

10:47:05 25 Q. After the bombing which killed Steve Bio and others, did
26 you or the men at the mental home do anything?

27 A. Yes. That very day we were asked to move as the area was
28 no longer safe.

29 Q. Was the move out from the mental home coordinated?

1 A. Yes. They have armed men in front, they have armed men at
2 the middle, they have armed men at the rear, and those who were
3 not armed were in between them.

4 Q. What was the route taken from the mental home?

10:47:52 5 A. We used the route on the old road part of Kissy and we went
6 towards Brewery.

7 Q. And after Brewery?

8 A. At Brewery, while we were going, there was a bit of
9 fighting between them and ECOMOG forces, because ECOMOG too have
10:48:18 10 occupied there. But what they did was, they were successful in
11 pushing them from the old road towards the new road, and a large
12 group of the people have to pass through that end.

13 Q. You're talking about "they" and "them", and I want to just
14 identify who you're talking about. Who attacked who at -- who
10:48:36 15 fought with whom at Brewery?

16 A. The group in Freetown headed by Gullit attacked the ECOMOG
17 forces.

18 Q. And as a result of that, who then was pushed to the new
19 road?

10:48:47 20 A. As a result of that ECOMOG was pushed back on the new road,
21 so that they free the old road for the rest of the group to pass
22 through.

23 Q. And after the rest of the group had passed through, where
24 did you then go to?

10:49:00 25 A. Yeah, some people passed through that same area as ECOMOG
26 was still fighting. Others took a bypass to get in front.

27 Q. And where did you go?

28 A. We went to Calaba Town.

29 Q. Were you on the bypass road or the road through Brewery?

1 A. No, not the main road, the bypass road.

2 Q. After Calaba Town where did you go?

3 A. We eventually went to Allen Town.

4 Q. And how did you get there?

10:49:30 5 A. We were still walking on the bypass road and the old road,
6 where there were no deployment by ECOMOG.

7 Q. On your way to Allen Town, do you recall anything
8 happening?

9 A. Yes, yes. I recall at Calaba Town, while we sat while
10:49:56 10 resting, there was another house adjacent to where I was seated
11 with another group.

12 Q. Who was in the other house adjacent to where you were?

13 A. I saw one of the SLA they call Foday Bah with some of the
14 nuns in that particular compound.

10:50:12 15 Q. Pausing a moment. "Foday Bah", would you just spell that
16 for the Chamber, please?

17 A. Yeah, F-O-D-A-Y B-A-H.

18 Q. Do you know anything about him?

19 A. Yeah, he was an SLA.

10:50:26 20 Q. Did you see anything happen at Calaba Town?

21 A. Yes. He shot some of them, and I saw three of them lying
22 dead.

23 Q. Three what?

24 A. Three of the nuns.

10:50:43 25 Q. And after this took place, what then happened?

26 A. We moved from the area. Already he has left with some
27 others.

28 Q. Some other what?

29 A. Some of the balance nuns.

1 Q. After this took place and you moved off, did you do or see
2 anything after that?

3 A. Yes. I was asking one of the soldiers why were these
4 people killed and he was saying that they don't want to walk
10:51:13 5 along with them to go. Few minutes after that I saw this same
6 priest that I met in Five-Five's house. They shot him there, but
7 I was not there when he was shot; I just met him lying down there
8 dead.

9 Q. And after you saw the killing of the nuns and the dead
10:51:30 10 priest, did you see or do anything else?

11 A. Yes, when I walked from there I went off Calaba Town
12 getting to Allen Town. I met with Gullit and I began explaining
13 about the death of these -- of the priest, and he told me that he
14 has already received a report and what he received was that they
10:51:58 15 were reluctant to walk.

16 Q. Did he say anything else?

17 A. No, nothing else.

18 Q. You've told us that you got -- you went to Allen Town. Did
19 you -- did anything happen there?

10:52:15 20 A. Yes, at Allen Town, while the place was getting dark now,
21 almost all of their commanders were there. I saw 0-Five,
22 Five-Five, Bazy, Gullit.

23 Q. And did anything happen there?

24 A. Yes, I saw some of them saying that they have to go while
10:52:33 25 Gullit and some other officers were planning how to make some
26 counter-offensive back on ECOMOG. Some of them were saying that
27 they were going to the peninsula road and go to the RUF side.

28 Q. Did you remain in Allen Town?

29 A. No, I left that very evening when 0-Five, one of the

1 commanders who was the operations commander who was leaving, I
2 left along with him.

3 Q. By the time you left with 0-Five from Allen Town, how long
4 had you been with Gullit and the other men in Freetown?

10:53:08 5 A. It was more than two weeks.

6 Q. Did others also move out of Allen Town at this point?

7 A. Yes, yes. In fact already we learn at one Sheriff, one
8 officer Sheriff, had already left with a group of some men and
9 civilians, and 0-Five was another second commander moving.

10:53:38 10 Q. "Sheriff", would you spell that, please, for the Chamber?

11 A. Yes, S-H-E-R-I-F-F.

12 Q. Do you know who he was?

13 A. Yes, he was one of the commanders. While in Freetown I met
14 him at Allen Town, deployed there.

10:53:56 15 Q. Was he deployed at Allen Town before you got there on your
16 retreat?

17 A. Yes, before the Guineans, who came from Jui, have to push
18 him off from that end.

19 Q. When had you been to Allen Town before you got there on the
10:54:14 20 retreat?

21 A. This was as early as when they were occupying State House.

22 Q. You've told us that you moved out of Allen Town with
23 0-Five. Was anyone else with 0-Five?

24 A. Yes, a lot of group, women, men, armed men; a lot of
10:54:38 25 people.

26 Q. Are you able to say about how many armed men were with him?

27 A. I could not tell exactly because some armed men were in
28 front, but those who with him while we were all walking in group,
29 I saw about 15 armed men.

1 Q. Of the group in total, about how many of you were there,
2 including the women, the men and the armed men?
3 A. We were many; we were many.
4 Q. What were the women and men who weren't armed -- were they
10:55:14 5 doing anything as you were moving with 0-Five from Allen Town?
6 A. I only saw them, some of them having loads on their head.
7 Q. Do you know where these women and men were from?
8 A. Yes, they came with some while entering Freetown and some
9 were taken from Freetown.
10:55:35 10 Q. Was it just men and women you saw?
11 A. Yeah, there were also children as well.
12 Q. Did you see the children doing anything as you moved from
13 Allen Town?
14 A. No.
10:55:51 15 Q. Where did you get to after Allen Town?
16 A. We went into the Peninsula Hills and we spent a day and
17 night there. We eventually reached Waterloo.
18 Q. When you got to Waterloo did anything happen?
19 A. Yes. There is a place they call "Range" close by Waterloo.
10:56:19 20 We met an RUF checkpoint there.
21 Q. Pausing there. "Range", is that as in a firing range?
22 A. Yeah, R-A-N-G-E.
23 Q. Did anything happen after you met the checkpoint?
24 A. Yes. We met already they have disarmed some of Sheriff's
10:56:38 25 men who were already there, and we were told that they were
26 giving instruction that anybody retreating was to be disarmed.
27 Q. And did anything happen to you?
28 A. No, nothing happened to me. Only Rambo came and collected
29 me from the Range in his vehicle and we went to his house.

1 Q. Rambo, you've spoken about more than one Rambo, which Rambo
2 are you talking about?

3 A. Yeah, this is John Flomo.

4 JUDGE SEBUTINDE: Sorry, Ms Pack, did he say that the
10:57:09 5 checkpoint at Range was manned by a particular group?

6 MS PACK: Let me ask the witness, Your Honour.

7 THE WITNESS: Yes, the checkpoint there was manned by RUF
8 but they were mixed with SLAs.

9 MS PACK:

10:57:33 10 Q. Did you find out later why it was that the men coming from
11 Freetown were being disarmed?

12 A. Yes, I was told by Rambo while we were driving going to his
13 house that while they were advancing they told them to wait for
14 reinforcement so that they could plan the attack on Freetown
10:57:57 15 perfectly and they just decided to go, ignore the orders.

16 Q. Did other soldiers from Freetown, other groups from
17 Freetown -- did they later arrive in Waterloo?

18 A. Yes, while I was there they were now coming in bits. After
19 the first two groups that went there, the next group that came
10:58:21 20 was a group headed by Bazzy.

21 Q. Did you yourself see Bazzy?

22 A. Yes.

23 PRESIDING JUDGE: Excuse me, Ms Pack, it would appear you
24 might be moving on to a new aspect of examination-in-chief and in
10:58:37 25 the circumstances would this be an appropriate time to have a
26 brief adjournment?

27 MS PACK: Yes, Your Honour.

28 PRESIDING JUDGE: Very well, we'll have a brief
29 adjournment. Madam Court Attendant, 15 minutes, please.

1 [Break taken at 11.00 a.m.]
2 [AFRC10OCT05B-SGH]
3 [On resuming at 11.18 a.m.]
4 PRESIDING JUDGE: Please proceed, Ms Pack.
11:18:11 5 MS PACK: Thank you, Your Honour.
6 Q. Mr Massaquoi, you told us before the break that you saw
7 others of the men in Freetown, who had been in Freetown, arriving
8 at Waterloo and you told us that you saw Bazy in Waterloo.
9 A. Yes.
11:18:29 10 Q. Did you see anyone else in Waterloo?
11 A. Yes, subsequently others came in groups. I saw Gullit,
12 Five-Five.
13 Q. You have told us that Rambo came and picked you up from
14 Waterloo. Where did he take you to?
11:19:02 15 A. To his house at Lumpa.
16 MS PACK: "Lumpa" is L-U-M-P-A-H [sic], Your Honour.
17 Q. How long did you remain in Lumpa for?
18 A. Say about a week.
19 Q. After Lumpa where did you go?
11:19:19 20 A. We came down to Waterloo.
21 Q. Did you remain in Waterloo after that?
22 A. No, I went to Lunsar.
23 Q. Did you go to Lunsar with anyone?
24 A. Yes, with Superman.
11:19:43 25 Q. Did you return to Waterloo on any other occasion after
26 moving to Lunsar?
27 A. Yes, on several occasions I came with Superman from Lunsar
28 to Waterloo.
29 Q. You have told us about the disarming of men from Freetown

1 at this range in Waterloo. Did you hear about anything happening
2 as a result of this disarming?
3 A. Yes. There was a fracas between some bodyguards of Bazy
4 and some RUF that were at the range.
11:20:23 5 Q. Who did you hear about this from?
6 A. From Rambo himself, the commander.
7 Q. After this fracas, did you hear of anything happening, or
8 did anything happen?
9 A. Yes, there was a meeting.
11:20:41 10 Q. Where did the meeting take place?
11 A. In Lumpa in a palm farm.
12 Q. How did you know that a meeting took place?
13 A. I was there.
14 Q. Who else was at the meeting?
11:20:55 15 A. Gullit was there, Five-Five was there, Bazy was there,
16 Issa Sesay -- almost of all of the P commanders that were in
17 Freetown.
18 Q. Was it only the commanders who had been in Freetown who
19 were at this meeting?
11:21:10 20 A. No, the other commanders who at Waterloo, including Issa
21 Sesay, who was staying at Makeni, was also there.
22 Q. Anyone else apart from Issa Sesay?
23 A. Superman was there.
24 Q. Anyone else?
11:21:27 25 A. Yes, John Flomo was also there.
26 Q. Did anything happen at this meeting?
27 A. Yes. The main purpose of the meeting was to solve the
28 problems that were in emanating between the RUF and the SLAs from
29 Freetown, so that they could work at it as a team together.

- 1 Q. After this meeting, did anything else take place?
- 2 A. Yes.
- 3 Q. What else?
- 4 A. They were now deploying the SLAs who came from Freetown
11:22:02 5 along with the RUF from the various front lines around Waterloo.
- 6 Q. After these men and SLA and RUF were deployed to the
7 various front lines, did anything happen?
- 8 A. Yes. Say about a week or so, another meeting was held in
9 order to fight back to enter Freetown.
- 11:22:18 10 Q. Who was present at that meeting?
- 11 A. I was also present, Gullit was present, Five-Five, Bazy
12 Issa Sesay, John Flomo, Superman, and key other commanders, both
13 from the SLA and the RUF side.
- 14 Q. What took place at this meeting?
- 11:22:41 15 A. The purpose of the meeting was to launch a two-flank
16 attacks on Freetown, to enter Freetown, one from Hastings side
17 and the other through Tombo.
- 18 MS PACK: Tombo is T-O-M-B-O, Your Honour.
- 19 Q. Where were you based at this time that this meeting took
11:23:03 20 place?
- 21 A. At that time we had left Lunsar, we are in Waterloo.
- 22 Q. And the meeting took place where?
- 23 A. At Lumpa in the palm farm.
- 24 Q. Did anything happen after the meeting?
- 11:23:17 25 A. Yes, after the meeting key commanders were divided, some to
26 go on the main highway towards Hastings and others towards Tombo.
- 27 Q. Did you take place part in this exercise?
- 28 A. Yes, I was at Tombo.
- 29 Q. Who were you at Tombo with?

1 A. I was with Superman.

2 Q. Anyone else?

3 A. Superman was there, O-Five.

4 Q. What happened as a result of your group going to Tombo?

11:23:52 5 A. The group that entered Tombo was unsuccessful, could not
6 drive ECOMOG from there, and eventually they retreated back.
7 Whilst the other group from the highway from Hastings also
8 unsuccessful to take Jui from ECOMOG.

9 Q. When did you leave this area, the Waterloo area?

11:24:23 10 A. I left Waterloo area just after those two attacks. But I
11 returned there again from Lunsar with Superman once. And my
12 final trip to Lunsar was when we went there and there was some
13 infighting at Lunsar.

14 Q. You are talking about Lunsar now?

11:24:49 15 A. Yes.

16 Q. And infighting at Lunsar?

17 A. Yes.

18 Q. You were with whom at Lunsar at this time?

19 A. I was with Superman.

11:25:02 20 Q. When did infighting take place in Lunsar?

21 A. This was some times April, early April.

22 Q. Who was the infighting between?

23 A. The infighting was between Superman and Issa Sesay.

24 Q. What happened during the infighting in Lunsar in early
11:25:13 25 April?

26 A. It initially began with arrest for Superman to report to
27 Kailahun, including myself. Which Superman said he would not
28 honour that request to go to Kailahun.

29 Q. Who requested Superman to go to Kailahun?

1 A. According to Issa Sesay, he said it was Sam Bockarie.
2 Q. Sam Bockarie wanted Superman and anyone else to go?
3 A. Yes, including myself.
4 Q. After the what you have described as the "infighting" in
11:25:44 5 Lunsar, did anything happen?
6 A. Yes. When they attacked -- Issa and his group attacked
7 Superman's group at Lunsar, Superman's group also retaliated,
8 went to Makeni and looted his place and then returned back to
9 Lunsar.
11:26:00 10 Q. Looted whose place?
11 A. Issa Sesay's place.
12 Q. How do know about this retaliation?
13 A. I was in Lunsar, I was in Makeni; I saw all that was
14 happening.
11:26:10 15 Q. Do you know at this point where the group of men who had
16 been in Freetown -- where they were at this time?
17 A. Yes. Most of them were at the Waterloo-Hastings access on
18 deployment.
19 Q. After you and Superman and others had gone to Makeni to
11:26:44 20 retaliate, did anything else happen?
21 A. Yes. The group came back to Lunsar. While we were there a
22 message was sent that nobody is to take orders from Foday Sankoh
23 as he was under duress. Whatever he is saying, nobody should
24 listen to him.
11:27:03 25 Q. Who sent this message?
26 A. That message was sent by Sam Bockarie to all RUF
27 commanders.
28 Q. How do you know that?
29 A. Well, I saw a copy of the message brought by the radio

1 operator to Superman.

2 Q. After this message was sent, did anything else happen?

3 A. Yes. Sankoh attempted twice to talk to Sam Bockarie and
4 Issa Sesay, and they did not take his call. So eventually
11:27:36 5 Superman answered Sankoh's call that was from Freetown. He was
6 instructed to run a check on Issa Sesay, why he was not answering
7 to Foday Sankoh's call.

8 Q. The calls that Foday Sankoh is making, what were the calls
9 being made on?

11:27:54 10 A. He was trying to get them on the air, because Sam Bockarie
11 had earlier requested from ECOMOG that -- except he talked to
12 Foday Sankoh or else he was not going to cease fire. So, ECOMOG
13 provided a radio for Sankoh to talk to his field commanders so
14 that they could try to have a ceasefire.

11:28:14 15 Q. Where was Sankoh at this time?

16 A. In Freetown.

17 Q. You talked about him earlier as being in detention. What
18 sort of situation was he in at this time, do you know?

19 A. Yeah. He was earlier in detention, but later under house
11:28:28 20 arrest.

21 Q. How do you know about these communications that were being made
22 by Foday Sankoh at this time?

23 A. Yes. Any time he wanted to talk to them, he called on all RUF
24 call signs. He saw all radio operators are there, but they are
11:28:48 25 not instructed to answer his call, because they have received a
26 message from Sam Bockarie not to.

27 Q. After these communications, did anything then happen?

28 A. Yes. When Superman moved to Makeni to check on Issa Sesay,
29 he was ambushed at the outskirts of Makeni.

- 1 Q. What happened after that?
- 2 A. One of his bodyguard was killed, and he, too, retaliated.
3 Subsequently John Flomo was also killed.
- 4 Q. How do know about these events?
- 11:29:22 5 A. A few minutes after those events I entered Makeni, and I
6 saw the body of John Flomo and the body of Superman's bodyguard.
- 7 Q. At this time that you and Superman entered Makeni, who was
8 in control of that town?
- 9 A. That town was controlled by Issa Sesay; that was his base
11:29:45 10 as battlefield commander.
- 11 Q. After you entered Makeni on this occasion and this
12 infighting you have spoken about who was in control of Makeni?
- 13 A. After the fighting Superman was now in control.
- 14 Q. Do you know where Issa Sesay went?
- 11:30:04 15 A. Yes, he fled to Kono.
- 16 Q. You have told us at this time that Issa Sesay was
17 battlefield commander?
- 18 A. Yes.
- 19 Q. At this time do you know what position Sam Bockarie held in
11:30:17 20 the RUF hierarchy?
- 21 A. Yes, I knew he was the Chief of Defence Staff.
- 22 Q. As such, what was his position in the hierarchy as
23 Chief of Defence Staff?
- 24 A. He was the leader.
- 11:30:37 25 Q. At the time of the fighting you have spoken about in
26 Makeni, do you know where the group were who had been in
27 Freetown?
- 28 A. Yes, they were all around Waterloo, Yam's Farm, Masiaka,
29 Mile 38. They were deployed along all of these areas. Also on

1 the route going to Tombo.

2 MS PACK: There is new name Your Honours might not have
3 heard, Yam's Farm. Y-A-M-'-S Farm.

4 A. Y-A-M-S F-A-R-M.

11:31:11 5 Q. Were there any communications -- other communications that
6 you were aware of at this time?

7 A. Yes.

8 Q. Between whom?

9 A. While the infighting raged on between Superman, on the one
11:31:25 10 hand, and Issa Sesay, on the other side, there was a
11 communication between Superman and Gullit.

12 Q. How do you know about that communication?

13 A. By Superman when the communication was going on.

14 Q. What was said during that communication?

11:31:42 15 A. Superman requested the assistance of Gullit to bring in
16 more troops as there was now a real fighting between his group
17 and Issa Sesay's group.

18 Q. Do you recall approximately when this communication took
19 place?

11:31:55 20 A. Yes, this was sometime April.

21 Q. Remind us the year?

22 A. Yes. 1999.

23 Q. After this communication did anything happen?

24 A. Yes, eventually Gullit, Five-Five and others came with two
11:32:23 25 truckloads of SLAs. From Waterloo, he came through Mile 91 into
26 Magburaka.

27 Q. How do know they came to Magburaka?

28 A. I saw them when they arrived in trucks.

29 Q. You told us that Gullit came with Five-Five and others. Do

1 you remember which others, any more names?

2 A. Yes, I saw O-Five, I saw -- key of other commanders I saw
3 Foday Bah.

4 Q. What happened after Gullit came, Five-Five and the others
11:32:51 5 you have spoken about, to Magburaka?

6 A. The group that Gullit came down with with Superman's group
7 we're now working together, deploying together and fighting
8 alongside each other.

9 Q. Whereabouts were the group that had come with Gullit
11:33:14 10 deployed to at this time?

11 A. All everywhere Superman's men were. In Makeni, in
12 Magburaka, between Magburaka and Makeni.

13 Q. Do you know anything about the location at this time of the
14 other men -- any other men who'd been in the group from Freetown?

11:33:35 15 A. Yes. Subsequently when the infighting was going on, ECOMOG
16 started pushing them back from Waterloo, Mile 38 and the other
17 areas, and eventually ended making a base around the Okra Hills
18 general area.

19 Q. Do you know who was amongst this group?

11:33:57 20 A. At that time?

21 Q. Yes.

22 A. Yes, I knew Bazzy stayed with the rest of the other group.

23 Q. I am going to move on to a different topic. Do you know
24 anything about the peace talks in Lome?

11:34:14 25 A. Yes.

26 Q. Do you know who attended those peace talks?

27 A. Yes.

28 Q. Who attended them?

29 A. Sam Bockarie sent a delegation from the RUF side, which

1 included some SLAs and some RUF men.

2 Q. Was there anyone already there from the RUF in Lome when
3 this delegation was sent by Sam Bockarie?

4 A. Yes, Sankoh was already there.

11:34:48 5 Q. When had Sankoh gone to Lome for peace talks?

6 A. This was at the end of April.

7 Q. In the delegation sent by Sam Bockarie do you know who was
8 included in that delegation?

9 A. Yes.

11:35:07 10 Q. Who?

11 A. I know SYB Rogers, who was the RUF War Council chairman.

12 MS PACK: Pause a moment. That is S-Y-B initials,
13 Your Honour, and then Rogers.

14 Q. Anyone else?

11:35:28 15 A. Yes. Mike Lamin, Idrissa Kamara, who was an SLA.

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

17 A. Yeah, I-D-R-I-S-S-A.

18 Q. And Kamara, K-A-M-A-R-A. Was there another name by which
19 Idrissa Kamara was known?

11:35:48 20 A. Yes, he was called Leather Boot.

21 Q. Were there any other representatives of any other men in
22 Lome at this time?

23 A. No. The SLAs who were with Superman and those at Okra Hill
24 grumbled that they were not represented. So even if another SLA
11:36:09 25 was there, he was not representing them.

26 Q. Do you know when the ceasefire was signed in Lome?

27 A. Yes, it was sometime in May.

28 Q. Of which year?

29 A. 1999.

1 Q. Did anything happen before or around that time in

2 Sierra Leone?

3 A. Yes.

4 Q. What do you recall happening?

11:36:41 5 A. I recall while in Makeni a message was sent to both
6 Superman and Gullit, by Bazzy, that they attacked Port Loko and
7 they took some Malians hostage.

8 Q. How do you know about this message sent by Bazzy?

9 A. I saw a copy of the message with Gullit, and I also
11:36:56 10 monitored the dialogue between him and Superman on the field
11 radio.

12 Q. Do you know who Bazzy was with at this time that there was
13 an attack -- he attacked Port Loko?

14 A. Yes, I know he had some of his commanders including Papa,
11:37:25 15 whom they call Bomb Blast, Bioyoh Sesay, Kallay and some others.
16 Tito as well.

17 Q. Where were you based at this time?

18 A. I was in Makeni.

19 Q. Did you remain in Makeni after this?

11:37:43 20 A. No.

21 Q. Where did you go?

22 A. I travelled to Lome.

23 Q. Do recall approximately when it was that you travelled to
24 Lome?

11:37:56 25 A. Yes, this was sometime in June.

26 Q. Why did you go to Lome?

27 A. Superman sent me with a letter of salute report of all what
28 has been happening for the past two years while Sankoh was away,
29 about his own activities and including his men. Especially when

1 they were not represented, there was nobody from their own group
2 in the talks.

3 Q. Who was that letter, salute report addressed to?
4 A. To Sankoh.

11:38:30 5 Q. When you got to Lome what did you do?
6 A. I handed the letter to Sankoh at Hotel Deux Fevrier.
7 Q. Would you spell the name of the hotel?
8 A. That is in French. I'm unable to spell it.

9 Q. We will leave that to the phonetic record. How long were
11:38:52 10 you in Lome for?
11 A. I was in Lome for about nine days.

12 Q. After you have been in Lome what did you do?
13 A. I was sent back by Sankoh. More specifically to the West
14 Side Boys around Okra Hill.

11:39:18 15 Q. Why were you sent to the West Side Boys around the Okra
16 Hills?
17 A. Sankoh said he received reports that they were getting on
18 the highways and disturbing commuters on daily basis, and that I
19 should return back to make sure that I go there and talk to them,
11:39:32 20 talk to the commander. And he was also trying to talk to them as
21 well directly from Lome.

22 Q. How do you know that Sankoh was trying to communicate --
23 talk to them directly from Lome?
24 A. He had a field radio mounted there and at one night while I
11:39:45 25 was there during the nine days, he attempted talking to Bazy but
26 I think his antenna position was not better erected, so he has to
27 tell his operator to erect the antenna properly so he could talk
28 to their commander.

29 Q. Who had to tell whose radio operator?

1 A. Sankoh told Bazy's radio operation, from Lome to
2 Sierra Leone.

3 Q. That they had to set up their antenna properly?

4 A. Radio antenna properly so that he could talk to them.

11:40:21 5 Q. After you had been told by Sankoh to go to Okra Hill, what
6 did you then do?

7 A. I Came here, I instructed Superman to give me security to
8 go there. I went there.

9 Q. Do you recall when it was you went there?

11:40:38 10 A. Yes, this was in the third week of June.

11 Q. Did anything happen when you got there?

12 A. Yes, the men I took were all disarmed.

13 Q. When you got to Okra Hills who was in command of the men
14 there?

11:40:55 15 A. Bazy was in command.

16 Q. Was there a name by which the men at Okra Hills were known?

17 A. Yes, they were known as West Side Boys.

18 Q. What happened when you went there after your men were
19 disarmed?

11:41:20 20 A. We slept there for a night. The other day I met Bazy and
21 explained to him why I was there. He told me that he was going
22 to call his commanders so that they try to get together. And I
23 explained to them all the purpose of my mission.

24 Q. What was said?

11:41:40 25 A. We had a meeting and I narrated to them all that I was sent
26 by Sankoh and the purpose of the meeting. The purpose of why I
27 was there was for them to stop going on the highways, disturbing
28 commuters plying the route. And at the same time that they
29 should forget about saying that they are not represented in the

1 talks. Each and everybody there is representing Sierra Leone and
2 that their own SLA brother, Leather Boot, was there. So they
3 were seeking the interests of everybody, not only armed groups,
4 but all Sierra Leoneans.

11:42:15 5 Q. Did you receive any response to what you said?

6 A. Yes, one of them, Bomb Blast, told me that they came to
7 Freetown and they were the cause for Sankoh to go and sit down in
8 Lome and start talking about peace. Now they're not represented.
9 Their leader, Johnny Paul Koroma, is under detention by

11:42:38 10 Sam Bockarie; he is not there. Who is Leather Boot? What can
11 Leather Boot say on their behalf? You know. And they said they
12 were going to continue to be getting on the highway as long as
13 they are not represented.

14 Q. After the meeting did anything happen?

11:42:53 15 A. Yes, after the meeting there was a conclusion that if I was
16 to go back to Lome, if I am going to take back the response, they
17 were going to give a representative to go with me. But that
18 didn't happen at the time I was there.

19 Q. Did you then leave the Okra Hills?

11:43:16 20 A. No. I was there, because I was supposed to spend only 72
21 hours with them, but I spent more than that.

22 Q. Why was that?

23 A. Well, any time I wanted to leave I was told by Bazzy that I
24 should wait, I should wait, I should wait, you know.

11:43:31 25 Q. Did you eventually leave?

26 A. Yes, I left.

27 Q. Where did you go after that?

28 A. I came back to Makeni.

29 Q. Do you know when the Lome Accord was eventually signed?

1 A. Yes, the Lome Accord was signed on 7th July 1999.

2 Q. Were you in Lome or Sierra Leone at this time?

3 A. I was in Sierra Leone.

4 Q. After the signing of the Lome Accord do you recall anything
11:44:08 5 happening?

6 A. Yes.

7 Q. What happened?

8 A. I recall Sankoh sent a message that Superman and Gullit and
9 others should arrange a representative to be added to Superman to
11:44:23 10 go with him to Liberia.

11 Q. How do you know about this communication?

12 A. I saw the message and I monitored the dialogue between
13 Sankoh, Superman, Gullit and Bazzy.

14 Q. You have mentioned the name Bazzy. Was Bazzy also involved
11:44:37 15 in this communication?

16 A. Yes, he was at Okra Hills and Sankoh spoke to him directly.

17 Q. As a result of this communication did anything happen?

18 A. Yes. They had a representative either to Five-Five and
19 Superman. They went to Lungi and eventually flew to Monrovia.

11:45:03 20 Q. You said they had a representative, who are you talking
21 about?

22 A. Bazzy sent a representative either to Five-Five and
23 Superman and they all left.

24 Q. You said they went to Monrovia. Do you know who was in
11:45:22 25 Monrovia when they got there?

26 A. Yes. I monitored, even before they left, Sankoh telling
27 them that he was going to make sure that Johnny Paul was there
28 and Sam Bockarie also would be there. And they had a delegation
29 from Lome also went there.

1 Q. Do you know if in fact Bockarie and Johnny Paul Koroma were
2 in Monrovia --
3 A. Yes, I knew --
4 Q. -- at this time?
11:45:48 5 A. I saw the communication that they were there and they were
6 on discussions between them in order to create some harmony and
7 peace between them.
8 Q. Where were you at this time?
9 A. I was still in Makeni.
11:46:06 10 Q. Do you know when subsequently Sankoh returned to Freetown?
11 A. Yes, in the same year sometime around about October,
12 September/October.
13 Q. Did Johnny Paul Koroma return to Freetown?
14 A. Yes, he came together with Sankoh.
11:46:27 15 Q. Did you remain in Makeni after Sankoh's return?
16 A. No.
17 Q. What did you do?
18 A. I was called by Sankoh to report to Freetown, which I did.
19 Q. When did you report to Freetown?
11:46:39 20 A. This was in November of 1999.
21 Q. Did anything happen to you after you reported to Freetown?
22 A. Yes, a week after that I was appointed by Sankoh as his
23 personal assistant.
24 Q. Where was Superman at this time?
11:47:02 25 A. He was staying in Makeni.
26 Q. Did he remain there?
27 A. No, he too came out of Freetown in the new year.
28 Q. Did he do anything in Freetown?
29 A. No, at that time he had no appointment in Freetown.

1 Q. You've have told us earlier about the promotions you
2 received from Sankoh.
3 A. Yes.
4 Q. What was the final rank in the RUF that you held?
11:47:39 5 A. As a lieutenant-colonel.
6 Q. How long were you based in Freetown for after your return
7 there in November '99?
8 A. I was in Freetown until sometime in March when I travelled
9 with Sankoh and we returned back I was there until May of 2000.
11:48:04 10 Q. Did anything happen in May 2000?
11 A. Yes.
12 Q. What happened?
13 A. There was an attack on Sankoh's house.
14 Q. What was the date of the attack?
11:48:13 15 A. That was on May 8, 2000.
16 Q. As a result of the attack, what did you do?
17 A. I fled. I left Freetown. I went to the Peninsula Hills,
18 along with some others, back to Makeni.
19 Q. Who were you with?
11:48:29 20 A. I was in a group of Superman and his bodyguards.
21 Q. What happened to Sankoh?
22 A. Sankoh eventually lost from the group who left his house
23 trying to get into the Peninsula Hills.
24 Q. And after he was lost from the group what happened?
11:48:48 25 A. He was eventually captured in Freetown and imprisoned.
26 Q. What was the next position that you held?
27 A. When I left Freetown while the UN saga was on, they were
28 being released in Liberia and that there was eventually a meeting
29 between ECOWAS leaders and Issa Sesay before my arrival. I was

1 called in a meeting to Kono in which I was appointed by
2 Issa Sesay to lead the RUF external delegation in order to put
3 the peace process back on track.

4 Q. When were you appointed to the RUF internal delegation?

11:49:43 5 A. This was on 1st August 2000.

6 Q. At this time what was Issa Sesay's position?

7 A. He was now the interim chairman of the RUF.

8 Q. What was the next position that you held in the RUF?

9 A. I was removed as head of the RUF standard delegation, and
11:49:58 10 made spokesman.

11 Q. Spokesman for which body?

12 A. Spokesman for the RUF.

13 Q. When was that?

14 A. This was in November 2000.

11:50:15 15 Q. How long did you remain in that position?

16 A. As a spokesman I remained there until towards the ending of
17 2001.

18 Q. Mr Massaquoi, those are all the questions I have to ask
19 you. If you'd wait there, there will be cross-examination.

11:50:38 20 A. Thank you.

21 MS PACK: Those are my questions, Your Honour.

22 PRESIDING JUDGE: Thank you, Ms Pack. Counsel for the
23 Defence, which counsel will commence cross-examination?

24 Mr Knoops, please proceed.

11:50:50 25 MR KNOOPS: Thank you Your Honour.

26 CROSS-EXAMINED BY MR KNOOPS:

27 Q. Good morning, Mr Massaquoi.

28 A. Good morning.

29 Q. Mr Massaquoi, do you recall that when you were interviewed

1 by the Prosecution you were advised that you were suspected of
2 being a participant involved in international war crimes and all
3 crimes against humanity?

4 A. If I was advised?

11:51:41 5 Q. Yes.

6 A. By?

7 Q. The Prosecution or investigators of the Prosecution that
8 you were suspected of being a participant involved in
9 international war crimes and all crimes against humanity?

11:52:04 10 A. Not at all.

11 Q. You cannot recall that this statement was made to you?

12 A. No, I can't recall that I was involved in international war
13 crimes.

14 Q. But you can recall that this advice was given to you, can't
11:52:21 15 you?

16 A. What I recall is that I was -- I can recall that the
17 investigators told me that I was a member of an armed group that
18 has participated in war in Sierra Leone and that armed group was
19 involved in committing atrocities, but not that I was involved in
11:52:43 20 the commission of those offences.

21 Q. Mr Massaquoi, I put it to you that on page 11702 of the
22 statement it says: "So before we are going I just want to advise
23 Mr Massaquoi" - that's said, by the way, by the chief of this
24 investigation - "that he is suspected of being a participant
11:53:20 25 involved in international war crimes and all crimes against
26 humanity and, as such, we advise as follows."

27 MS PACK: Your Honour, just perhaps if my learned friend
28 could assist by more than the provision of the page number.
29 11702 of course is the registry filing number. I don't think

1 that number will mean anything to the witness. So if my learned
2 friend could assist by also identifying the date of the statement
3 that may assist further. It is in Your Honours' many binders.

4 JUDGE SEBUTINDE: We are going to have to request counsel
11:54:02 5 when you are quoting page numbers, the Bench doesn't have those
6 pages. So you will have tell us in advance, have the legal
7 officer print out a copy and then proceed to quote.

8 MR KNOOPS: Thank you, Your Honour. It's the interview of
9 Mr Massaquoi on 8th October 2002, page 11702 of the binder and I
11:54:41 10 am quoting from the 12th sentence from the top of page 11702. If
11 Your Honours allow me I will quote again.

12 PRESIDING JUDGE: Yes. Please proceed, Mr Knoops.

13 MR KNOOPS:

14 Q. Mr Massaquoi, I would ask you to listen to this quotation
11:55:01 15 and the question thereafter. "So before we are going I just want
16 to advise Mr Massaquoi that he is advised that he is suspected of
17 being a participant involved in international war crimes and all
18 crimes against humanity and, as such, we advise as follows". So,
19 Mr Massaquoi, when reading this transcript, this statement from
11:55:33 20 the chief of investigation of the Prosecution, it's clear that
21 not you as a member of an organisation, but that you in person
22 are suspected of being a participant involved in international
23 war crimes?

24 A. Not at all.

11:56:06 25 Q. Do you contest that this was said to you on 8th
26 October 2002 during this interview?

27 A. I could remember that one of the investigators told me that
28 an organisation that I belonged to before making that statement
29 had been involved in the participation or the commission of

1 international war crimes and crimes against humanity, but not
2 that myself participated in the commission of the offence.

3 Q. Did you at that time of this interview, 8th October 2002,
4 question the chief of investigation, or anyone else of the
11:56:57 5 investigation of the Prosecution, why you were suspected?

6 A. I cannot recall that. That's why I don't remember making
7 such a question.

8 Q. Mr Massaquoi, do you recall that this statement by the
9 Prosecution or the investigators of the Prosecution was made to
11:57:41 10 you on other occasions of your interviews?

11 A. I cannot recall is what I'm saying.

12 MR KNOOPS: Your Honours, we draw your attention to the
13 interview of Mr Massaquoi on 1st November 2002 to be found on
14 page 11887.

11:58:15 15 Q. Mr Massaquoi, I will read again a certain portion from this
16 page and ask the question to you thereafter.

17 JUDGE SEBUTINDE: Please hold.

18 [AFRC10OCT05C - CR]

19 PRESIDING JUDGE: Read it out, Mr Knoops, we're still
11:59:33 20 waiting for it.

21 MR KNOOPS: Thank you, Your Honour.

22 Q. So, Mr Massaquoi, on this page 11887, it says, "Mr Gibril
23 Massaquoi, before we go further, we have a - we are obligated by
24 international law to tell you your rights and these rights are
11:59:55 25 what I'm going to read to you. Rule 42 of the International
26 Criminal Tribunal Rules of Evidence and Procedure, you are hereby
27 advised that you are suspected of being a participant involved in
28 international war crime or crimes against humanity and as such
29 you are advised as follows..." Can you recall that this

1 statement was made to you on 1 November 2002?

2 A. Yes, My Lord.

3 Q. Do you agree, Mr Massaquoi, that here you were cautioned
4 based on the assumption that you, yourself, are a suspect of
12:01:00 5 being a participant involved in international war crime or crimes
6 against humanity?

7 A. Go ahead.

8 Q. Do you agree that this is what was told to you during this
9 interview?

12:01:15 10 A. Yes. That was read to me. I think they are obligatory
11 rules. They were read to me on several occasions.

12 Q. Did you ever, during these interviews, ask the
13 investigators why you were suspected of being a participant
14 involved in international war crime or crimes against humanity?

12:01:42 15 A. No.

16 Q. Why not?

17 A. Because it was not been pointed to me that I have, as an
18 individual, committed crimes against humanity, I am being charged
19 for that.

12:02:04 20 Q. Weren't you curious on which basis the investigators
21 cautioned you in this respect?

22 A. Not at all.

23 Q. Mr Massaquoi, were you, as a matter of fact, prosecuted for
24 the suspicion which was advanced to you by the members of the
12:02:41 25 Prosecution?

26 A. Can you repeat that again. I'm not getting you clear.

27 Q. Were you actually prosecuted?

28 A. Not at all. I don't think the Prosecutors saw me as
29 somebody that they could prosecute. That's why I'm not

1 prosecuted.

2 PRESIDING JUDGE: Mr Knoops, you haven't actually specified
3 who he was prosecuted by.

4 MR KNOOPS: That's correct, Your Honour. Let me rephrase
12:03:11 5 the question, Your Honour.

6 Q. Was the issue that you were to be prosecuted by the
7 Prosecution of the Special Court for Sierra Leone ever discussed
8 during these interviews?

9 A. About my own prosecution?

12:03:30 10 Q. Yes.

11 A. Not at all.

12 Q. Mr Massaquoi, is it correct that as a precondition for your
13 statements, you demanded not to be prosecuted by the members of
14 the Prosecution of the Special Court for Sierra Leone; is that
12:03:53 15 correct?

16 A. Not at all. What I know from the Prosecution is that they
17 are using this particular clause and, within that clause, they
18 have a superlative word there they refer to as "greatest." On
19 several occasions, that has been put to me. If the Prosecution
12:04:15 20 felt that I fall between that ambit, I think I must have been
21 prosecuted, but I am not.

22 Q. My question is: Did you yourself set this as a
23 precondition --

24 A. Not at all. I first denied that before I started going
12:04:35 25 ahead. I explained all that.

26 Q. So, in your opinion, you were rightly not prosecuted by the
27 Prosecution because, in your view, you don't meet the standard of
28 the greatest responsibility; is that correct?

29 A. Yes.

1 Q. Did you ever, during these interviews or prior to these
2 interviews, discuss with the Prosecution their view on your
3 position as not having the greatest responsibility within the
4 meanings of the Statute of the Special Court?

12:05:24 5 A. I myself read the Statute of the Special Court. I cannot
6 dictate to the Prosecutors. They know better than I do those who
7 fall within the ambit of those who bear the greatest
8 responsibility.

9 Q. Did you yourself discuss with the members of the
12:05:42 10 Prosecution or the members of those who interviewed you the issue
11 of the greatest responsibility in respect to your person?

12 A. Not at all. As I said, they know better than I do and they
13 know who falls within the greatest responsibility.

14 Q. You testified on Friday that at a certain point you were
12:06:11 15 involved as task commander; is that correct?

16 A. Task commander?

17 Q. Task commander.

18 A. You have to break that down. I have not mention of me
19 being a task commander.

12:06:24 20 MS PACK: There wasn't a mention. There was a target
21 group, but there was never a task commander.

22 MR KNOOPS: Sorry, excuse me. Task force commander.

23 Q. Task Force commander.

24 A. Not at all.

12:06:36 25 Q. Wasn't it your testimony -- did you refer in this aspect to
26 target commander; is that correct?

27 A. Yes, I said target commander.

28 Q. In your view, a target commander is different from a task
29 commander or a task force commander?

1 A. Quite different.

2 Q. You testified that after April 1992 you became a target
3 commander; is that correct?

4 A. Yes.

12:06:59 5 Q. Were you yourself in the capacity as a target commander
6 involved in the actual fighting in the field?

7 A. No, not at all. Target commanders, you need to know first
8 the rule of the target commander. Target commanders take command
9 from the battalion commanders and ask their men, honour them to
10 implement them.

12:07:28 11 Q. Wasn't it your testimony on Friday, Mr Massaquoi, that as a
12 target commander you were involved in the establishment of
13 ambushes; is that correct? You testified that as a task --

14 A. Yes, that the -- not as a target, but the responsibility of
12:07:50 15 a target was to lay ambushes, keep defensives and attack as
16 instructed by the battalion.

17 Q. Were you actually involved in the laying of ambushes and
18 defensive operations?

19 A. I have said that.

12:08:04 20 Q. Against whom were these ambushes directed?

21 A. Who directed the ambushes?

22 Q. No, against whom were these ambushes directed?

23 A. Against government forces.

24 Q. As a matter of fact, are you aware that due to your
12:08:24 25 involvement in the ambushes, government soldiers or other persons
26 were killed?

27 A. I know that in any war, as long as you exchange fire,
28 people have to die on both sides.

29 Q. So it's fair to say that due to your contribution as a

1 target commander, in particular with respect to the laying of
2 ambushes, people were killed; is that correct?

3 A. Of course.

4 Q. Have you any idea how many of them were killed through your
12:09:02 5 involvement as a target commander?

6 A. I cannot tell. In most cases, I'm not on the field and I
7 will not be able to tell you during cross firing how many people
8 died on the other side.

9 Q. But it's fair to say that it's more than one?

12:09:21 10 A. In the war, the Sierra Leonean war, more than one person
11 died.

12 Q. Actually, Mr Massaquoi, is it your testimony today that by
13 laying ambushes you took the risk that other people would kill --
14 could have been killed by your involvement as a target commander;
12:09:43 15 is that correct?

16 A. Yes, I have made that known. I think I narrated my role
17 here, my role as a target commander.

18 Q. Did this taking of risk, which is inherent in a war, as you
19 say, also expand the civilians as potential victims; is that so?

12:10:01 20 A. Yes, in most cases when there is cross firing in towns,
21 where there are attacks, civilians fell victims.

22 Q. So you're actually saying that through your intervention as
23 target commander, both soldiers and civilians were killed or
24 could have been killed; is that correct?

12:10:26 25 A. I as a target commander have not directed killing of
26 civilians or directed ambushes. I have just explained before the
27 Court - I am under oath - that those directions came from the
28 battalion commander, not me as a target commander.

29 Q. And indirectly? I mean, through your activities as an

1 indirect result of your involvement as a target commander?

2 A. Yes, indirectly, yes.

3 Q. Thank you. Mr Massaquoi, did you actually negotiate your
4 position as a potential witness before the Special Court for

12:11:08 5 Sierra Leone with the Prosecution in terms of receiving money;
6 other resources, medical treatment for your family, finances for
7 your family, relatives?

8 A. If I negotiated with the Prosecution?

9 Q. Yes.

12:11:31 10 A. No. I think that was negotiated with Witness and Victim
11 Support unit.

12 Q. How many times were you interviewed by the Prosecution?

13 A. Several times.

14 Q. When you could make an estimation as to how much
12:11:55 15 reimbursement you received on behalf of the Special Court, what
16 is your estimation then?

17 A. I could not recall, except you ask the victims and witness
18 support. They will be able to tell you exactly.

19 Q. Could you make for us just a rough estimation, because you
12:12:10 20 earlier were also asked to make certain estimations?

21 A. It would be unfair for me to make an estimation, because I
22 do not know the total.

23 Q. Is it fair to say it was over 1,000,000 Leones?

24 A. Yes.

12:12:25 25 Q. Five million, 10,000,000?

26 A. I can't tell beyond that, except they tell you.

27 Q. Mr Massaquoi, just finishing this issue of the statements
28 you made before the members of the Prosecution, can you recall if
29 you were ever interviewed by a military expert from the Office of

1 the Prosecution?

2 A. Yes.

3 Q. I'm not asking you to mention a name, but can you recall
4 when this happened? When were you interviewed by a military
12:13:06 5 expert from the Prosecution?

6 A. I could not recall the exact date, but I can remember being
7 interviewed by a British military officer. I would say he was a
8 military expert.

9 Q. Was it this year, last year?

12:13:27 10 A. I think it was last year.

11 Q. On how many occasions, Mr Massaquoi, were you interviewed
12 by this expert?

13 A. On just one occasion.

14 Q. Can you remember the approximate time you spoke to this
12:13:47 15 expert?

16 A. Yes, this was between -- I think the hours of 10.00 to
17 2.00.

18 Q. Can you recall, Mr Massaquoi, whether this interview took
19 place here in Freetown?

12:14:02 20 A. Freetown and outside Freetown.

21 Q. So, it is your testimony that you were once interviewed
22 last year from 10.00 to 2.00 by one military expert in Freetown
23 and outside town; is that correct?

24 A. Yes.

12:14:23 25 Q. Was your statement taken down by this expert?

26 A. No.

27 Q. You mentioned things to him and he just listened; is that
28 basically how it went?

29 A. Yes. It was not like I made a statement to him. He was

1 doing some form of inquiry about certain locations and that was

2 all.

3 Q. Did you actually go with him to certain locations?

4 A. I did.

12:14:57 5 Q. Was it one location, or were there more?

6 A. More than one location.

7 Q. Okay. Can you give us an estimation? One, two, three,

8 four, five?

9 A. Yes, we went to State House; we went close to the area

12:15:13 10 where the G4 were based in Freetown; we went to where I was

11 staying in Freetown; we went to Waterloo where the meetings took

12 place at Lumpa; we went to Waterloo where I was staying. Several

13 other places.

14 Q. But it's fair to say that these locations were in the

12:15:32 15 direct environment of Freetown; is that correct?

16 A. Some.

17 Q. Some not?

18 A. Yes.

19 Q. Which locations outside Freetown did you go with him?

12:15:44 20 A. I just said at Lumpa and Waterloo.

21 Q. Anywhere else?

22 A. At Allen Town.

23 Q. And this all happened, Mr Massaquoi, in the time span of

24 four hours; is that correct, from 10.00 to 2.00?

12:16:12 25 A. Yes, we used a vehicle.

26 Q. When you went with this expert to these sites, were you

27 alone with him, or were there other individuals with you?

28 A. Yes, there was a Witness and Victims Support security with

29 me.

1 Q. Were other individuals interviewed at the same time when
2 you spoke with this expert and went around with him?

3 A. No, I can't recall that. I only saw that they made
4 photographs of certain areas.

12:16:50 5 Q. But you cannot recall, for instance, that other potential
6 witnesses were with him at the time? I'm not asking you to
7 mention names, by the way.

8 A. No, I can't remember at the time I was with them that
9 another witness was with them.

12:17:04 10 Q. Did you ever see the results of that inquiry of this
11 expert?

12 A. No.

13 Q. Did you ever see the photos that were taken during this
14 trip?

12:17:22 15 A. No.

16 Q. Did you ever speak to this expert afterwards in an informal
17 capacity, not as an interviewee of this expert, but merely as
18 a --

19 A. In respect of?

12:17:43 20 Q. In general.

21 A. No, except like we -- you need water and you ask. That's
22 all.

23 Q. Thank you. Mr Massaquoi, I would like to move on to the
24 next topic, which also partly relates to your background. You
12:18:02 25 testified on Friday that you were a teacher?

26 A. Yes.

27 Q. That's your original profession?

28 A. Yeah.

29 Q. You started working for a task force commander in May 1991.

1 A. Yes.

2 Q. Prior to that, Mr Massaquoi, did you have any professional
3 military background or education?

4 A. Not at all.

12:18:28 5 Q. To the best of your knowledge, did Corporal Foday Sankoh
6 have any military education?

7 A. Yes, at that time I knew he was a corporal before in the
8 Sierra Leone Army.

9 Q. Yes. Are you familiar whether he had a specific military
12:18:50 10 education before becoming a corporal in the army?

11 A. No, at that time I was not militarily inclined.

12 Q. To the best of your knowledge, did he have any commanding
13 position, I mean with Foday Sankoh, prior to 1991?

14 A. Who?

12:19:15 15 Q. Mr Foday Sankoh. Did he have any commanding position prior
16 to 1991?

17 MS PACK: In what group, Your Honour? It is not clear if
18 this question has been geared towards another military group or
19 whether it's the RUF.

12:19:31 20 MR KNOOPS:

21 Q. Can you specify it with respect to the SLA? I think you
22 just testified he was a corporal in the SLA; is that correct?

23 A. Yes.

24 Q. Were you familiar with the fact whether Mr Foday Sankoh,
12:19:43 25 when in the SLA, had any commanding position prior to 1991?

26 A. In the SLA, you mean?

27 Q. Yes.

28 A. Not at all.

29 Q. Mr Massaquoi, was there any military rank required for a G4

1 position?

2 MS PACK: Again, is this questioning going to military
3 position G4 in the SLA, or is it in the RUF?

4 MR KNOOPS: This is specifically the RUF, because I recall
12:20:20 5 that Mr Massaquoi, on Friday, testified in this respect about the
6 RUF.

7 Q. Is that correct, Mr Massaquoi?

8 A. Yes.

9 Q. Was there any military rank, Mr Massaquoi, required for the
12:20:33 10 G4 position within the RUF?

11 A. At the time?

12 Q. Yes.

13 A. No. It only depend on whom Foday Sankoh want to appoint to
14 that position, or who any leader of the RUF want to appoint to
12:20:55 15 that position, whether they in rank or not.

16 Q. Thank you. You testified on Friday that you were taken to
17 Zimmi for training.

18 A. Yes.

19 Q. Was this done voluntarily; did you do that voluntarily?

12:21:03 20 A. No. I think I said I was taken there. Initially when I
21 came to Pujehun, I had to run away, because I have not seen such
22 a group before. At one point in time I was in prison and my
23 mother had to intervene for me to be released. It was after that
24 that I was taken to Zimmi to be trained.

12:21:23 25 Q. But the training, as such, did you undergo that
26 voluntarily; the three weeks of training in Zimmi?

27 A. No, not at all. I was taken -- loaded in a vehicle and
28 taken to Zimmi for training, just like other people were taken.

29 Q. Right. You testified that this training entailed training

1 in arms, administration?

2 A. Yes.

3 Q. Did it also entail any ideology of the RUF?

4 A. Yes. That was part of the arms training as well.

12:21:56 5 Q. Could you please specify what you mean with training in
6 ideology?

7 A. That basically on the aims and objectives of the RUF.

8 Q. Could you indicate to us what these aims and directives
9 were at that time?

12:22:18 10 A. Yes, these were the reasons why they took up arms to enter
11 Sierra Leone, to get rid of the corrupt APC regime, to have a
12 democracy and a host of other issues.

13 Q. Did it entail, Mr Massaquoi, that the RUF would attain
14 ultimate power within Sierra Leone?

12:22:47 15 A. I cannot tell, but I know that the main aim was to fight
16 and overthrow the government of APC. By then, I did not see any
17 political branch outside the military branch that I saw that were
18 in operation.

19 Q. With respect to the training you underwent in Liberia, you
12:23:13 20 testified on Friday that this training in Liberia entailed
21 fighting and ideology. Was this ideology different from the
22 ideology you were trained in in Zimmi?

23 A. No, I think you are missing the point. I said it was
24 basically a revision of the training that was done in Sierra
12:23:30 25 Leone.

26 Q. To the best of your knowledge, did it entail any additional
27 new aspects?

28 A. Not at all.

29 Q. Back in Sierra Leone in November 1991, you were attached to

1 a battle group commander, Mr Rashid Mansaray; is that correct?

2 A. Yes.

3 Q. First of all, how did you know he was battle group
4 commander?

12:24:01 5 A. He was well known everywhere that he was the battle group
6 commander, that is how I came to know him, by the fighters,
7 everyone, especially those whom he had trained in Liberia as
8 Vanguard.

9 Q. Did he at that time tell you that he was a battle group
12:24:21 10 commander?

11 A. Yes. He wrote letters to various following commanders in
12 that capacity.

13 Q. Did he ever explain to you what it meant to be battle group
14 commander?

12:24:34 15 A. No.

16 Q. Did you know at that time what a battle group commander
17 was?

18 A. I only know at that time that he was in command of the area
19 where the RUF occupied.

12:24:47 20 Q. Were there at that time, Mr Massaquoi, to the best of your
21 recollection, any so-called battalion commanders?

22 A. There were.

23 Q. Let me first ask you, do you know what a battalion
24 commander is?

12:25:06 25 A. Yes.

26 Q. Can you please explain the term "battalion commander"?

27 A. Battalion commander commands the men under his battalion.

28 Q. And what is a battalion?

29 MS PACK: Again, this is RUF? Because, in my submission,

1 it is important for Mr Knoops to make sure that the group he's
2 talking about, when he's talking about command positions, whether
3 it is either the RUF or the SLA, because, of course, of the
4 limits of this witness's knowledge of command structures.

12:25:40 5 MR KNOOPS: I'm asking the witness, Your Honour, whether
6 the witness is in a position to explain what a battalion in
7 general is, as a common military phenomenon, first without
8 relating to RUF or SLA.

9 PRESIDING JUDGE: So you're asking him for an opinion? Is
12:25:59 10 that it, Mr Knoops?

11 MR KNOOPS: Not an opinion; I'm asking him whether he has
12 knowledge.

13 PRESIDING JUDGE: I see, you are asking him a general
14 question: "Do you have knowledge?"

12:26:09 15 MR KNOOPS: Yes.

16 MS PACK: In my submission, Your Honour, that is far too
17 broad a question to ask about battalions generally in whatever
18 military group at whatever time. This is far too general a
19 question for this witness. He's not an expert.

12:26:23 20 PRESIDING JUDGE: He can say yes or no. After that, there
21 may well be limitations. So that question can be allowed.

22 MR KNOOPS:

23 Q. Mr Massaquoi, could you describe what a "battalion" is in
24 the general meaning of the word?

12:26:44 25 A. I can't, except if you are talking in terms of the RUF,
26 then I would be able to describe how their battalions were.

27 Q. So it means that my previous question, whether there were
28 battalions within the RUF, is answered by you in the affirmative
29 way; is that correct?

1 A. Yes, there were battalions.

2 Q. There were battalions?

3 A. Yes.

4 Q. Speaking about November 1991, how many battalions were
12:27:10 5 there?

6 A. I knew RUF had two battalions, one in the Pujehun axis and
7 the other one in the Kailahun axis.

8 Q. Do you have any knowledge how these battalions were
9 comprised, how they were composed; for instance, how many
12:27:30 10 individuals, how many commanders?

11 A. Not at all. There was not a limitation to the number of
12 personnels in a battalion. And, more specifically, I could at
13 that time only talk about those in Pujehun, not Kailahun. At
14 that time, I had not been there.

12:27:46 15 Q. Did you, Mr Massaquoi, at that time, see any official
16 so-called command structure of the RUF in a written form?

17 A. At that time, in November.

18 Q. Yes. November 1991.

19 A. No, not at all.

12:28:07 20 Q. To the best of your knowledge, was such a structure
21 existing in a written form?

22 A. With the RUF?

23 Q. Yes.

24 A. At that time the RUF had -- on the Pujehun side, they had a
12:28:20 25 battle group commander, and from there they had a battalion
26 command and I know under that battalion they had various other
27 sub-commanders. I could not tell you specifically how many were
28 there. But I know of companies that were created. They talk of
29 targets. I cannot really tell.

1 Q. Did you at that time have any direct knowledge on the
2 relationship between the battle group commander and the battalion
3 commanders? I'm speaking about November 1991.

4 A. At that time, no.

12:28:53 5 Q. And later on?

6 A. Later on, during RUF, other phases.

7 Q. Which time frame are you speaking about?

8 A. This was in 1993, 1994.

9 Q. How did you come to know about this relationship?

12:29:12 10 A. I saw the structures being formed by Sankoh and I saw it on
11 document with the adjutant of the headquarters where Sankoh was
12 staying.

13 Q. Is it correct, Mr Massaquoi, that at that time, 1993, you
14 were holding the rank of lieutenant? 1993?

12:29:43 15 A. No, in 1994.

16 Q. You became lieutenant?

17 A. Yes.

18 Q. But were you able, without having no military background,
19 to get to know the military structures of the RUF yourself?

12:30:01 20 A. Yes, at that time I knew some of the structures of the RUF.

21 Q. Was this told to you or was this based on any direct
22 knowledge, for instance, what you saw?

23 A. What I saw and I was also told.

24 Q. By whom?

12:30:17 25 A. By the RUF Vanguard.

26 Q. What was the reason for these RUF Vanguard to tell you?
27 Why did they tell you about the structure?

28 A. It was not like I was asking them per se to tell me their
29 structures, but they, in informal conversations, they tell you

1 that a battalion over there had this amount of manpower and they
2 have the G4. The G4 comprises of this amount of people,
3 something like that.

4 Q. These RUF Vanguards you spoke to and through whom you came
12:30:57 5 to know about the RUF command structures, what positions did
6 they, what positions did they hold at that time?

7 A. They were the key front line commanders. These were people
8 trained by Sankoh in Liberia. They included Sierra Leoneans and
9 Liberians as well.

12:31:17 10 Q. Can you recall any of the names of these individuals?

11 A. At which time?

12 Q. November -- sorry, 1993, 1994 --

13 A. Yes.

14 Q. -- when you came to know of the structures?

12:31:29 15 A. Yes, I know Sam Bockarie. I know Issa Sesay. I know
16 Morris Kallon. I know Momoh Rogers. A number of them.

17 Q. Yes. So these individuals all told you about the
18 structures?

19 A. No, not all of them. In most cases, I just met some of
12:31:46 20 them casually.

21 Q. Can you recall, just for an estimation, on how many
22 occasions during which you met these people casually the command
23 structure was touched upon?

24 MS PACK: Your Honour, perhaps my learned friend could
12:32:09 25 identify the particular period he's talking about. Of course,
26 the witness has testified to quite a long period, over 10 years
27 in which he might or might not have spoken to any one of these
28 individuals.

29 MR KNOOPS: Your Honours, I'm still referring it to the

1 period, according to the own testimony of the witness, the period
2 1993 to 1994 when he, according to his statement, came to know
3 about the command structures of the RUF.

4 PRESIDING JUDGE: Mr Witness, you understand the period is
12:32:40 5 1993, 1994?

6 THE WITNESS: Yes, Your Honour.

7 MR KNOOPS:

8 Q. Can you please tell us how many of these occasions gave you
9 the opportunity to learn about structures?

12:32:53 10 A. Yes. In 1994, while I was at the RUF headquarters with
11 Sankoh, I came to know that the 1st Battalion was on the Pujehun
12 side and they had a certain amount of men under them divided into
13 target companies, from companies to targets. They established
14 another new target during that time which was -- I mean, a new
12:33:20 15 battalion which was in care of security of where Foday Sankoh was
16 staying at Zogoda, which became the 3rd Battalion. But to say I
17 can go into the inner part of it, who was who, who was that; no.

18 Q. You just mentioned one occasion?

19 A. Yeah.

12:33:39 20 Q. Can you recall other occasions?

21 A. Yeah. In 1994, on diverse months, I was told that a
22 battalion was created which was called 3rd Battalion around
23 Zogoda. There was another time I knew that there was another
24 battalion in Kailahun, which was 2nd Battalion. There was
12:33:56 25 another time I knew that those operating in Pujehun were the
26 1st Battalion, you know.

27 Q. Did you ever go to these battalions? Did you ever see them
28 operating?

29 A. Yes, some of them.

1 Q. Mr Massaquoi, you described three groups of fighters within
2 the RUF; is that correct?

3 A. Yes.

4 Q. The junior commandos, Special Forces and the Vanguard?

12:34:30 5 A. Yes.

6 Q. Could you please explain to us what the difference between
7 these three groups were?

8 A. Yes, I understand the Special Forces were those trained
9 from Libya by Foday Sankoh. And the Vanguard were those trained
12:34:51 10 in Liberia by Sankoh and the junior commandos were those trained
11 in Sierra Leone.

12 Q. How did you learn these differences?

13 A. At the RUF headquarters, I came to know that they have a
14 hierarchy position, they have the Special Forces, Vanguard and
12:35:09 15 junior commandos.

16 Q. In which time frame did you come to learn this, which year?

17 A. I came to know about the Special Forces as early as 1991
18 and the Vanguard and the rest of the other people in 1994.

19 Q. Was there a difference in training between these three
12:35:27 20 groups of fighters?

21 A. Yes, as I learned.

22 Q. What did you learn?

23 A. I learned that those trainers, Special Forces, were trained
24 in various other aspects like in air, sea and land, while the
12:35:46 25 junior commandos were only trained on land fighting. I also know
26 that the Vanguard were trained in similar course, similar to
27 that of the Special Forces.

28 Q. And you all learnt this during your time you stayed at
29 headquarters or were there any other --

1 A. At headquarters at other locations within the RUF-occupied
2 territories just as I dialogue with some senior people.

3 Q. Did you ever see any structures pertaining to these three
4 fighting factions, fighting groups in a written form within the
12:36:33 5 RUF?

6 A. Yes.

7 Q. When?

8 A. At the RUF headquarters at Zogoda in 1994.

9 Q. What did you see?

12:36:43 10 A. I can't recall the date. I can only tell you it was in
11 1994.

12 Q. What did you see? What papers did you see?

13 A. I saw with the adjutant at that time, I saw the list of
14 some Special Forces who were trained and some of them who died.

12:37:01 15 I saw the Vanguardians, some of them who have returned back to
16 Liberia and those in operation in Sierra Leone, you know.

17 Q. Did you, at that time, have any direct knowledge of how
18 these three different groups of fighters interrelate with each
19 other?

12:37:20 20 A. No.

21 Q. Were you familiar whether these groups had, each of them,
22 their own ideology?

23 A. Not at all.

24 Q. So, you're saying that the ideology remained the same?

12:37:34 25 A. I only know of the ideology that it came to Sierra Leone
26 and trained the junior commandos on. But I cannot tell you the
27 ideology they learned from Liberia where -- while training as
28 Vanguardians or those as Special Forces.

29 Q. So, in this respect you cannot assist us with any direct

1 knowledge; is that correct?

2 A. Yes, because I was not there, and I have not known what
3 they train about on those bases.

4 Q. Right. Do you have any direct knowledge whether and, if
12:38:03 5 so, how these different groups, these three fighting groups had
6 their own uniforms?

7 A. Within the RUF, you mean?

8 Q. Within the RUF. So speaking about these three groups you
9 identified: The junior commandos, Special Forces and Vanguard?

12:38:28 10 A. No, there were no specific uniform by each group.

11 Q. Did all three groups wear full uniforms?

12 A. No, well, in some cases you see the Special Forces having
13 US camouflage uniforms. You see others wearing other uniforms.
14 It's a mix-up. You see others in normal civil attire.

12:38:47 15 Q. To the best of your knowledge, were these groups or one of
16 them or two of them, active in 1997/1998 within the territory of
17 Sierra Leone?

18 A. Yes.

19 Q. Which territory? Which provinces?

12:39:08 20 A. You mean 1998?

21 Q. Yes.

22 A. I cannot tell you of 1998, because I was not operating with
23 them. I have said before the Court here that I was in prison by
24 then.

12:39:18 25 Q. 1997?

26 A. Part of 1997. I cannot tell you part of 1997.

27 Q. And the other part?

28 A. I saw the Vanguard, I saw the junior commandos, who were
29 operating alongside with the SLAs in Freetown, when I came from

1 outside Sierra Leone.

2 Q. You testified that RUF fighters were employed or deployed
3 in Sierra Leone and you mentioned on Friday Kailahun District; is
4 that correct?

12:39:59 5 A. Yes.

6 Q. Do you have any recollection or knowledge as to how many of
7 RUF fighters were deployed in that district?

8 A. No, I can't tell you.

9 Q. Do you have any knowledge whether the RUF fighters deployed
12:40:19 10 in Kailahun District were either junior commandos, Special Forces
11 or Vanguard?

12 A. It was a mixture of all three.

13 Q. How do you know this?

14 A. I know the commander that was there initially, like, Zeno
12:40:38 15 was a Special Force. I know some other commanders were in charge
16 who were Vanguard, and I also know that the rest of the other
17 armed men were junior commandos.

18 Q. So, you're saying that these individuals told you that they
19 were operating in their district in a mixed capacity?

12:40:59 20 A. Yes.

21 Q. When did you learn this?

22 A. The time frame you asked you said some part of 1997.

23 Q. In April 1992, you became a target commander?

24 A. Uh-huh.

12:41:27 25 Q. You informed the Trial Chamber on Friday that you were
26 responsible for 100 men and that your force was named Alligator
27 Force; is that correct?

28 A. Yes.

29 Q. Could you first assist us as to why this name was given to

1 this force for which you were responsible?

2 A. No, I made a name in existence. I told you that another
3 commander was there before I came from Liberia and it was only
4 when he died that I was an adjutant to him, that I was made to be
12:42:03 5 the commander.

6 Q. Do you know why this force was initially granted the name
7 Alligator Force?

8 A. No, there were various other targets that were given
9 different names, you know. I cannot tell you who gave that name
12:42:21 10 and why was the name given.

11 Q. Earlier on, you testified that your force was involved in
12 the laying of ambushes. On how many occasions were you actually
13 involved in these activities?

14 A. I cannot tell you how many occasions, because they had a
12:42:45 15 specific area where they were deployed in keeping ambushes
16 between them and the government forces.

17 Q. What was your rank at that time?

18 A. No rank.

19 Q. And you were, without rank, responsible for 100 men; is
12:43:06 20 that right?

21 A. Yes.

22 Q. How did you supervise that force without having a rank and
23 a military background?

24 A. I was not the only one without rank. The whole
12:43:15 25 battalion -- the only person I knew that had a rank was the
26 battle group commander at that time, who was a major. He
27 appointed his Vanguards to supervise and he advised as to all
28 targets. That's why he also appointed other junior officers to
29 head these targets.

1 THE INTERPRETER: Your Honours, can the witness please go
2 over the last segment of his testimony, please?

3 PRESIDING JUDGE: Yes, Mr Witness, the interpreter has
4 asked that you go over the last part of your testimony so that he
12:43:44 5 can interpret it. Just before you start, Mr Knoops, could I have
6 an indication from you - I note the time - if you're coming close
7 to a particularly relevant part of your evidence?

8 MR KNOOPS: This is my last question on the topic of
9 Alligator Force.

12:44:03 10 PRESIDING JUDGE: That would be convenient. Mr Witness,
11 can you repeat the last part of your answer, please?

12 THE WITNESS: Yes. I was just saying that I -- I don't
13 know. Can you repeat the question once more?

14 MR KNOOPS:
12:44:14 15 Q. Yes. My question was: whether it's correct that you
16 supervised 100 men without having a military rank or military
17 education.

18 A. Yes.

19 Q. How were you able to do so?

12:44:35 20 A. The 100 men I supervised, these were men basically on a
21 defensive, not to go on offensive. They were between -- on the
22 defensive between government troops, the position of the
23 government troops and that of the RUF, not like -- there were men
24 I instruct every morning take arms to go here and go and attack.
12:44:58 25 They were basically on defensive.

26 MR KNOOPS: Thank you. This concludes the section I
27 mentioned.

28 PRESIDING JUDGE: Thank you, Mr Knoops, that is helpful.
29 In the circumstances, we'll adjourn for lunch.

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

2 [AFRC10OCT05D - EKD.]

3 [Upon resuming at 2.20 p.m.]

4 PRESIDING JUDGE: Mr Knoops, you were in the midst of your
14:16:26 5 cross-examination. Just before I ask you to resume your
6 cross-examination I should mention that we will be obliged to
7 rise half an hour earlier this afternoon for administrative
8 reasons. So we will not rise at 4.00, we'll rise at 3.30. When
9 you're ready, Mr Knoops, please proceed.

14:16:45 10 Excuse me, I notice the accused are not present in court.
11 Is there a problem that we are not aware of?

12 MR KNOOPS: I have no information, Your Honour. I am
13 assuming they would have attended court but I have no indication
14 from my learned colleagues.

14:17:02 15 PRESIDING JUDGE: It may be they are just delayed. If
16 there is -- I will ask Mr Court Attendant to check the situation
17 and if counsel have to be informed then I will do so.

18 MR KNOOPS: They are here now, Your Honour.

19 PRESIDING JUDGE: Very well. Please proceed, Mr Knoops.

14:17:18 20 MR KNOOPS: Thank you, Your Honour.

21 Q. Good afternoon, Mr Witness.

22 A. Yeah, good afternoon.

23 Q. Is it correct that when you were arrested in -- by the end
24 of 1993 by the battalion commander Momoh Rogers, you were
14:17:40 25 degraded and made persona non grata? Can that be correct?

26 A. Not really.

27 Q. What do you mean with "not really"? It's something of one
28 of the two elements in my question; is that correct? Were you
29 degraded, first of all?

1 A. No.

2 Q. Were you declared persona non grata within the RUF?

3 A. No.

4 Q. What do you mean with "not really"? Just not true or you
14:18:13 5 have another answer?

6 A. What I mean "not really" is that I was made to rest and I
7 was resting until the time they needed me and when they needed me
8 I proceeded on the duty they needed me for.

9 Q. What exactly was the reason that you were asked to assume
14:18:37 10 the position of an acting battalion commander in the Soro Gbema
11 District?

12 A. Chiefdom.

13 Q. Chiefdom, sorry. After your arrest?

14 A. That question is not clear to me.

14:18:54 15 Q. What was the reason that you were approached to assume the
16 position as an acting battalion commander after your arrest?

17 A. The only reason given was that the battalion commander who
18 was there failed to take orders and I was to go there to act
19 while the leadership was trying to get a new battalion commander.

14:19:17 20 Q. Thank you. At a certain moment you became military
21 instructor at Camp Lion in the Kenema District, if I am correct?

22 A. Kenema District. Instructor, yes.

23 Q. Did you have any training as such to serve as an
24 instructor?

14:19:42 25 A. Did I have what? I don't get you clear.

26 Q. Did you have any training or education to serve as a
27 military instructor?

28 A. I did not serve as a military instructor. I was educated
29 by Sankoh on the ideologies of RUF and a handbook of it was given

1 to me to train the recruits on.

2 Q. Thank you. In the midst of 1994 you became an intelligence
3 officer and were promoted to captain, that was your testimony on
4 Friday?

14:20:05 5 A. Yes.

6 Q. Did you receive any specific training for this position?

7 A. No, what I was informed about was that I should monitor the
8 front lines and if any odd activities were going on I should
9 write a report to Sankoh himself.

14:20:21 10 Q. Was there at that time a person with the qualification or
11 position as the chief intelligence officer or were you the
12 highest person?

13 A. No, I was not the highest. There were various intelligence
14 officers all over areas of RUF.

14:20:39 15 Q. And to whom did you have to report to in terms of the
16 intelligence community?

17 A. All IOs report directly to Foday Sankoh.

18 Q. You testified on Friday that you went on various operations
19 at that time. Could you please indicate as to exactly what
14:21:02 20 operations you referred to?

21 A. I'm talking of when military operations are on, either I am
22 there in person to monitor how that operation was going on and
23 report back if there was any contrary measures taken by
24 commanders or their combatants. Or if I am absent a higher
14:21:26 25 personnel will be sent by me.

26 Q. Did these military -- or these operations, as you refer to,
27 include any offensive operations?

28 A. Yes, fighting at various front lines.

29 Q. And during these operations were you personally involved in

1 any of the fighting activities?

2 A. No, not to hold a gun and shoot, but I have to be there,
3 either within a crater or zoo bush, as was commonly called, to
4 monitor how the fighting was going on or who was doing something
14:21:59 5 contrary to the ideology and make a report which was the main
6 role of an IO.

7 Q. And it's correct that that position was kept by you at that
8 time as a captain; is that correct?

9 A. Yes.

14:22:19 10 Q. Did you witness, yourself, any attacks to civilians in that
11 period as supervisor?

12 A. I witness attacks that went on. Sometimes while fighting
13 were going on civilians also fell victims, yes.

14 Q. And you say that you reported these incidents to superiors;
14:22:47 15 is that correct?

16 A. Yes.

17 Q. Did you, during these operations, do anything to prevent
18 certain fighting activities such as directed against civilians?

19 A. As an individual?

14:22:59 20 Q. Yes.

21 A. No, I only make reports about what was happening and Sankoh
22 in turn called on the commanders to explain to them what has
23 happened and he has received report and they rarely instruct them
24 to desist from such an act. And my own role was after he has
14:23:17 25 instructed them and they could not adhere, it is my duty to write
26 to him and inform him again that such things are still
27 continuing.

28 Q. Is it correct, Mr Massaquoi, that the duties of an
29 intelligence officer is also to obtain information from the

1 enemy; is that correct?

2 A. No, there was another office for that.

3 Q. Which office are you referring to?

4 A. There was an office created under the IDU who were in
14:23:46 5 charge of monitoring or carrying or reconnaissance on enemies.

6 Q. But I mean were you personally involved in any
7 interrogations of enemies or civilians in that period?

8 A. No, there was a body responsible for that.

9 Q. During these various operations you referred to was this
14:24:04 10 body or members thereof also present during the operations?

11 A. Yes, they have IDU men also, just like the IO, who are also
12 sent on various missions, they monitor and they are mainly
13 responsible to talk to captives, talk to civilians. You also
14 have G5s who are responsible to talk to civilians and all the
14:24:24 15 rest of it.

16 JUDGE SEBUTINDE: Mr Knoops, what do the letters IDU stand
17 for?

18 THE WITNESS: Internal Defence Unit, Your Honour.

19 MR KNOOPS: Sorry, Your Honour.

14:24:44 20 Q. Mr Massaquoi, did you yourself witness any of these
21 interviews, these interviews conducted by this specific office?

22 A. Yes, I monitor several times. I saw a group of civilians
23 who are captives and the unit in charge of them talked to them,
24 not to us.

14:25:06 25 Q. Did you observe any maltreatment of civilians during the
26 course of such interviews?

27 A. I monitored, yes.

28 Q. On how many occasions did you monitor such --

29 A. I cannot recall but I monitored on more than two occasions

1 when civilians captured complain to IDUs and G5s that their
2 properties were taken from them and they were forcefully removed
3 from their houses, or their children were taken from them. I
4 monitored those.

14:25:42 5 Q. Were you present during the actual activities regarding
6 these complaints?

7 A. No, I've said that I was not in charge of that. I only see
8 what was happening. I do not even have the right to interfere as
9 it is not my office.

14:25:57 10 Q. Why didn't you have the right to interfere?

11 A. Because there's a specific unit in charge of that, not me.

12 Q. So are you actually saying that even when you would have
13 seen certain maltreatment of civilians, you had no opportunity or
14 right to intervene? Is that what you are saying?

14:26:18 15 A. I have said again that I have monitored civilians making
16 complaint to those appropriate authorities who are in charge of
17 them.

18 Q. Thank you. Now in 1995 you were promoted to staff captain
19 by Mr Foday Sankoh in Port Loko. What was the reason for this
14:26:33 20 promotion?

21 A. I could not tell you why he promoted me because he promoted
22 me along with other officers of various locations. I just
23 happened to be one of those promoted among that list.

24 Q. Can it be correct, Mr Massaquoi, that this promotion was
14:26:52 25 endorsed due to the fact that you fully subscribed to the RUF
26 ideology at that time, and you were a loyal servant of the RUF?
27 Can that be true?

28 A. Yes, you can be true, because if -- when you serve the
29 organisation well and the leadership deem it necessary that he

1 ought to promote you, he does it.

2 Q. Is it fair to say, Mr Massaquoi, that you were at that time
3 also responsible for endorsing the policy of the RUF and by doing
4 so you were actually awarded with promotion to captain; is that

14:27:31 5 correct?

6 A. Which of the policy are you referring to?

7 Q. Policy of the RUF.

8 A. Which type?

9 Q. The whole ideology of the RUF.

14:27:39 10 A. I don't think it was because of ideology that I was
11 promoted.

12 Q. Why not?

13 A. Because me role was not preach ideology. Ideology is being
14 preached on training basis and we are only to adhere to those
14:27:56 15 ideologies while you are at the battlefield and that is what I
16 monitored and make a report, whether commanders had been adhering
17 to them or not.

18 Q. Is it correct that at a certain time you made a statement
19 on behalf of the RUF to the BBC?

14:28:09 20 A. Yes, not once, not twice.

21 MS PACK: There ought to be something more specific.

22 Your Honours have heard the witness was a spokesman at one point,
23 so if my learned friend could be more specific about a time: a
24 year; a month.

14:28:27 25 MR KNOOPS: I refer to the events in Abidjan when
26 Mr Massaquoi, according to his statement, his testimony, through
27 telephone gave a statement to the BBC.

28 Q. Is that correct?

29 A. Yes.

1 Q. Is it true that during this statement you were actually
2 endorsing the RUF ideology?

3 A. No. I was instructed by Sankoh to react to a statement
4 being made by some members of the RUF that they had ousted him,
14:28:59 5 and that is exactly what I did.

6 Q. When you were a military instructor, Mr Massaquoi, is it
7 correct that you, during this position, endorsed the RUF
8 ideology?

9 A. I'm not getting you clear by what you mean of endorsing RUF
14:29:18 10 ideology. I was already a member of the RUF and I have told this
11 Court under oath that you have to go through a training and you
12 have to take RUF ideologies before you are even sent to any
13 location. So I don't understand what you mean by adopting, you
14 know.

14:29:35 15 Q. Well, it is therefore that you yourself, in your statement,
16 mentioned ideology?

17 A. It is what I am saying. There is no member -- nobody who
18 became RUF who was not thought of an RUF ideology, aims and
19 objectives of the RUF. That was the general principle.

14:29:52 20 Q. When you were promoted to the rank of major, is it correct
21 that this promotion was, for you, an acknowledgment of your
22 effort for the RUF?

23 A. Not only myself. Everybody who is promoted it was an
24 acknowledgment that you have done something good to the RUF.

14:30:12 25 Q. On 2 August 1997, Mr Massaquoi, you arrived in Freetown.
26 You say that Mr Sesay was then at an RUF office at Cockerill and
27 that this office was given by Johnny Paul Koroma; is that
28 correct?

29 A. Yes.

1 Q. How did you know this?

2 A. I was told by the RUF that I met there, including Sesay
3 himself.

4 Q. What was the reason that this office was given to Mr Sesay
14:30:45 5 by Johnny Paul Koroma?

6 A. I was not in Sierra Leone when the office was given so I
7 could not tell you on what grounds the office was given.

8 Q. You say that when the RUF and the AFRC was pushed back by
9 ECOMOG a new command structure was set up. My first question is
14:31:14 10 how do you know this?

11 A. It was long after I left prison that I came to know that a
12 new structure was in existence. Because the structure that I
13 knew before they went to the bush from Freetown was not what was
14 in existence again.

14:31:30 15 Q. If I'm correct, you testified on Friday that you learnt
16 about this only in 1991; is that correct?

17 A. No, this was in 1999. Maybe you miscopy.

18 Q. Sorry 1999, you're correct.

19 A. Yes, yes.

14:31:48 20 Q. So is it correct to say that in 1997, 1998 you yourself
21 were not familiar with the setting up of a new command structure?

22 A. No, because at certain part of 1997 and 1998 I was in
23 prison.

24 Q. Can you please explain how you learned only in 1999 about
14:32:13 25 this new command structure you referred to?

26 A. I think I have told the Court that when I was released from
27 prison and upon getting to the RUF territory, I came to learn
28 about this new structure.

29 Q. Did you become familiar as to who exactly did set up this

1 structure? Was it a certain person or was there a body of
2 individuals?

3 MS PACK: Your Honour, it may assist to be more specific at
4 this point if there are going to be specific questions on a
14:32:51 5 command structure which command structure, which group because at
6 the moment there has just been a general question as to a command
7 structure set up after the witness went to prison.

8 MR KNOOPS: Your Honour, I am referring to the new command
9 structure which, according to the witness, was set up between the
14:33:15 10 RUF and AFRC when they were pushed back by ECOMOG, or which the
11 witness learned only in 1999. My question is when he learned
12 this in 1999, did he also learn who exactly set up this new
13 command structure.

14 MS PACK: The witness gave evidence about an RUF command
14:33:36 15 structure that he knew about that was set up, to correct my
16 learned friend on a point of what evidence was given.

17 PRESIDING JUDGE: Mr Knoops, are you putting to the witness
18 that there was a command structure of the RUF and AFRC? Are you
19 putting that to him as a first issue?

14:33:53 20 MR KNOOPS: No, Your Honour. In my notes, the witness
21 referred on Friday, but I may have heard that, he referred to an
22 RUF/AFRC command structure. If that is not the testimony of the
23 witness, I will rephrase my question.

24 PRESIDING JUDGE: Let us check. Ms Pack, counsel says
14:34:10 25 there was evidence on Friday relating to RUF/AFRC.

26 MS PACK: I've got the draft here, so I will just look. I
27 can't specifically remember. My note was that he gave evidence
28 as to the top couple of positions in the RUF that he knew had
29 been changed because of a new command structure in that period.

1 I've got the reference on the draft transcript, which is page 69.
2 The evidence then was -- the question asked was: "And the leader
3 of the RUF at this time?" This was still in 1997. "Was still
4 Sam Bockarie." [sic] That was the answer.

14:35:49 5 "Q. Was there a time when that changed?
6 "A. Yes.
7 "Q. When was that?
8 "A. That was a time when they left Freetown with the
9 AFRC, and the RUF left Freetown, and they were pushed back
14:35:57 10 by ECOMOG and they were now in the bush. So a new command
11 structure was created by Sam Bockarie.
12 "Q. What happened to Foday Sankoh's position in the
13 hierarchy at that time?
14 "A. At that time."

14:36:06 15 Et cetera. It is just about the top three positions in the
16 RUF and that was at page 69 of the draft.

17 PRESIDING JUDGE: Does that assist you, Mr Knoops? Is that
18 the matter that you are referring to?
19 MR KNOOPS: Thank you. Then I will withdraw my previous
14:36:24 20 question and ask the witness whether he is familiar with whom
21 exactly did set up this new command structure within the RUF.
22 THE WITNESS: It was done by Sam Bockarie.
23 MR KNOOPS: Thank you.

24 Q. Mr Witness, you testified on Friday that you were a member
14:36:49 25 of the Supreme Council; is that correct?
26 A. Yes.
27 Q. Could you give us any reason why you were appointed as a
28 member of the Supreme Council?
29 A. No, I think I have told the Court that it was done in

1 absentia while I was away. I came sometime August and by that
2 time my name, Foday Sankoh's name and Daniel G Kallon's name, all
3 of us out of Sierra Leone, our names were now listed as members
4 of the Supreme Council.

14:37:21 5 Q. It is your testimony that you attended two meetings, is
6 that correct, at the Supreme Council?

7 A. Yes.

8 Q. You also attended the emergency meeting you refer to in the
9 State House?

14:37:39 10 A. Yes.

11 Q. Could this meeting have been on 11 August 1997?

12 A. No, I can't really remember the date. I know the meeting
13 at State House was in August.

14 Q. And was this the only emergency meeting in August you can
14:38:05 15 recall?

16 A. That I attended?

17 Q. Yes.

18 A. Yes.

19 Q. Was there any other emergency meeting --

14:38:12 20 A. There were other meetings. Maybe not emergency ones, but
21 there were meetings.

22 Q. The exhibit which was introduced by the Prosecution, P34,
23 entailing the minutes of an emergency council meeting of the AFRC
24 held at the State House on Monday, 11 August 1997, just indicate
14:38:46 25 on the first page the members present during this meeting, yet
26 your name is not mentioned as one of the individuals present
27 during this meeting. I put it to you, therefore, that you
28 weren't at this meeting and that you never attended an emergency
29 meeting in the month of August 1997.

1 A. I did attend emergency meeting. I think I have spelled out
2 the type of emergency meeting I attended in August at State
3 House.

4 Q. But it is your testimony that you attended only one
14:39:26 5 emergency meeting in August; isn't it?

6 A. Yes, and that was the one I referred to on Friday.

7 Q. You just testified that, to the best of your knowledge,
8 there weren't any other emergency meetings in August; is that
9 correct?

14:39:38 10 A. Yes. But what I could otherwise -- I could also tell the
11 Court that there were meetings that I wasn't present, but the
12 minutes of those meetings were always filed to the RUF office and
13 copies were made to all Supreme Council members of the RUF.

14 Q. But you agree with me that your name should have been on
14:40:03 15 the list when you would have been present?

16 A. Yes, of course.

17 Q. Thank you. Now you say that the Supreme Council was
18 comprised of army and RUF and, as I understand your testimony on
19 Friday, army was divided over other ranks and senior officers; is
14:40:25 20 that a correct summary?

21 A. Yes.

22 Q. What do you mean with "other ranks"?

23 A. I'm referring to non-commissioned officer, especially those
24 who made the coup.

14:40:37 25 Q. How were you able to say when somebody was or belonged to
26 the other ranks without having any previous military education?

27 A. I think at the moment when I was in Freetown I came to
28 understand that corporal sergeants were the main people who made
29 the coup of May 25th, 1997. That was no secret.

1 Q. But did you have at the time of the first meeting of the
2 Supreme Council have any direct knowledge on the structure of the
3 SLA?

4 A. Not at all.

14:41:20 5 Q. Were only those individuals present during the Supreme
6 Council meetings you mentioned in your testimony on Friday, and
7 for instance not other individuals such as staff, personnel or
8 for instance bodyguards of several individuals or members of the
9 Supreme Council?

14:41:47 10 A. Bodyguards to whom? I don't understand clearly.

11 Q. Bodyguards of members of the Supreme Council, did they
12 attend the meetings? Were they allowed to witness the meetings
13 of the Supreme Council?

14 A. Not at all. If you are not a member, except in some form
14:42:04 15 of extraordinary meetings when they needed secretaries of states
16 or, say, for instance, bank governor or other parastate [phon]
17 members.

18 Q. So, say, an ordinary driver or a bodyguard of one of the
19 members of the --

14:42:21 20 A. No, they are not allowed.

21 Q. They weren't there?

22 A. They were not allowed.

23 Q. Thank you. You say that the names of RUF members of the
24 Supreme Council were approved by Johnny Paul Koroma. What was
14:42:36 25 the -- what is the foundation of this statement? How do you know
26 that he approved these RUF members?

27 A. I think I learned from the RUF administrative office that
28 these names were sent and it was based upon his approval that
29 those names became permanent members of the Supreme Council.

1 Q. Did you learn it from the members themselves directly?

2 A. Which of the members you mean?

3 Q. Of the RUF.

4 A. Yeah, I'm telling you that it was from the administrative
14:43:13 5 office of the RUF.

6 Q. Thank you. Going to the first meeting of the Supreme
7 Council, is it correct that the first meeting you attended was
8 the meeting at Cockerill, therefore not the emergency meeting?
9 Was that the first meeting you ever attended of the Supreme
14:43:37 10 Council?

11 A. I've said that that was the first Supreme Council meeting
12 and the next one was the one at State House which eventually led
13 us to leave for Burkina Faso.

14 Q. You say that the meeting took place at Cockerill
14:43:55 15 headquarters; is that correct?

16 A. Yes.

17 Q. Are you able to indicate where exactly at Cockerill
18 headquarters the meeting was held?

19 A. Yes, there is a hall there where they normally had
14:44:11 20 meetings. If I'm taken there I will direct you.

21 Q. To the best of your knowledge does this hall have a certain
22 name?

23 A. Well, if it has certain name, I cannot recall. But I only
24 know that it is part of the Cockerill structure.

14:44:25 25 Q. Was the ideology of RUF and AFRC discussed during this
26 first meeting?

27 A. Not at all.

28 Q. Was the meeting chaired by Colonel SO Williams?

29 A. No, the meeting was chaired by Major Johnny Paul Koroma.

1 Q. Is it correct that during this first meeting a power
2 struggle went on between RUF and AFRC?

3 A. I cannot recall that. I have said before this Court that
4 one of the major reasons of that particular meeting was on the
14:45:02 5 behaviour of some of the Supreme Council members, which
6 SO Williams pinpointed on Five-Five at that time.

7 Q. But can you recall whether such a power struggle was
8 discussed at all during the first meeting?

9 A. I cannot recall hearing that.

14:45:20 10 Q. You referred repeatedly to Five-Five being there. Did you
11 ever see Five-Five before or was it the first time that you met
12 him?

13 A. I have said that that was my first time meeting him. I
14 have met some other members, but that was the first time I met
14:45:44 15 him.

16 Q. You indicated to the Court that Five-Five denied the
17 allegations that some of his bodyguards were involved in looting,
18 saying that others were using uniforms; is that correct?

19 A. Yes, I said that here.

14:46:11 20 Q. Was it the concern, to the best of your recollection, of
21 Five-Five that other individuals were using SLA uniforms or any
22 other forms of uniforms to disguise that -- or to fabricate that
23 the charges went against SLA?

24 A. Not really. What I could recall is that when those claims
14:46:43 25 were made, he reacted by saying that his bodyguards were not
26 involved. And based on that, a body was immediately set up to
27 see that they tried to call looting and other activities that are
28 going on in the city.

29 Q. Mr Witness, I put it to you that this issue of Five-Five

1 being admonished for having his bodyguards involved in looting
2 was never discussed at this first meeting.

3 A. The first meeting I ever attended with them, that issue was
4 discussed.

14:47:26 5 MR KNOOPS: I refer Your Honours to page 15252, the
6 additional information provided by this witness to the office of
7 the Prosecution, in specific paragraph 3, which I will read out
8 to the witness starting from the second sentence.

9 PRESIDING JUDGE: Sorry, Mr Knoops, to delay you. We are
14:49:22 10 just getting a copy of that relevant document.

11 MR KNOOPS: Much obliged.

12 PRESIDING JUDGE: If you would have a seat for a moment.

13 MR KNOOPS: Thank you, Your Honour.

14 PRESIDING JUDGE: Mr Knoops, we now have the paper in front
14:50:09 15 of us.

16 MR KNOOPS: Thank you, Your Honour. I draw the attention
17 of Your Honours to page 15252, paragraph 3, the second sentence
18 starting from the word "witness".

19 Q. Mr Massaquoi, I respectfully ask you to listen to this
14:50:33 20 quotation from the additional information provided to the
21 Prosecution in the months September and October of this year. It
22 is said:

23 "Witness attended an emergency meeting of the Supreme
24 Council with the Chief of Army Staff SO Williams, when he
14:50:57 25 said there were complaints that Supreme Council members
26 were raping women and looting property. All of the normal
27 group of Supreme Council members were there. They included
28 Bioyoh Sesay, Bazy, Gullit, Tamba Gborie, Morris Kallon,
29 Issa Sesay, Mike Lamin, Victor King and others."

1 The name of Five-Five is mentioned nor as somebody present
2 during this meeting, and secondly, he is not referred to in this
3 additional information as involved, or at least his bodyguard, in
4 the looting. So Mr Witness, I put it to you that you made this
14:52:02 5 allegation about Five-Five during the examination-in-chief. Is
6 that correct?

7 A. You're wrong. The question the Prosecution asked me was
8 that beside Five-Five who others again attended that meeting, and
9 those were the names listed.

14:52:29 10 Q. But you agree that you didn't mention the name Five-Five
11 during this additional interview in September/October 2005, nor
12 did you refer to the alleged bodyguards of Five-Five; correct?

13 A. It's what I'm answering, that you are getting me wrong.
14 The question the Prosecution put to me was besides Five-Five who
14:52:49 15 else attended that meeting, and those are the names that you have
16 with you now. Those in addition with Five-Five that attended
17 that meeting.

18 Q. You're saying that you confirmed during the additional
19 information you gave, the additional proofing September/October
14:53:07 20 2005, that you confirmed that Mr Five-Five was present and you
21 were just restricting yourself to the other names; is that
22 correct?

23 A. Yes, it is in my earlier statement that he was there, and I
24 was asked by the Prosecution that besides him who else were
14:53:23 25 present and those are the names I listed.

26 Q. Were you ever asked the names of these alleged bodyguards
27 of Five-Five?

28 A. No, because I don't know them.

29 Q. So you cannot help us or assist us in giving those names of

1 his bodyguards?

2 A. No, because even the Chief of Army Staff who brought
3 forward the complaint did not name names. He only described
4 them, and he was able to identify one of them as the bodyguard of
14:53:57 5 Five-Five.

6 Q. Mr Massaquoi, do you agree that the minutes of such
7 meetings written by, according to your statement, the
8 secretary-general were accurate?

9 A. Who? Who was accurate?

14:54:15 10 Q. The minutes of these meetings were written quite accurate;
11 do you agree with this?

12 A. Yes.

13 Q. Would you agree with me that when these complaints were
14 brought up during the Supreme Council meeting, regarding raping
14:54:31 15 of women and looting property, et cetera, this should have been
16 reflected in the minutes? Do you agree with this?

17 A. Of course.

18 Q. And when I put it to you that these minutes of this
19 emergency meeting of 11th August 1997 as such do not reflect what
14:54:56 20 you are saying about Five-Five and his alleged bodyguards?

21 A. 11th August. I have seen that document and I have told you
22 that I did not attend that meeting. The meeting I am talking
23 about is the first meeting I attended when I came to
24 Sierra Leone.

14:55:11 25 Q. So in your statement, according to your testimony, there
26 should have been a document which should have reflected these
27 complaints about raping women and looting property; is that
28 correct?

29 A. Yes, even after the meeting the secretariat sent around the

1 minutes of those meetings and the summary of what I said is in
2 the minutes of that meeting.

3 Q. You ever saw these minutes recently after the meeting
4 itself? For instance, did you --

14:55:44 5 A. After that meeting?

6 Q. Yes, did you see them.

7 A. The meeting in August?

8 Q. Yes.

9 A. Yes, I had a copy.

14:55:49 10 Q. You have still a copy?

11 A. No, not with me now.

12 Q. So you're not able to tell us the names of these
13 bodyguards. Were these names mentioned during the meeting?

14 A. I have said earlier that the Chief of Army Staff described
14:56:14 15 the particular bodyguard whom he said was a bodyguard of
16 Five-Five. And the complainant also described the vehicle he
17 used, that earlier Five-Five himself was in that vehicle when
18 they went there, and later on in the evening his bodyguards used
19 this same vehicle. And after that the minute you are referring
14:56:34 20 to of that meeting, a summary of what was discussed in that
21 meeting was part of that minute.

22 Q. So this should have been reflected in all -- all of this in
23 the minutes, that's what you're saying?

24 A. That particular meeting.

14:57:05 25 Q. Mr Massaquoi, you say that the subject of this emergency
26 meeting was to discuss the delivery of weapons from Burkina Faso
27 to Freetown; is that correct?

28 A. Yes.

29 Q. Was this the same meeting as you refer to earlier?

1 A. No. I said the first meeting I referred to earlier was
2 held at State House. I mean, at Cockerill. The one you are
3 referring to now was held at State House.

4 Q. Are you familiar with the existence of minutes of this
14:57:47 5 meeting reflecting the delivery of weapons from Burkina Faso to
6 Freetown?

7 A. Yes, I saw the minutes of that particular meeting.

8 Q. When did you see them?

9 A. Even before we left the minutes were given all round.

14:58:07 10 Q. You still have a copy of these minutes?

11 A. I don't have a copy. Since I was arrested I lost all.

12 Q. Okay. Is it correct, Mr Massaquoi, that at no point during
13 one of the two meetings you attended a joint command structure
14 was established between the RUF and the AFRC? Can that be
14:58:31 15 correct?

16 A. No, the only joint command structure I could recall was the
17 security structure that they created, they call WASP, Western
18 Area Security Patrol, which comprise of Sierra Leone Army and the
19 RUF, in one of those meetings.

14:54:31 20 [AFRC10OCT05E - AD]

21 Q. This was only -- this only was established for the Western
22 Area?

23 A. Yes, for the Western Area.

24 Q. On the 20 February 2003 you were interviewed by the Office
14:59:11 25 of the Prosecution and, Your Honours, it is page 12962. You were
26 asked the following question:

27 "So within this group of all these commanders, whether the
28 RUF, AFRC, everything that is going on in the attack on
29 Freetown when you were out of gaol, how were you -- were

1 you considered on an equal level? Were you at the equal
2 level with say, Gullit? Are you higher than him?"
3 And then you answer:
4 "No, no. In fact the RUF structure I knew about was
15:00:09 5 different from the structure they had there. They were
6 talking about pure military structure Colonel GS, Colonel
7 HQ, chief of army staff -- chief of army staff, so their
8 own structures were quite different."
9 Is it correct, Mr Massaquoi, that in your view the
15:00:40 10 structures of the AFRC and RUF were totally different?
11 A. Yes, you were referring to an incident the Prosecution
12 asked me about Freetown when they came to Freetown in January 6.
13 My response there is the same; I have not denied that. Before I
14 was arrested, the structures I knew for RUF were quite different
15:01:05 15 from the structures I saw when they came in January 1999.
16 Q. Going back to the delivery of the weapons. You say that
17 you heard from your cousin early 1988 that an aircraft came that
18 Magburaka airstrip. Did your cousin, I believe his name was
19 Kamo --
15:01:32 20 A. Richard Kamo, yeah.
21 Q. -- actually saw these weapons?
22 A. Yes, according to him he was there. They went there as an
23 advance group and they were there when the aircraft landed.
24 Q. Did he describe to you what he exactly saw? For instance,
15:01:51 25 any specific types of weapons, the amount of weapons?
26 A. Yes, he described -- I could remember some he mentioned to
27 me. He mentioned about some anti-aircraft guns; he mentioned
28 about rifles; he mentioned about ammunition.
29 Q. Was your cousin a member of the RUF at that time?

1 A. He was.

2 Q. Did he have any military background?

3 A. At that time?

4 Q. At that time.

15:02:20 5 A. Yes, he spent more than a year or two in the RUF.

6 Q. Subsequently you testified on Friday that the SLA/RUF were

7 outside Freetown, namely, in Kenema, Bo and Makeni. You

8 testified that you only visited Bo. How do you know about Kenema

9 and Makeni?

15:02:46 10 MS PACK: No, he didn't. He testified that he also went

11 and saw, I think it was Makeni or Magburaka, because he also went

12 to Magburaka.

13 MR KNOOPS: I can rephrase that for the province of Kenema.

14 Q. Mr Witness, it is correct that you testified that you --

15:03:09 15 previously testified that you were not in Kenema, that you did

16 not go to Kenema District?

17 A. I went to Kenema.

18 Q. You went to Kenema?

19 A. Yes.

15:03:18 20 Q. Which of the districts you didn't go to of Kenema, Bo or

21 Makeni?

22 A. I went to all three districts.

23 Q. In which year you went to these districts?

24 A. The same 1997.

15:03:30 25 Q. Thank you. It is your testimony on Friday that the AFRC

26 funded the RUF in the Western Area. What is the foundation of

27 these observations by you? How do you know this?

28 A. I think I said here that I was in the office, the

29 administrative office when cheques were brought and they were

1 cashed and commanders were called and given this money to pay
2 their soldiers under them. I think I said that here on Friday.
3 Q. Did you have any knowledge as to the origin of these funds?
4 A. Not at all. I am only know that they were cheques from the
15:04:20 5 government, the AFRC.
6 Q. Did you actually see these cheques?
7 A. Not at all. I only know that cheques came in. I saw the
8 money after they have been cashed.
9 Q. But you were not able to describe how such a cheque looks
15:04:35 10 like?
11 A. You have different types of cheques.
12 Q. But you didn't see them?
13 A. The ones for the payment I didn't see any one at any given
14 point.
15:04:47 15 Q. How do you know that these cheques came from the AFRC
16 government?
17 A. It was only the government that was paying all AFRC that
18 was here, nobody else.
19 Q. Mr Witness, you say that you were detained in Pademba Road
15:05:05 20 Prison from October 1997 to 6 January 1999.
21 A. Yes.
22 Q. That is 14 months.
23 A. Yes.
24 Q. You were acquitted?
15:05:16 25 A. Yes.
26 Q. So you were feeling you were unjustly detained; is that
27 correct?
28 A. Yes.
29 Q. Did you receive any compensation for this?

1 A. I did not at all. After I was acquitted, I was detained on
2 the ground according to what Attorney General said, because I was
3 either a member or an associate of the RUF and that was why I was
4 being kept at Pademba Road.

15:05:42 5 Q. Who did you blame for your detention, if you were somebody
6 to blame for it?

7 A. I blame the AFRC government.

8 Q. After your release on 6 January 1999 by, I believe,
9 Commander Tito, you testified you went to State House?

15:06:04 10 A. Yes.

11 Q. It is your statement on Friday that you saw Five-Five
12 there; is that correct?

13 A. Yes.

14 Q. Was this, when I count correctly, the third time you saw
15:06:21 15 him?

16 A. The?

17 Q. The third time you saw Five-Five?

18 A. The third time.

19 Q. The third time.

15:06:29 20 A. If I could recall the third time I saw Five-Five?

21 Q. Yes.

22 A. I saw Five-Five almost on daily basis. I could not recall
23 exactly.

24 Q. It is your testimony, Mr Witness, that there were 16
15:06:42 25 Nigerians nearby State House. My question is: Were you able to
26 count the Nigerians?

27 A. Oh, yes, they were countable. They were seated in two
28 lines; eight, eight.

29 Q. What distance you are able to count?

1 A. Like the distance from me just over there to you.

2 Q. You testified on Friday that - when I am correct - that
3 they wore civil attires?

4 A. Yes.

15:07:12 5 Q. And that you were told that these were Nigerians soldiers;
6 is that correct?

7 A. Yeah. I was told by Five-Five that the civilians told them
8 they removed their military attires and they were hiding when
9 they entered Freetown.

15:07:28 10 Q. It is your testimony and statement that Five-Five shot one
11 of them and you only saw, in total, four of them being shot; is
12 that correct.

13 A. Yes.

14 Q. What happened to the other 15 of the Nigerians?

15:07:47 15 A. No, not 15, 11 -- I mean, 12.

16 Q. 12, sorry, yes. What happened with them?

17 A. I think I said on Friday they were all loaded, including
18 the dead, in a pickup and they drove them away. I do not know
19 where exactly they were taken.

15:08:03 20 Q. So it is your statement now that you saw, in total, four of
21 them being shot yourself; is that correct?

22 A. Yes. I said Five-Five shot one and they shot three just
23 close by State House where they have the defence building now.

24 Q. Were you impressed by this incident, Mr Massaquoi?

15:08:25 25 A. Impressed? What do you mean? Whether I was impressed?
26 Whether I was happy when they were doing that?

27 Q. No, did it leave a certain remembrance or was it for you
28 quite an event you will never forget in your life?

29 A. No, I knew it was war time. The only thing that I was not

1 happy over in respect of that issue was that the type of
2 investigation to prove that they were Nigerian soldiers were not
3 done because they kept saying that they were Nigerians, but they
4 were civilians. And even when they were saying that, I did not
15:09:00 5 see anybody investigating them further until the four were shot.

6 Q. Mr Witness, I put it to you that you did not see at all
7 this incident and particularly you never saw Five-Five doing
8 anything there.

9 MS PACK: There are two questions there, Your Honour.
15:09:21 10 Perhaps they could be dealt with as two questions.

11 PRESIDING JUDGE: You should not put two questions in one,
12 Mr Knoops.

13 MR KNOOPS: Sorry, Your Honour.

14 Q. Mr Witness, I put it to you that you did not see this
15:09:29 15 incident at all.

16 A. I was there and I saw it. And there is no need for me to
17 be under oath and lie.

18 Q. I put it to you that you never saw Five-Five shooting
19 anyone there.

15:09:39 20 A. I am also telling you that I saw Five-Five just when Gullit
21 came and he complained to him that he -- explained to him that he
22 shot one of them. And in fact he gave orders for the rest to be
23 shot.

24 PRESIDING JUDGE: It is not clear who is the "he".

15:09:56 25 THE WITNESS: I mean Five-Five.

26 PRESIDING JUDGE: Thank you, Mr Witness.

27 MR KNOOPS: Your Honours, I respectfully draw the attention
28 to the statement of the witness and I would like to put it to
29 him. The statement of 8 October 2002, running from pages 11789

1 to 11790. If Your Honours allow me to continue.

2 PRESIDING JUDGE: Could I please have the page numbers,
3 Mr Knoops, I missed them?

4 MR KNOOPS: Yes, sorry, Your Honour. It is the statement
15:10:36 5 of Mr Massaquoi to the investigation of the Prosecution on
6 8th October 2002, page 11789 running to 11790, that is my first
7 reference.

8 Q. Mr Massaquoi, I again respectfully ask you to listen to
9 this quotation. It is your statement at that time:

15:11:20 10 "Starting November 1996 up till now, whether I have been
11 present and I said the only one I have been present
12 physically, in my own eyes that happened was that I was
13 removed from Pademba Road Prison, I said that I was not too
14 sure whether it is 9.00 a.m. or 11 a.m. so these guys that
15:11:49 15 attacked State House and I frankly told you that I was
16 present when they brought a pick-up load of these, they
17 were ECOMOG soldiers that they captured. And I was made to
18 understand by another soldier that there were few of them
19 who were just Nigerians businessmen in Freetown here. I
15:12:20 20 think a number, well over ten of them, were executed close
21 to State House. We were all standing watching at this and
22 they loaded their bodies in a pick-up and threw them into
23 the sea. I saw that with my naked eyes."

24 So, Mr Witness, I put it to you that you refer here not to
15:12:55 25 Five-Five, that Five-Five was not mentioned as being present
26 here, whilst on the same page the name is mentioned in another
27 context.

28 MS PACK: What name is mentioned in another context?

29 MR KNOOPS: Five-Five. That is the question -- the answer

1 of the witness below on page 11790.

2 MS PACK: Your Honour, if an allegation is going to be put
3 of a recent fabrication, then in fairness the witness should be
4 shown other parts of his prior interviews in which he has spoken
15:13:30 5 about what happened at State House. I draw Your Honours'
6 attention in particular to 5 December 2002 at pages 12314 and
7 following. I am sorry, 12313 going over to 12317.

8 MR KNOOPS: Your Honour, may I continue?

9 PRESIDING JUDGE: Just pause one moment, please, Mr Knoops.
15:15:28 10 There is an objection to what you are asking and counsel for the
11 Prosecution has said this other matter should be put.
12 Unfortunately, we do not have copies and therefore I cannot -- we
13 cannot read them in order to consider that objection.

14 Have you the pages referred to by counsel for the
15:15:47 15 Prosecution in front of you to deal with that objection,
16 Mr Knoops?

17 MR KNOOPS: If Your Honours could please repeat.

18 PRESIDING JUDGE: The note I have is pages 12313 to 12317;
19 is that correct, Ms Pack?

15:16:06 20 MS PACK: Yes, it is Your Honour. Not all of them is
21 necessary. It just contains names to which my learned friend has
22 referred which I think it has been suggested now have recently
23 been named by the witness in his evidence of Friday.

24 PRESIDING JUDGE: Have you the pages before you, Mr Knoops,
15:17:24 25 and have you had an opportunity to consider points raised by
26 counsel for the Prosecution?

27 MR KNOOPS: I have, Your Honour. Your Honour, the
28 interview the Prosecution is referring to is not the very first
29 interview of the witness. What I am putting to the witness is

1 that in his first statement on 8th October 2002 on the pages
2 11789 and 11790 when he for the first time brings up the issue of
3 ECOMOG soldiers, he didn't mention at all any reference to
4 Five-Five whilst, if Your Honours look, please, at page 11790,
15:18:09 5 the second paragraph, the witness does refer to Five-Five in
6 regard of the night when the government forces advanced from
7 Wilberforce and that Five-Five gave orders. So, it is my -- what
8 I am putting to the witness is that in his first interview in
9 this regard he apparently is able to refer to Five-Five in a
15:18:50 10 pertinent way, whilst when speaking about this ECOMOG soldiers
11 event, he doesn't mention Five-Five at all.

12 PRESIDING JUDGE: This issue we have had before us before,
13 where we do not know if the witness was asked that particular
14 question in the course of the interview because it is not
15:19:24 15 apparent from the extract that you have referred to what exactly
16 were the preceding questions.

17 MR KNOOPS: Your Honours, if I am allowed to ask the
18 witness whether he remembers mentioning the name Five-Five during
19 this first interview in this regard?

15:19:56 20 MS PACK: In what regard, Your Honour? The point is --
21 Your Honour's point is what the question was asked. There are
22 some questions before, but they don't look particularly like they
23 lend themselves towards a specific answer. But in fairness in
24 the witness, asking him to answer a question as to whether he
15:20:17 25 mentioned Five-Five in this interview without perhaps reading a
26 little bit more of its background, there are many interviews
27 conducted with this witness in 2002, 2003.

28 MR KNOOPS: Your Honours, I can move on. If I can only ask
29 the witness whether he agrees with me that the name Five-Five is

1 not mentioned in his very first interview in this respect.

2 Q. With respect to the ECOMOG soldiers; is that correct?

3 A. I did. I think it might be a problem with the
4 investigators, I think.

15:20:53 5 Q. Thank you.

6 A. Thank you.

7 Q. Mr Witness, can you recall whether you brought the name
8 Five-Five up during your very last contact with the investigators
9 in September, October of this year in connection to the ECOMOG
10 events?

11 A. At any time I was asked in connection with that, I always
12 brought the name Five-Five. I was interviewed several times.

13 Q. Do you recall that this issue was brought up during the
14 last interviews which were conducted with you in September or
15:21:28 15 October 2005? Specifically the issue of the ECOMOG soldiers.

16 A. Yes, I could remember.

17 Q. Mr Witness, I put it to you that the reflection of the
18 additional information you gave to the Prosecution in September
19 and October this year does not refer to the name Five-Five in
15:22:01 20 regard to shooting ECOMOG soldiers in the neighbourhood of State
21 House building?

22 A. I did.

23 MS PACK: Your Honour, as far as I can see the additional
24 information, in fairness, doesn't deal with the killing of the
15:22:23 25 ECOMOG troops at all, or the civilians or whoever was killed at
26 State House. I think it is unfair, therefore, to say that there
27 is no mention of Five-Five in relation to that.

28 MR KNOOPS: Well, that is exactly my point.

29 MS PACK: In fairness to the witness, Your Honour, this

1 document is entitled "additional information". It clearly
2 relates to additional information obtained during the course of
3 proofing. It is a little unfair to now say to the witness say
4 that information that is not -- it is not suggested was
15:22:54 5 additional to the prior interviews in, for example, December 2002
6 was not then contained in a document containing new material or
7 additional material dated this year.

8 PRESIDING JUDGE: Which page are we referring to, Ms Pack?
9 Because I have the pages that you gave us and I have some pages
15:23:19 10 Mr Knoops referred to, and then there is a large bundle in our
11 folders.

12 MS PACK: I take my learned friend to be referring now to
13 pages 15252 and following, which is a document entitled
14 "Additional information provided by Witness TF1-046 in
15:23:39 15 September-October 2005". I am looking at that now, and that
16 doesn't appear to have any reference to the ECOMOG or the killing
17 of the soldiers in State House. So, to suggest that the absence
18 of a reference to Five-Five in that scenario is suggestive of a
19 recent fabrication is an unfair suggestion to make to the witness
15:24:09 20 when that is not actually -- there is nothing about that incident
21 contained in this additional information, it not being additional
22 information because it is contained in the earlier interviews.

23 MR KNOOPS: Your Honours, I could agree with my learned
24 colleague when the question was not put to this witness whether
15:24:25 25 he brought up the ECOMOG matter or the matter was discussed
26 during these last interviews. Well, the witness did confirm that
27 he mentioned that event during the additional interviews in
28 September-October 2005. So I don't think it is unfair to put to
29 the witness that it is not mentioned in any way --

1 PRESIDING JUDGE: Just pause, Mr Knoops, and allow me to
2 consult.

3 [Trial Chamber conferred]

4 JUDGE SEBUTINDE: Mr Knoops, there have been two practices
15:25:48 5 in this Court, one being that if you want to raise a prior
6 inconsistency by the witness, you do not say to him, "Did you say
7 such and such in this interview?" You actually go to the
8 interview, you pick out the part you consider inconsistent and
9 you read it out and put it to the witness. What you have just
15:26:15 10 done a little while ago is to say to the witness, "In these
11 additional notes did you speak to OTP about this." Actually, you
12 are asking him to draw from his memory, which may or may not be
13 right. That is not sufficient as far as the Court is concerned
14 to establish a prior inconsistency if you are not then going to
15:26:30 15 go and actually show or quote from the statement, the part that
16 you want to show the inconsistency. That is one practice.

17 The other practice has been that where you want to draw
18 prior inconsistency, it is not fair to refer to one statement
19 when there are five others that may have added on to that
15:26:50 20 statement or modified it. The fair thing has been that you refer
21 to all the statements regarding that point, and then put it to
22 the witness if you still think there is an inconsistency. I
23 think that would be a smoother way of proceeding with this
24 particular line that you are trying to draw. I think Ms Pack was
15:27:11 25 right in both regards when it says that it is not fair to refer
26 to one statement and ignore the others. But it is also not fair
27 to ask the witness whether he spoke to OTP in his additional
28 information without showing which part of the additional
29 information you are regarding as inconsistent.

1 MR KNOOPS: Thank you very much for this assistance. May I
2 just make a brief remark, because my intention with respect to
3 the last question was not to establish a prior inconsistency. My
4 intention with this line of question was to challenge the
15:27:53 5 credibility of the witness. So, I am not putting to the witness
6 any inconsistency with respect to the additional information. I
7 am just putting it to the witness that, whilst he said that this
8 matter was brought up during his last interviews, this matter was
9 not documented or registered in this additional information.

15:28:21 10 With all due respect, I am not trying to establish on this
11 particular point prior inconsistency.

12 JUDGE SEBUTINDE: Yes, but with respect, Mr Knoops, really.
13 If this was supposed to be additional information and the
14 recorder of the information didn't think that what the witness
15:28:45 15 was saying was additional, and therefore chose not to put it, how
16 would that show this witness to be inconsistent or even of no
17 integrity? How?

18 MR KNOOPS: Do you want an answer to that?

19 PRESIDING JUDGE: I was about to point out, as my learned
15:29:07 20 colleague has, that there is reference to Five-Five in the
21 earlier statement referred to by Ms Pack, and in fairness those
22 should be put as well -- pages 12313 and following.

23 MR KNOOPS: Your Honours, allow me to get to the pages.

24 PRESIDING JUDGE: Yes, Mr Knoops. The page I am looking at
15:29:54 25 is 12313 and 12314. And on 12315, I note line 16 -- line 13 and
26 thereafter.

27 MR KNOOPS:

28 Q. Mr Witness, I put to you page 12313, starting from the
29 fourth sentence:

1 "I was there when Gullit and Five-Five, both of them
2 gave orders for their men to execute them. They executed
3 all of them."
4 Page 12313, starting from line 12:
15:31:36 5 "Q. So it was Gullit and --
6 "A. Gullit and Five-Five.
7 "Q. Five-Five. Did they actually do the killing
8 themselves or was it --
9 "A. No, they gave orders to their men. In fact, before
15:31:55 10 they even left State House, they have already killed two of
11 them. These were the ones I witnessed that day. Before
12 they left State House, just close by, the defence building
13 there, they executed two of them. The brothers and the
14 other two bodies, they took them straight to --"
15:32:26 15 Sentence 22:
16 "Q. Who ordered the killing of these two?
17 "A. It was Five-Five and Gullit.
18 "Q. They ordered?
19 "A. They ordered."
15:32:44 20 MR KNOOPS: If Your Honours are satisfied with -- thank
21 you, Your Honours.
22 Q. Mr Witness, I have put to you two statements: The first
23 one already done by me previously of 8 October 2002 and this one.
24 But also with respect to the last quotations, Mr Witness, you do
15:33:13 25 agree with me that even in these last portions you do not say
26 that Five-Five killed, himself, one of the ECOMOG soldiers. Is
27 that correct?
28 A. No.
29 Q. Whilst it is your testimony on Friday that he shot one of

1 them.

2 A. Yes. What I said here on Friday was that you are referring
3 to two issues here, who gave command and whether Five-Five
4 himself shot one of them. I think I said here that upon the
15:33:51 5 arrival of Gullit, after Five-Five have explained to him, he
6 said, "Why were they keeping them?" The Prosecution asked me
7 what did that mean, and I said that it was -- they are really
8 giving orders that they should get rid of them. It was at that
9 point that Five-Five shot one of them, I still repeat, and orders
15:34:06 10 given to his men to shoot the others. And I said that some were
11 and the balance men, including the dead, were all loaded in the
12 pick-up and taken away.

13 Q. But, Mr Witness, I put it again to you that you did not
14 refer to Five-Five as shooting one of them in either one of the
15:34:29 15 two statements, because even in the last statement you said
16 "they" executed all of them, and you never specified to them it
17 was Five-Five.

18 A. No, I think I said orders came from Gullit to Five-Five and
19 that Five-Five shot one of them.

15:34:50 20 MR KNOOPS: Your Honours, I think I can rest this topic. I
21 can move on, but I am sure --

22 PRESIDING JUDGE: That would be most convenient, Mr Knoops.
23 Thank you for that indication.

24 MR KNOOPS: You are welcome.

15:34:55 25 PRESIDING JUDGE: In the circumstances, we will adjourn
26 Court until tomorrow at 9.15 a.m. Mr Witness, we are adjourning
27 Court now for today. I would remind you, as I have reminded you
28 before, that you have taken the oath and whilst that oath is
29 still binding on you you should not discuss your evidence or what

1 you have said in Court or your future evidence with any other
2 person until all your evidence is finished. Do you understand
3 this?

4 THE WITNESS: Thank you, Your Honour.

15:35:25 5 PRESIDING JUDGE: Mr Court Attendant, please adjourn Court
6 to tomorrow morning at 9.15 a.m.

7 [Whereupon the hearing adjourned at 3.35 p.m.,
8 to be reconvened on Tuesday, the 11th day of
9 October 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: GIBRIL MASSAQUOI	2
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