

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

THURSDAY, 12 OCTOBER 2006
9.15 a.m.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Advera Kamuzora
For the Prosecution:	Mr Karim Agha Ms Maja Dimitrova (Case Manager)
For the accused Alex Tamba Brima:	Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain

1 [AFRC12OCT06A - MD]

2 Thursday, 12 October 2006

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.15 a.m.]

6 PRESIDING JUDGE: Where is your witness, Mr Daniels?

7 MR DANIELS: Good morning, Your Honours.

8 PRESIDING JUDGE: Good morning.

9 MR DANIELS: Your Honours, this morning we were expecting
10 our witness to continue with her evidence-in-chief but, as we
11 were coming to Court, we were informed that the witness was --
12 had complained to the WVS as regards some of her welfare
13 problems, in particular to do with her child, who is physically
14 impaired.

15 We understand that the matter is being resolved and our
16 legal assistants are, and our investigators, have been sent to
17 the witness house to make sure that the matter is resolved.

18 In order not to waste the Court's time, may we suggest that
19 the witness who is within the Court premises, I think his number
20 is DBK-005, who is due for cross-examination, be cross-examined
21 this morning and then hopefully, by that time, the welfare issues
22 of the witness will be resolved. We sincerely apologise.

23 We have spoken to counsel on the other side about the
24 possibility of cross-examining DBK-005 and so far he has shown no
25 objection.

26 PRESIDING JUDGE: All right. Thank you, Mr Daniels. I
27 know what's happened is certainly beyond your control, but I'm
28 left puzzled as to why this witness's welfare complaints are a
29 problem for the Court. We've got nothing to do with her children

1 and I am sure the child had the complaints before she ever gave
2 evidence in the Court. So how on earth does that affect her
3 ability to show up on time in Court and give evidence?

4 MR DANIELS: Your Honours, I know the position of the Court
5 on these matters that welfare matters have nothing to do with the
6 Court but, as I said earlier on, this information is just coming
7 to us. And other than what I have informed the Court about I
8 have no further information but I am -- I am sure that the matter
9 will be resolved. In fact, prior to this incident, we were
10 priding ourselves as being incident-free when it came to our
11 witnesses, but this is unfortunate.

12 PRESIDING JUDGE: All right. Well, bring in DBK-005 for
13 cross-examination.

14 MR DANIELS: Most grateful.

15 [The witness entered Court]

16 WITNESS: DBK-005 [Continued]

17 [The witness answered through interpreter]

18 CROSS-EXAMINED BY MR AGHA:

19 PRESIDING JUDGE: Mr Witness, you will recall last week
20 that you took an oath to tell the truth. I'm reminding you that
21 you are still bound by that oath; is that clear?

22 THE WITNESS: Yes, sir.

23 PRESIDING JUDGE: Yes, Mr Agha.

24 MR AGHA: Thank you, Your Honours.

25 Q. Witness, this morning I'm going to ask you some questions.
26 Most of them can be answered with a "yes" or "no" or "I don't
27 know" answer. If I require further explanation, then I'll ask
28 you for that. So, do you understand?

29 A. Yes, sir.

1 Q. Now, you joined the SLA in 1991, didn't you?

2 A. Yes, sir.

3 Q. And you received six months training?

4 A. Yes, sir.

5 Q. Where did you undergo your training?

6 A. In Makeni.

7 Q. And were you trained in how to advance? Were you trained
8 in how to advance as a troop?

9 A. No, sir.

10 Q. Were you trained in how to attack and capture enemy
11 positions?

12 A. Yes, sir.

13 Q. Were you taught how to defend positions, once you had
14 captured them?

15 A. Yes, sir.

16 Q. And you were taught how to retreat?

17 A. Yes, sir.

18 Q. Were you also taught how to parade?

19 A. Yes, sir.

20 Q. And you were taught about weapons, weren't you?

21 A. Yes, sir.

22 Q. And you were taught about brigades and battalions?

23 A. Well, those times, no. No, sir.

24 Q. But did you come to learn that you had brigade and then
25 battalion and then underneath battalion you had company and then
26 under company platoon. Did you come to learn that?

27 A. Yes, sir.

28 Q. And did you come to learn that this was the chain of
29 command in which orders were passed to and from, the top to the

1 bottom?

2 A. Yes, sir.

3 Q. And you knew that you had to follow the orders of a soldier
4 higher in rank than you, didn't you?

5 A. Yes, sir.

6 Q. And you knew that if you did not follow orders of a soldier
7 higher in rank that you may be subject to punishment, didn't you?

8 A. Yes, sir.

9 Q. You had to salute senior officers, didn't you?

10 A. Yes, sir.

11 Q. And you were taught about rank, weren't you?

12 A. Yes, sir.

13 Q. You were taught which ranks were more senior than other
14 ranks, weren't you?

15 A. Yes, sir.

16 Q. And you were taught field craft?

17 A. Yes, sir.

18 Q. And you were taught tactics, weren't you?

19 A. Yes, sir.

20 Q. And you were trained as an infantry soldier to defend the
21 people of Sierra Leone against the RUF, weren't you?

22 A. Yes, sir.

23 Q. Were you taught during your training that the purpose of
24 your training was to kill innocent civilians of Sierra Leone?

25 A. No, sir.

26 Q. Were you taught during your training that the purpose of
27 your training was to amputate the arms of innocent civilians of
28 Sierra Leone?

29 A. No, sir.

1 Q. Were you taught during your training that the purpose of
2 your training was to burn down the houses of innocent civilians
3 of Sierra Leone?

4 A. No, sir.

5 Q. The purpose of your training was to fight the RUF, who was
6 your enemy, wasn't it?

7 A. Yes, sir.

8 Q. And after your training you were sent to the war front to
9 fight the RUF, weren't you?

10 A. Yes, sir.

11 Q. Where were you initially posted?

12 A. In Daru.

13 Q. And did you actually fight the RUF?

14 A. Yes, sir.

15 Q. And you had a weapon with you when you were fighting the
16 RUF, didn't you?

17 A. Yes, sir.

18 Q. Were you a part of a company or a platoon?

19 A. I was part of a platoon.

20 Q. And did the platoon have a commander?

21 A. Yes, sir.

22 Q. And you followed the orders of your platoon commander,
23 didn't you?

24 A. Yes, sir.

25 Q. And above a platoon there was a company, wasn't there?

26 A. Yes, sir.

27 Q. And the platoon followed the orders being passed down from
28 the company, didn't it?

29 A. Yes, sir.

1 Q. So there was an organisation in the army when it was
2 fighting the RUF, wasn't there?

3 A. Yes, sir.

4 Q. And you, yourself, you followed the orders of your
5 commanding officer, didn't you?

6 A. Yes, sir.

7 Q. And the other SLAs also followed the orders of their
8 commanding officers, didn't they?

9 A. Yes, sir.

10 Q. Now, the SLA had been fighting against the RUF since around
11 1991; is that right?

12 A. Yes, sir.

13 Q. And before the removal of the Kabbah government in 1997 the
14 SLA was still fighting against the RUF, wasn't it?

15 A. I don't understand, sir. Repeat.

16 Q. Before the coup of 1997, which removed President Kabbah's
17 government, the SLA was still fighting against the RUF?

18 A. Yes, sir.

19 Q. And during this period in which the SLA was fighting
20 against the RUF the SLA had won some battles, hadn't it?

21 A. Yes, sir.

22 Q. And prior to the removal of the Kabbah government, in 1997,
23 the RUF had not been able to defeat the SLA and overrun Sierra
24 Leone, had it?

25 A. Yes, sir.

26 Q. Yes, sir, it had or it had not been able to defeat the
27 Sierra Leone Army and overrun Sierra Leone?

28 A. They were unable to defeat the Sierra Leone Army.

29 Q. And during the war with the RUF did you hear that the RUF

1 used to amputate the arms of civilians?

2 A. Yes, sir.

3 Q. And did you think it was wrong for the RUF to amputate arms
4 of civilians?

5 A. Yes, sir.

6 Q. And during the war against the RUF how many arms of
7 civilians did you amputate?

8 A. I did not amputate any civilians -- any hand of civilians.

9 Q. And you didn't amputate any hands of civilians because you
10 knew it was wrong to do so, didn't you?

11 A. Yes, sir.

12 Q. Now I want to come to the period when the SLPP government
13 was overthrown, in May 1997. Now, when the SLPP government was
14 overthrown, in May 1997, you were in Freetown, weren't you?

15 A. Yes, sir.

16 Q. And you mentioned that Abu Sankoh, alias Zagalo, was PLO 1,
17 didn't you?

18 A. Yes, sir.

19 Q. Zagalo was a good footballer, wasn't he?

20 A. Yes, sir.

21 Q. You also mentioned that Tamba Brima was PLO 2, didn't you?

22 A. Yes, sir.

23 Q. Tamba Brima also played football, didn't he?

24 A. I don't know, sir.

25 Q. Tamba Brima was also known as Gullit, wasn't he?

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

27 Q. Alex Tamba Brima was an honourable, wasn't he?

28 A. I knew Tamba Brima was an honourable, sir. I don't know
29 whether he was Alex Tamba Brima.

1 Q. But you knew a person as Tamba Brima as an honourable; is

2 that right?

3 A. Yes, sir.

4 Q. And you mentioned that Ibrahim Bazy Kamara was PLO 3,

5 didn't you?

6 A. Yes, sir.

7 Q. Ibrahim Bazy Kamara was also an honourable, wasn't he?

8 A. Yes, sir.

9 Q. You also mentioned a Woyoh, spelt W-O-Y-O-H, didn't you?

10 A. Woyoh, Woyoh; yes, sir.

11 Q. Woyoh was also an honourable, wasn't he?

12 A. Yes, sir.

13 Q. And you reported to Sergeant Kargbo at your headquarters,

14 didn't you?

15 A. Yes, sir.

16 Q. This was Honourable Sammy Kargbo, wasn't it?

17 A. No, sir.

18 Q. So the Kargbo you didn't report --

19 A. He was Sergeant Kargbo. Sergeant Kargbo.

20 Q. Was he an honourable?

21 A. No, sir. No, sir.

22 Q. Now you mentioned that you were deployed at JP Lodge,

23 didn't you?

24 A. Yes, sir.

25 Q. JP Lodge was the residence of Johnny Paul Koroma, wasn't

26 it?

27 A. Yes, sir.

28 Q. And Johnny Paul Koroma was chairman of the AFRC, wasn't he?

29 A. Yes, sir.

1 Q. SAJ Musa was a member of the AFRC, wasn't he?

2 A. Yes, sir.

3 Q. Now, you mentioned that you were handed over to CSO Rambo
4 at JP Lodge, didn't you?

5 A. Yes, sir.

6 Q. By CSO, you mean Chief Officer Security; is that right?

7 A. Yes, sir.

8 Q. And you were deployed at JP Lodge up to the intervention;
9 is that right?

10 A. Yes, sir. Yes, sir. No, sir. Before the intervention.

11 Q. But from -- you were deployed there for what period?

12 A. I was deployed when the SLPP government was -- when they
13 took over the SLPP government, until the overthrow, I was there.

14 Q. Now, did Johnny Paul Koroma go to State House most days
15 before the intervention?

16 A. He was not going to State House, sir.

17 Q. Where was he going, or did he stay at his lodge quite
18 often?

19 A. He would go to Cockerill headquarters.

20 Q. And you accompanied him to Cockerill headquarters as his
21 escort; is that right?

22 A. Not at all times. At times, if I am detained to go there,
23 I would go.

24 Q. And when you went to Cockerill headquarters, whereabouts
25 were you deployed?

26 A. I was -- I would not be inside. I was outside as a
27 security. We were securing outside.

28 Q. So you would be able to see people who were coming and
29 going into the Cockerill headquarters, wouldn't you?

1 A. At times I would -- I would see but not at all times. At
2 times I would not see everybody who's going inside.

3 Q. And did SAJ Musa used to go to military headquarters at
4 Cockerill to meet with Johnny Paul Koroma?

5 A. Yes, sir.

6 Q. And Alabama was one of SAJ Musa's securities, wasn't he?

7 A. Yes, sir.

8 Q. Now, you mentioned that there were three PLOs, didn't you?

9 A. Yes, sir.

10 Q. Did you see these three PLOs going into the military
11 headquarters at Cockerill?

12 A. Yes, sir.

13 MR DANIELS: Objection. We don't know whether he's talking
14 about were they all three together or at a time. There is
15 ambiguity. If you could be specific.

16 MR AGHA:

17 Q. You say that all three PLOs used to enter the military
18 headquarters at Cockerill so, let us start with PLO 1, Zagalo;
19 did you see him enter the military headquarters at Cockerill?

20 A. Yes, sir.

21 Q. And then PLO 2, Tamba Brima, did you see him enter the
22 military headquarters at Cockerill?

23 A. Well, I don't know whether he used to go there because I --
24 I did not see him. I've never seen him.

25 Q. You've never seen him?

26 A. No.

27 Q. What about PLO 3, Ibrahim Bazy Kamara; did you ever see
28 him go to Cockerill military headquarters?

29 A. No, sir.

1 Q. Did you ever see them at JP Lodge?

2 A. No, sir.

3 Q. Well, I say to you that you are lying and that you saw PLO
4 1, Tamba Brima, go to the military headquarters; what do you have
5 to say about that?

6 PRESIDING JUDGE: Was he PLO 1?

7 MR AGHA: I beg your pardon.

8 Q. I say that you are lying and that Tamba Brima PLO 2 did
9 used to go to military headquarters at Cockerill and that you saw
10 him?

11 A. I've never seen him.

12 Q. I say to you that you are lying and that PLO 3, Ibrahim
13 Bazy Kamara, used to go to Cockerill military headquarters and
14 you saw him; what do you have to say about that?

15 A. I did not see him. I did not see him.

16 Q. And you say that you did not see these people at JP Lodge?

17 PRESIDING JUDGE: Yes, he said that a moment ago.

18 MR AGHA: Thank you.

19 Q. Well, can I refer the Court to 5 October 2006 transcript,
20 at page 36, please. And my case manager has copies of those.

21 And, Your Honours, I will be reading from lines 10 to 28.

22 Actually, line 8 to 28. So, witness, I will be reading to you a
23 portion of your evidence under oath which you gave on 5 October
24 2006. I would like you to listen to that. Are you listening?

25 A. Yes, sir.

26 Q.

27 "Q. Did you eventually get to know apart from
28 Corporal Gborie who else took part in the
29 overthrow of the SLPP government?

1 "A. I knew some people but I didn't know
2 whether they took part from overthrowing the
3 government. After Gborie I knew two to three
4 people.

5 "Q. Can you please mention the names of those
6 two to three people?

7 "A. Well, of course, JP Koroma, I knew him; I
8 knew SAJ Musa; I knew SO Williams; and I knew
9 Brima Kamara, that was called Avivavo and I
10 knew SFY Koroma; and I knew Abu Sankoh, who is
11 Zagalo, who is PLO 1; and I knew Tamba Brima,
12 who is a PLO 2; and I knew Ibrahim Bazzy
13 Kamara, who was a PLO 3; and I knew Honourable
14 Papa, who was Hassan Bangura; and I knew
15 Honourable George Adams; and I knew" -- it says
16 OU, but I assume it's Woyoh -- "and I knew one
17 Honourable Santigie Kanu. Those were the
18 people that I remembered because it's taken a
19 long time.

20 "Q. How did you get to hear about this?

21 "A -- this is your answer, "Well, after
22 they've overthrown I saw them. That time I was
23 at Cockerill, I was deployed at JP's lodge.
24 That was where I was working. It was from the
25 lodge they were. That was where I knew them."

26 So are you lying now or is this the truth? Which is the
27 truth? What you've said today and which is a lie?

28 MR DANIELS: Your Honours, respectfully, we would like to
29 object that the question is not fair because, we are saying so

1 because the concluding sentence says "that was where I knew
2 them." And we are talking about SO Williams, Brima Kamara,
3 Avivavo, Koroma, Abu Sankoh, I mean, several people. So that, I
4 mean, that can not be conclusive of the lying of the witness.
5 This is our submission.

6 MR AGHA: He was asked categorically whether he saw three
7 of these people.

8 PRESIDING JUDGE: I think you would have to put it to him,
9 Mr Agha.

10 MR AGHA: Okay. I will.

11 Q. So, is it your evidence that, when you gave last week, that
12 you did not see Tamba Brima at JP Lodge?

13 A. Yes, sir.

14 Q. Is it your evidence that you did not see Ibrahim Bazy
15 Kamara at JP Lodge?

16 A. Yes, sir.

17 Q. Is it your evidence that you did not see Santigie Kanu at
18 JP Lodge?

19 A. Yes, sir.

20 Q. And is it your evidence that that was not from where you
21 knew them?

22 A. Yes, sir.

23 Q. I say to you you are lying and you knew Ibrahim Bazy
24 Kamara, Tamba Brima and Santigie Kanu at JP Lodge; what do you
25 have to say about that?

26 A. [Not interpreted].

27 MR MANLY-SPAIN: Objection.

28 PRESIDING JUDGE: What is the objection?

29 MR MANLY-SPAIN: My objection is that the name Santigie

1 Kanu is only coming in now, and that will confuse the witness.
2 Santigie Kanu wasn't being asked about -- a few moments ago when
3 Mr Agha was putting his questions. He was asking about PLO 2,
4 PLO 3, not Santigie Kanu.

5 PRESIDING JUDGE: No, no. The passage he just read out
6 refers to honourable Santigie Kanu.

7 MR MANLY-SPAIN: I accept. I am saying that the questions
8 being put before the passage was read did not include Santigie
9 Kanu. I don't know whether counsel is changing the question now.

10 JUDGE SEBUTINDE: But surely the witness is able, he is
11 capable of answering. This is cross-examination. The passage
12 has named Santigie Kanu. Plus, the previous evidence also did
13 name Santigie Kanu. If the witness -- he is capable of answering
14 this question --

15 MR MANLY-SPAIN: As Your Honour pleases.

16 JUDGE SEBUTINDE: Well, what is the difficulty?

17 PRESIDING JUDGE: Right. That objection is overruled. Go
18 ahead, Mr Agha.

19 MR AGHA:

20 Q. I say that you are lying today and that you did see Tamba
21 Brima, Ibrahim Bazy Kamara and Santigie Kanu at JP Lodge. What
22 do you have to say about that?

23 A. I did not see them there, sir.

24 Q. I say to you that you are lying and that you also saw Tamba
25 Brima, Ibrahim Bazy Kamara and Santigie Kanu at Cockerill
26 military headquarters. What do you have to say about that?

27 A. I did not see them there, sir.

28 Q. Then how did you know they were PLOs?

29 A. Well, I used to hear about that. I used to see them in the

1 streets passing up and down, and people would tell me. My

2 comrades would tell me that they are honourables and PLOs.

3 Q. So you saw them personally in the street, didn't you?

4 A. Sometimes. I used to seldom see them because I was a
5 security.

6 Q. And you saw all three of them, Ibrahim Bazy Kamara, Tamba
7 Brima and Santigie Kanu, didn't you?

8 A. You mean together?

9 Q. Not necessarily three together, individually.

10 A. I used to see them often.

11 Q. Often? Individually you saw them often?

12 MR MANLY-SPAIN: No, no, no.

13 THE INTERPRETER: Sorry, correction, interpreter. Once in
14 a while.

15 MR AGHA:

16 Q. So did you see them individually once in a while?

17 MR FOFANAH: Respectfully, Your Honours, I think I will
18 rise to object on behalf of the Kamara team. This question has
19 been answered. The witness has over and over stated that he used
20 to see them and learned counsel has put to him whether the "them"
21 refers to the first, second and third accused. I think the
22 question has been answered and my colleague is going over the
23 same question over and over.

24 PRESIDING JUDGE: What's your reply, Mr Agha?

25 MR AGHA: I was trying to find out the frequency and
26 clarify how often he saw each of them, and whether it was in an
27 individual capacity or altogether, just so the record was clear.

28 PRESIDING JUDGE: All right. I overrule the objection. Go
29 ahead.

1 MR AGHA:

2 Q. So you saw Tamba Brima once in a while; correct? On his
3 own?

4 A. I seldom saw them. I used to see them once in a while,
5 three of them.

6 Q. Just answer the question. And did you see Ibrahim Bazy
7 Kamara?

8 PRESIDING JUDGE: Wait on. What is his answer to that
9 first question? The question was: You used to see Tamba Brima
10 once in a while on his own. What is your answer to that?

11 THE WITNESS: Yes, sir.

12 PRESIDING JUDGE: That's correct, is it?

13 THE WITNESS: Yes, sir.

14 MR AGHA:

15 Q. And you also used to see Ibrahim Bazy Kamara once in a
16 while on his own; is that right?

17 A. I used to see them once in a while with security.

18 Q. And how many securities --

19 PRESIDING JUDGE: Look, Mr Witness, you are confusing us.
20 You are being asked about one person and your reply is "them".
21 You are referring to them, when you've only being asked about one
22 person. Now, we are not sure what you are talking about. Can
23 you ask the question again.

24 MR AGHA:

25 Q. You saw Ibrahim Bazy Kamara once in a while, on his own;
26 is that right?

27 A. It was not him alone. He would be alone as a commander or
28 honourable but he would have a security because during those
29 times it was difficult for honourable to walk alone. He would

1 have a security.

2 MR AGHA:

3 Q. Okay. So what you are saying is you saw Ibrahim Bazy
4 Kamara not with Santigie Kanu and Alex Tamba Brima, but with his
5 own securities, once in a while?

6 A. That is what I meant. Yes, sir.

7 Q. And did you also mean when you saw Tamba Brima once in a
8 while you saw him individually with his securities?

9 A. Yes, sir.

10 Q. And the same for Ibrahim Bazy Kamara, you also saw him
11 once in a while, with his securities; is that right?

12 A. Yes, sir.

13 Q. And you say it was difficult to approach these honourables;
14 were they important people?

15 A. I don't understand.

16 Q. These three honourables, who had their securities, were
17 senior members of the AFRC government, weren't they?

18 A. Yes, sir.

19 Q. Tamba Brima was a member of the Supreme Council of the AFRC
20 government, wasn't he?

21 A. Yes, sir.

22 Q. Ibrahim Bazy Kamara was a member of the Supreme Council of
23 the AFRC government, wasn't he?

24 A. Yes, sir.

25 Q. Santigie Kanu, aka Five-Five, was a member of the Supreme
26 Council of the AFRC government, wasn't he?

27 A. I don't know whether he's been referred to as Five-Five but
28 I knew him as Santigie Kanu. I can recall that.

29 PRESIDING JUDGE: Well, what is his answer to the question?

1 MR AGHA:

2 Q. Was Santigie Kanu also a member of the Supreme Council of
3 the AFRC government?

4 A. Yes, sir.

5 Q. And I say to you that Tamba Brima, Ibrahim Bazzy Kamara and
6 Santigie Kanu were three of the soldiers who overthrew the Kabbah
7 government in 1997; what do you have to say about that?

8 A. I don't know.

9 Q. I say to you that Tamba Brima, Ibrahim Bazzy Kamara and
10 Santigie Kanu were made honourables because they were some of the
11 soldiers who overthrew the Kabbah government in 1997; what do you
12 have to say about that?

13 A. That is not true.

14 Q. How do you know it's not true?

15 A. I don't know if that is the truth.

16 Q. So your answer is you don't know?

17 A. I don't know. I don't know.

18 Q. Now, let's turn to the period when the intervention takes
19 place. Now, you were shot; is that right? During the
20 intervention by an ECOMOG soldier?

21 A. Yes, sir.

22 Q. And you were taken to the hospital in a Hilux by Issa
23 Sesay; is that right?

24 A. Yes, sir.

25 Q. Well, I say to you that is incorrect, that Issa Sesay took
26 you, because he wasn't in Freetown at that time; what do you have
27 to say about that?

28 A. He took me there. He was there.

29 Q. Is that what other people told you?

1 JUDGE DOHERTY: What do you mean by that question, Mr Agha?
2 That other people told him who the person was or other people
3 told him he was taken?

4 MR AGHA: I will clarify, Your Honour.

5 Q. Did other people tell you that it was Issa Sesay who took
6 you?

7 A. Yes, sir.

8 Q. But you didn't personally know Issa Sesay, did you?

9 A. Yes, sir.

10 Q. Yes, you personally knew him or no, you did not know him?

11 A. I didn't know him personally.

12 Q. Now, you say that you stayed in the hospital for some time
13 before reporting to Lungi where the DDR programme was; do you
14 remember that?

15 A. Yes, sir.

16 Q. And you say that there were about 3,000 soldiers in Lungi
17 garrison, don't you?

18 A. Yes, sir.

19 Q. And were these soldiers surrendered SLAs, these 3,000?

20 A. Yes, sir.

21 Q. And as a surrendered SLA could you leave Lungi garrison at
22 any time or were there constraints on your movement?

23 A. Well, they restricted our movement.

24 Q. So you couldn't just come and go to Freetown if you wanted;
25 is that right?

26 A. Yes, sir.

27 Q. And did any of you surrendered 3,000 SLAs have weapons with
28 you at Lungi?

29 A. No, sir.

1 Q. Now, you mentioned that there were surrendered SLAs and
2 active in-service SLAs. Do you remember that?

3 A. No, sir.

4 Q. Well, let me put it to you this way: Were there active
5 in-service SLAs, as well as surrendered SLAs?

6 A. They were not with us. They were not with us.

7 Q. So where were the active in-service SLAs kept?

8 A. They were just around the barracks but they were not with
9 us.

10 Q. And were they subject to the same constraints and
11 restrictions of movement as the surrendered SLAs?

12 A. No, sir.

13 Q. So the in-service SLAs were working with the ECOMOG troops;
14 is that right?

15 A. The serving soldiers, you mean the serving soldiers? I
16 don't understand. Repeat, please.

17 Q. I will try and explain. You had your category of
18 prisoners, who were the surrendered SLAs, who had restriction on
19 movement; right?

20 A. Yes, sir.

21 Q. And then there's another category of SLAs who were serving,
22 active in-service; right?

23 A. Yes, sir.

24 Q. And were these active in-service SLAs working with the
25 ECOMOG troops?

26 A. Well, I don't know sir, because we used to be in one
27 particular place. We would not move around.

28 Q. So, do you know why you were treated differently as a
29 surrendered SLA to an active in-service SLA?

1 A. No, sir.

2 Q. Would you say it was because you were not trusted?

3 A. I don't know sir.

4 Q. Now, you say there was an SLA colonel in charge of the
5 3,000 surrendered SLAs; do you remember that?

6 A. Yes, sir.

7 Q. And were you still following the orders of your superior
8 officers whilst you were surrendered?

9 A. Yes, sir.

10 Q. Now, in around December 1998, you were moved from Lungi to
11 Pademba Road gaol, weren't you?

12 A. Yes, sir.

13 Q. And this was because the government was afraid that you may
14 join the troops in the bush who were advancing to Freetown; is
15 that right?

16 A. Yes, sir.

17 Q. Can you explain to me why they would move you from Lungi to
18 Freetown, if they thought the troops were coming to Freetown?

19 A. I don't understand.

20 Q. Well, if you were at Lungi garrison, and the government
21 believed the troops were going to attack Freetown, why would they
22 move surrendered soldiers into Freetown?

23 MR DANIELS: Objection, Your Honour. Counsel is asking the
24 witness to speculate on what the government would do or not do.
25 The witness is not in a position to comment on that.

26 PRESIDING JUDGE: What do you say to that objection?

27 MR AGHA: I would just ask if he personally can have any
28 explanation as to why that would happen.

29 PRESIDING JUDGE: Well, you didn't put it that way,

1 Mr Agha.

2 MR AGHA: Okay.

3 Q. Can you personally give any explanation as to why, if
4 troops were coming to attack Freetown, you, as surrendered SLAs,
5 would be moved from Lungi to Freetown?

6 A. Well, it was ML Sesay, the commander we had, who told us
7 that they said we should leave Lungi garrison to come to stadium
8 hostel, so we should not join our brothers. Maybe we would want
9 to join them to come into Freetown. So that was why they took us
10 from Lungi and said they were bringing us to stadium hostel.
11 While we were coming, they didn't bring us to stadium hostel.
12 They took us directly to Pademba Road Prisons.

13 Q. I say to you that you were not in Lungi and that you were
14 taken from hospital directly to Pademba Road; what do you have to
15 say about that?

16 A. I was at Lungi, sir.

17 Q. I say to you that far less than 3,000 troops were taken
18 from Lungi to Pademba Road; what do you have to say about that?

19 A. Repeat the question, sir.

20 Q. I say to you that much less than 3,000 surrendered SLAs
21 were taken from Lungi to Pademba Road; what do you have to say
22 about that?

23 A. It was up to that number, sir.

24 Q. So it could also have been less than that number, couldn't
25 it?

26 A. There were many, sir.

27 Q. Yes, but many could mean 1,000, couldn't it?

28 A. It was up to 200.

29 Q. Now, you claim that you were kept in the prison compound at

1 Pademba Road; is that right?

2 A. Yes, sir.

3 Q. So this was with inside the prison walls; right?

4 A. Inside Pademba Road Prisons.

5 Q. And none of those who were transferred with you, from Lungi
6 to Pademba Road, had weapons with them, did they?

7 A. None of them had weapons, sir.

8 Q. Now, you say that Pademba Road Prison was broken into, and
9 you and other prisoners were released; do you remember that?

10 A. Yes, sir.

11 Q. Now you also named Junior Lion and some others as being the
12 soldiers who came to release the prisoners from the gaol, didn't
13 you?

14 A. Yes, sir.

15 Q. One of the soldiers was also Woyoh, wasn't it?

16 A. No, sir.

17 Q. Did you speak to the investigators of the Special Court,
18 before coming here to give your evidence at any time?

19 A. What do you mean? Which investigators? The one who took
20 my statement?

21 Q. Yes. Did someone take your statement from the Special
22 Court?

23 A. Yes, sir.

24 Q. Now, the Prosecution has been provided with a summary of
25 your statement, and I will read you a part of it, because this is
26 what apparently you would have told the investigator, so I will
27 read. Are you listening?

28 A. Yes, sir.

29 Q. "Soldiers entered the prisons and said that if they do not

1 join them they would be killed. That he," that is you, "saw
2 Junior Lion, Tito, Woyoh, Bobby, Alabama, Keforkeh and Colonel
3 Pikin amongst those who broke open the prison." Now do you
4 remember saying that to the investigator who took your statement?

5 A. That?

6 Q. Yes, what I've just read to you.

7 A. I don't understand what you've said.

8 Q. Okay. I will read you the paragraph again. And my
9 question to you is: Did you say what I'm going to read you to
10 the person who took your statement; do you understand?

11 A. Yes, sir.

12 Q. So did you tell him: "Soldiers entered the prisons and
13 said that if they do not join them they would be killed. That
14 he," that is you, "saw Junior Lion, Tito, Woyoh, Bobby, Alabama,
15 Keforkeh and Colonel Pikin amongst those who broke open the
16 prison." Now did you say that to those who took your statement?

17 A. No, sir.

18 Q. I say to you that you are lying and you did say that to
19 those who took your statement. What do you have to say about
20 that?

21 A. I didn't say that.

22 Q. Now, according to you, when soldiers in Pademba Road Prison
23 were released they carried out massive killings; is that right?

24 A. Yes, sir.

25 Q. And they carried out these massive killings on their
26 release? Yes?

27 A. Yes, sir.

28 Q. So can you tell me please where the unarmed soldiers from
29 Pademba Road Prison got their weapons from to carry out massive

1 killings on their release?

2 A. Well, when they broke open the prison, when they went into
3 the prison, Junior Lion had more than four weapons on him. So
4 for any soldier that would open the prison they would give them a
5 weapon. They would ask them who wanted to join up so that was
6 how they got weapons. The one -- those who came came with
7 weapons.

8 Q. So the soldiers who came into the prison had plenty of
9 weapons with them spare, to give away; is that right?

10 A. They came with weapons, sir.

11 Q. But they had spare weapons to give away to others who
12 needed weapons, didn't they?

13 A. Yes, sir.

14 Q. I say to you that's a lie and that the SLAs were always
15 short of weapons and ammunition and that no-one gave away weapons
16 at Pademba Road gaol. What do you have to say about that?

17 PRESIDING JUDGE: Well, which one is he supposed to be
18 lying about?

19 MR AGHA:

20 Q. I say that you are lying and that no soldiers came to
21 Pademba Road and distributed weapons to the prisoners who were
22 released?

23 A. They distributed weapons, sir, when they went there.

24 Q. Did you see any of these massive killings personally
25 yourself?

26 A. No, I didn't see them personally.

27 Q. So how are you able to say the massive killings took place?

28 A. Because the news came as hearsay, that people had been
29 taken down to Connaught hospital, so I heard that news.

1 Q. I say to you that the people who were carrying out massive
2 killings were the SLA soldiers who entered Freetown and not those
3 who were released from Pademba Road gaol; what do you have to say
4 about that?

5 A. That is not true, sir.

6 Q. Now, you say that you gave a statement to people from the
7 Special Court; do you remember that?

8 A. Yes, sir.

9 Q. And the Prosecution gets a summary of that statement.
10 Nowhere in that summary is it mentioned that massive killings
11 were carried out by people who were released from Pademba Road
12 gaol. Did you give this piece of information to the
13 investigator?

14 A. Yes, sir.

15 Q. I say to you that you are lying, and that you never gave
16 that piece of information to the investigator; what do you have
17 to say about that?

18 A. I gave them, sir.

19 Q. I also say to you that you are lying and that no burning
20 was carried out by the escaped, the released prisoners from
21 Pademba Road; what do you have to say about that?

22 A. Burning took place, sir.

23 Q. And I say to you that burning was also carried out by
24 members of the SLA who invaded Freetown, wasn't it?

25 A. Which people? I don't understand.

26 Q. Not the people released from Pademba Road gaol, the SLA
27 soldiers who came and attacked Freetown and opened up the gaol,
28 they also burnt property, didn't they?

29 A. No, sir.

1 Q. Now, when you were released you went to State House; is
2 that right?

3 A. Yes, sir.

4 Q. And how many of your fellow soldiers went to State House
5 with you?

6 A. I can't recall the number that went to State House but we
7 were many.

8 Q. And you say that you were addressed in the compound of the
9 State House; right?

10 A. I don't understand.

11 Q. According to you, FAT gave an address to you and the others
12 in the compound of the State House; is that right?

13 A. Yes, sir.

14 Q. And FAT Sesay was the most senior officer who addressed you
15 in the compound of State House, wasn't he?

16 A. Yes, sir.

17 Q. And FAT told you to go to the Paramount Hotel, didn't he?

18 A. Yes, sir.

19 Q. And did you go there?

20 A. No, I did not go there, sir.

21 Q. And can you explain to me why FAT Sesay would tell you to
22 go to the Paramount Hotel, rather than the front line?

23 A. It was -- he spoke to us individually. He spoke about the
24 politicians as well. He said that all of them should go to the
25 Paramount, the politicians that were removed from Pademba Road.
26 So when they went I followed them because I was afraid of the
27 movement. I had just come from the prison. I did not know who
28 were the enemies and who were not. I was tormented.

29 Q. So are you saying you followed the politicians to Paramount

1 Hotel?

2 A. I did not go with them, in fact. They went to the
3 Paramount Hotel.

4 Q. So where did you go?

5 A. I was around.

6 Q. Around where?

7 A. Around the town.

8 Q. So you were just wandering around Freetown; is that right?

9 A. Not up and down Freetown. I mean, around the State House
10 environment but not inside because I was afraid to come out of
11 the State House, so that if -- so that I would not meet an enemy
12 because I was -- so I was inside because I was afraid.

13 Q. I say to you that you are lying and that you would have
14 been sent immediately to the front line; what do you have to say
15 about that?

16 A. No, sir. I was not sent there.

17 Q. You never personally went into State House, did you?

18 A. I went in there, sir.

19 Q. And no one told you: "What are you doing here? Go away
20 and fight." Is that right?

21 A. Well, the tension was heavy. Nobody will tell me to go
22 around and fight.

23 Q. The SLAs needed reinforcements and your position is you
24 were just wandering around State House and no one was telling you
25 to fight; is that your evidence?

26 A. Firstly, I had no weapon. Secondly, I was not with them.
27 They met me at the Pademba Road. And the third point is that I
28 had no confidence to join up with them because I don't know how
29 the fight started, so they met me in Freetown, so I was

1 frightened within.

2 Q. But according to you weapons were distributed at the gaol;
3 why didn't they give you a weapon at State House and send you off
4 to fight?

5 MR FOFANAH: Objection, Your Honours. Respectfully, I
6 don't think the word "distributed" was used. My learned
7 colleague put the question to the witness as to whether those who
8 went into the gaol had spare weapons to give to the inmates, and
9 the witness merely referred to Junior Lion as one of those who
10 gave weapons.

11 JUDGE DOHERTY: Mr Fofanah, I noted that the witness
12 replied to a question in the following terms: "They distributed
13 weapons."

14 MR FOFANAH: As Your Honours pleases.

15 JUDGE SEBUTINDE: I confirm that.

16 MR AGHA:

17 Q. So why didn't you get a weapon and fight?

18 A. I did not want a weapon. I -- they did not give me a
19 weapon. I did not -- I was not around where they distributed the
20 weapon because if they sharing, distributing weapons, I did not
21 get. I did not want to fight because I had a problem.

22 Q. So if you didn't want to fight why didn't you leave
23 Freetown? Why did you stay at State House?

24 A. I had to be -- I had to stay at State House because I
25 wanted to save my life. I would not go ahead when I did not know
26 what I was going to meet. I would not go where I was unsafe. So
27 I was within the area of the security.

28 Q. Why didn't you go towards Kissy and escape?

29 A. I did not know who were at Kissy.

1 Q. Who did you think were at Kissy?

2 A. It can be the RUFs at Kissy or even the junta. I would not
3 go to Kissy when I did not know the particular junta that was
4 based there.

5 Q. So according to you, you are wandering around State House
6 and you don't even ask anyone there or find out that there are
7 SLA troops who have advanced into Freetown from Kissy; is that
8 right?

9 MR FOFANAH: Respectfully, Your Honours, this question, it
10 is unfair and confusing. My learned friend colleague is talking
11 about SLAs moving from Kissy to Freetown, and the initial
12 question was whether the witness knew or at least thought about
13 those who were at Kissy, so I don't know which of the two
14 questions he is asking; whether the SLAs moved from Kissy to
15 Freetown, the centre of Freetown, or whether the witness knew
16 those who were at Kissy at the time he was around State House.

17 PRESIDING JUDGE: Well, I am quite sure the witness is
18 capable of saying if he doesn't understand the question. But, in
19 any event, what do you reply to that objection?

20 MR AGHA: I can make it more simple. If I can rephrase it
21 in an easier way.

22 Q. So you were in State House; right?

23 A. Yes, sir.

24 Q. And is it your evidence that you never found out what troop
25 were behind State House in the Kissy area?

26 A. Yes, sir. I never found out.

27 Q. You never asked anyone?

28 A. I did not have to ask because I did not come to fight. I
29 was not there to fight. I was there to secure my own life, my

1 personal life.

2 Q. So why didn't you take a weapon if you were there to secure
3 your personal life?

4 A. I could not handle a weapon to secure my life.

5 Q. You are a soldier, aren't you? You fought active combat?

6 A. I was a soldier but I had been under the DDR programme. I
7 had surrendered.

8 Q. I put it to you that you are an absolute liar and you were
9 never in State House, were you?

10 A. No, sir. I was at State House, sir.

11 Q. And did you hear that Alex Tamba Brima was in State House?

12 A. No, sir.

13 Q. Did you hear that Ibrahim Bazy Kamara was in State House?

14 A. No, sir.

15 Q. What about Santigie Kanu, did you hear that he was in State
16 House?

17 A. No, sir.

18 Q. Did you see any of those three people in State House?

19 A. No, sir.

20 Q. I put it to you that Tamba Brima was a commander and based
21 in State House; what do you have to say about that?

22 A. No, sir. That's not the truth.

23 Q. I say to you that Ibrahim Bazy Kamara was a commander and
24 was based in State House; what do you have to say about that?

25 A. He was not based at State House. That's not the truth.

26 Q. I say to you that Santigie Kanu was a commander and was
27 also based at State House; what do you have to say about that?

28 A. That's not the truth, sir.

29 Q. Did you ever hear that Tamba Brima was part of the Freetown

1 invasion?

2 A. No, sir.

3 Q. I say to you that you are lying and that you know full well
4 that Tamba Brima was part of the Freetown invasion?

5 A. I don't know, sir.

6 Q. What do you mean you don't know? You don't know whether he
7 was or whether he wasn't?

8 A. Repeat the question.

9 Q. I'm saying to you you know full well that Tamba Brima was
10 part of the Freetown invasion, don't you? Either you do know or
11 you don't know?

12 A. I don't know sir. It's not the truth.

13 Q. And what about Ibrahim Bazy Kamara; do you know about him?
14 Or you don't know that he was also a part of the Freetown
15 invasion?

16 A. I don't know, sir.

17 Q. And what about Santigie Kanu; do you know or you don't know
18 whether he was also a part of the Freetown invasion?

19 A. I don't know, sir.

20 Q. Now, you say you stayed at State House and then what
21 happened? Did you eventually leave Freetown?

22 A. Yes, sir.

23 Q. And you left with the other troops or, from State House,
24 how did you leave?

25 A. Well, after they were removed from State House, after the
26 ECOMOG came, we went to Eastern Police, so as the troop was
27 advancing I moved with them. From Eastern Police we went to
28 Starco Savage Square. From Starco, they removed them from Starco
29 to Kissy. Finally, we were dislodged and everybody found his

1 way. We came to Benguema at Waterloo. From Benguema, when we
2 arrived there, they, it was announced that we should return.

3 Q. Thank you, witness. That is fine. So you withdrew with
4 the troop, didn't you?

5 A. Yes, sir.

6 Q. And it was an organised withdrawal through from State House
7 to Kissy back to Makeni, wasn't it?

8 A. I don't understand. Repeat.

9 Q. The troop withdrew together in an organised manner from the
10 State House to Eastern Police, to Kissy, to Benguema, didn't
11 they?

12 A. No, sir. It was not in an organised manner.

13 Q. But you were fighting the enemy as you were withdrawing,
14 weren't you?

15 A. No, sir.

16 Q. So you had no engagement with the enemy while you are
17 withdrawing; is that your evidence?

18 A. Yes, sir.

19 Q. I put it to you that's a lie and the troop, as it left
20 Freetown, had to have various battles with ECOMOG before being
21 able to fully retreat to Makeni; what do you have to say about
22 that?

23 A. No, sir. What I knew of, it was at Eastern Police and
24 Starco and finally at Kissy. That was where I knew we -- they
25 were.

26 Q. But there was fighting at Starco, Eastern Police and Kissy,
27 wasn't there?

28 A. Yes.

29 Q. So they got by, the troop got by one ECOMOG, let's say at

1 Starco and then moved on to the next place where they engaged
2 ECOMOG, didn't they?

3 A. To say what? I'm not getting you clearly, your voice.

4 Q. Okay. From State House, where did you first have an
5 encounter with ECOMOG? Was it Starco or Eastern Police?

6 A. I did not meet with the ECOMOG. When the ECOMOG engaged
7 with the SLA, as they retreated, I retreated with them. As the
8 fighting retreated, I retreated with them.

9 Q. Right. So they would engage with ECOMOG, move on in their
10 retreat, engage with ECOMOG, move on in their retreat and then
11 escape; is that right?

12 A. Yes, sir.

13 Q. Now, as you were with the troop during its retreat, you
14 heard that members of the SLA killed innocent civilians during
15 the retreat, didn't you?

16 A. No, sir.

17 Q. Did you hear the SLAs amputated the arms of civilians
18 during the retreat?

19 A. No, sir.

20 Q. Did you see or hear that any SLAs burnt down any houses
21 during the retreat?

22 A. No, sir.

23 Q. What about abduction of civilians, you must have seen the
24 SLAs abducting some civilians during the retreat? Didn't you?

25 A. No, sir.

26 Q. I say that you are lying and you know full well that the
27 SLAs were committing the crimes which I've just mentioned as they
28 retreated from Freetown; what do you have to say about that?

29 A. I don't know, sir.

1 Q. You don't know.

2 MR AGHA: That completes my cross-examination, Your
3 Honours.

4 PRESIDING JUDGE: All right. Thank you, Mr Agha.
5 Mr Daniels, any re-examination?

6 MR DANIELS: Yes, indeed. A few questions, Your Honours.

7 RE-EXAMINED BY MR DANIELS:

8 Q. Good morning, Mr Witness.

9 A. Yes, sir, good morning.

10 Q. Mr Witness, during your cross-examination today, you told
11 this Court that you were taught not to kill innocent civilians;
12 that you were taught not to amputate the limbs of people,
13 civilians, and you were taught not to burn down houses. Do you
14 remember?

15 A. Yes, sir.

16 Q. How were you taught this?

17 A. Wherever we captured we should not burn down houses, that
18 was the training we received. We should always take care of
19 civilians, of the life and property of civilians for the nation
20 as a whole. That was our own concern.

21 Q. And who taught you this?

22 A. The -- our commander, during the time we were training.

23 Q. Were you given lecture notes?

24 A. No, sir. No, sir.

25 Q. Were you given exercise books to record this information?

26 A. No, sir.

27 Q. So how was this taught to you?

28 A. They explained it to us, sir.

29 Q. And how often were you explained about this, not to do what

1 I just mentioned? How often in your training were you told?

2 A. It does not -- it's not so often because they do it
3 verbally after an exercise.

4 Q. So do you say it was not often. Thank you very much.

5 A. Yes, sir.

6 Q. Mr Witness, you just told this Court that the second
7 accused, Bazzy Ibrahim Kamara, the first accused Tamba Brima, and
8 the third accused, were all members of the Supreme Council; do
9 you remember?

10 A. Yes, I can recall, sir.

11 Q. What is the Supreme Council?

12 A. I don't know the distinction what is -- between the Supreme
13 Council and the council member.

14 THE INTERPRETER: Your Honours, can the witness take the
15 last bit.

16 MR DANIELS:

17 Q. Can you repeat what you said, please?

18 A. I don't know the differences between Supreme Council
19 neither or council member.

20 Q. Did you've heard of council members?

21 A. Yes, sir.

22 Q. And do you know whether the three accused were council
23 members?

24 A. Yes, sir. They were council members.

25 Q. Do you know why you said that the first, second and third
26 accused are Supreme Council members when you don't know the
27 difference between council members and Supreme Council members?

28 Let me repeat that. You have told this Court that the three
29 accused are Supreme Council members. You have also told this

1 Court that you don't know the difference between Supreme Council
2 and council. So why do you say that the three accused are
3 members or were members of the Supreme Council?

4 A. Well, at times, according to my understanding, a friend of
5 mine told me because one of, one day, there were times we would
6 not even move. I would say why -- what is the reason why PLO 1,
7 2 and 3 would not come around where SAJ Musa, JP and the others
8 would come. He said, he would say, he would reply and say they
9 are not the same people.

10 Q. So what you are saying is that there were meetings when SAJ
11 Musa would be present and the three accused persons would not be
12 present?

13 MR AGHA: Objection, Your Honour. I don't think that is
14 what he is saying at all.

15 PRESIDING JUDGE: Yes. You are putting words in his mouth
16 and he is your witness, by the way.

17 MR DANIELS: Very well. Very well. With the Court's
18 indulgence for one moment.

19 [Counsel conferred]

20 MR DANIELS:

21 Q. You just said that they were not the same people. That is
22 the accused persons and SAJ Musa, they were not the same people.
23 What do you mean?

24 A. My, my comrade used to tell me that. He said that they are
25 different. They have the other ones who meet to themselves.
26 They are referred to as the Supreme Council because when the
27 other, the lawyer asked me, I did not understand it so I was
28 unable to explain but normally, wherever SAJ Musa, JP, Avivavo
29 and the others, other officers would be, they would not be

1 around. They would be with other members like honourable Adams,
2 Honourable Santigie Kanu, they were all in one place.

3 Q. Do you know how often the Supreme Council met?

4 A. Well, the Supreme Council, they used to meet on every
5 Wednesday.

6 Q. Thank you. Mr Witness, you also mentioned that when you
7 were cross-examined by my learned friend, that at the Pademba
8 Road Prison, there were up to 3,000 prisoners and then, on
9 another occasion, you said there were up to 200 prisoners at
10 Pademba Road Prison?

11 JUDGE DOHERTY: I think he was referring to soldiers, Mr
12 Daniels, not all of the prisoners.

13 MR DANIELS: I thank the Court for the correction.

14 Q. You said there were 3,000 soldiers at one stage in Pademba
15 Road Prison who were released and on another occasion you said
16 there were 200 soldiers who were released. Can you clarify this,
17 about how many soldiers were released from the Pademba Road
18 Prison?

19 A. It was 3,000 soldiers. Those of us who were taken from
20 Lungi garrison and joined them, it was 3,000.

21 Q. How do you know that?

22 A. Because from Lungi garrison they would have head counting
23 and all of us were aware of that, when we were at Lungi garrison.
24 Every week or two they would do head counting. All of us would
25 line up and they would count us individually. So I knew we were
26 3,000 at Lungi garrison.

27 Q. Can you read and write?

28 A. Yes, sir.

29 Q. And do you know the difference between 3,000 and 200?

1 A. Yes, sir.

2 Q. Thank you. Mr Witness, you also told this Court that when
3 you broke into Pademba Road Prison you saw Junior Lion with
4 weapons?

5 JUDGE DOHERTY: I don't think that's right, Mr Daniels. He
6 was in Pademba and someone else broke in.

7 MR DANIELS: I beg your pardon. I will rephrase that.

8 Q. When Pademba Road Prison was broken into you saw Junior
9 Lion with four weapons; you said that this morning. Do you
10 remember?

11 A. Yes, sir.

12 Q. What weapons were they?

13 A. Well, it was his rifle, G3.

14 Q. Were they all G3s?

15 A. Well, I cannot recall. I can't recall.

16 Q. And did you see him personally distribute those weapons to
17 some of the soldiers who were within Pademba Road Prison?

18 A. Yes, sir.

19 Q. How many did he distribute?

20 A. Well, I saw the first two that he gave in my presence,
21 because the people were many.

22 Q. And who else did you see distributing weapons to the
23 soldiers within Pademba Road Prison?

24 A. During that period it was Junior Lion himself that I saw in
25 that scene. I saw him distributing the weapons.

26 Q. Did you, personally, carrying out any burnings or
27 amputations?

28 A. No, sir.

29 Q. I will move on, Your Honours. You said that, when asked by

1 my learned friend, that the truth is that the three accused were
2 not at the State House; you said that the truth is that the three
3 accused were not at the State House on 6 January. Do you still
4 stand by that?

5 MR AGHA: Your Honours, I didn't specify a time period.

6 THE WITNESS: Yes, sir.

7 PRESIDING JUDGE: He was never asked what date it was,
8 Mr Daniels.

9 MR DANIELS: Very well. But the question has been
10 answered. So, Your Honours, that ends my re-examination.

11 PRESIDING JUDGE: Thank you, Mr Daniels. Yes, Mr Witness,
12 I've just one question. When the Prosecution asked you about the
13 troops taken from Lungi, it was suggested to you that it could
14 have been less than 3,000, and you said it was up to 200. Now,
15 what I'm asking you is, why did you say that, if you are now
16 saying that it was 3,000? What did you mean by it was up to 200?

17 THE WITNESS: I intended to say 3,000 but I made a mistake
18 and I said 200, but I intended to say 3,000 troops. I want you
19 to rectify that mistake. It was 3,000 troops.

20 PRESIDING JUDGE: So that was just a slip of the tongue,
21 was it, when you said up to 200?

22 THE WITNESS: Yes, I made a mistake, please.

23 PRESIDING JUDGE: All right. Anything arising from that
24 question? All right. Thank you, Mr Witness, for coming to Court
25 to give evidence. Your testimony is finished now. We are going
26 to adjourn the Court until 11.00 and when the Court rises you
27 will be allowed to -- you will be able to get away. We will
28 adjourn now.

29 [The witness withdrew]

1 [Break taken at 10.45 a.m.]

2 [The witness entered court]

3 WITNESS: DBK-126 [Continued]

4 [The witness answered through interpreter]

5 EXAMINED BY MR DANIELS:

6 PRESIDING JUDGE: Just before you start, I will remind the
7 witness, Madam Witness, you remember you took an oath to tell the
8 truth yesterday. That oath is still binding on you.

9 THE WITNESS: Okay.

10 MR DANIELS:

11 Q. Madam Witness, before we broke off yesterday, you told us
12 about some AFRC persons who had been arrested by Junior Lion.
13 You also told us that he told you that they were to be killed; do
14 you remember?

15 A. Yes.

16 Q. Now, before I go on, who were those AFRC persons who had
17 been arrested in Colonel Eddie Town?

18 A. It was Ibrahim Kamara.

19 Q. Is Ibrahim Kamara the same person as the second accused in
20 this matter?

21 A. Yes.

22 Q. Was there anyone else, apart from Ibrahim Kamara?

23 A. Yes.

24 Q. Who else?

25 A. It was Tamba Brima.

26 Q. Is Tamba Brima the first accused in this matter?

27 A. Yes.

28 Q. And was there anyone else?

29 A. The others came later.

1 Q. Now, apart from the AFRC persons who were arrested, you
2 said that others came later; who are the others?

3 A. The others, it was when O-Five came to the base that he
4 came with some others, and an SLA soldier that I knew.

5 Q. Who was O-Five?

6 A. O-Five, he was with SAJ. SAJ left him to come to the base
7 to us, to come and see how we were faring on.

8 Q. What was O-Five, a civilian or a soldier?

9 A. He was an SLA soldier.

10 Q. Did you know what rank he had?

11 A. Yes.

12 Q. What was his rank?

13 A. He was a colonel.

14 Q. And how soon after you arrived at Colonel Eddie Town did
15 Colonel O-Five come to Colonel Eddie Town?

16 A. Well, at that time we had gone to Eddie Town. They had
17 brought the first men. It took a little while. Then O-Five
18 himself came.

19 Q. By a little while, what do you mean? Do you mean a week,
20 two weeks, a month?

21 A. It took weeks.

22 Q. And did O-Five come with any persons?

23 A. Yes.

24 Q. Who did he come with?

25 A. He came with SLAs again.

26 Q. About how many SLAs did he come with?

27 A. There were many.

28 Q. You said you can read and write. Can you give us a number?

29 A. I cannot give any number.

1 Q. Did, apart from the SLA that O-Five came with, did O-Five
2 come with some civilians?

3 A. Well, I didn't know if civilians were among them. All I
4 knew is that they were SLAs that he - that had come with the
5 Sierra Leone Army.

6 Q. Did you, did O-Five have a second in command?

7 A. I knew that when O-Five came he was the head for the team
8 that he came with. I didn't know whether he had any second in
9 command.

10 Q. Now, did anything happen to the AFRC persons who were under
11 detention? Were they killed, for example, as Junior Lion told
12 you?

13 A. He said that they would kill them. They will cut off their
14 heads and hand them over to Tejan Kabbah. They tied them, tied
15 their hands, tied their feet. Even when Johnson took those two
16 and took them to his home, their hands and hands, and feet were
17 tied. There was a man in charge of them so that they wouldn't
18 escape. Because when I was cooking, even the food, I would
19 smuggle it and put it in their mouth because if the soldiers saw
20 that they would be annoyed because they said the food was not
21 even enough and you are giving these men, so I would smuggle the
22 food and give to them.

23 Q. And who was in charge of the AFRC persons, if you know?

24 A. Colonel FAT, Colonel King --

25 Q. Listen to my question. You said that they were under --
26 they had been tied. Who was guarding over them? Who was
27 watching them?

28 A. Chief had two of his boys whom he sent to look, to guard
29 them.

1 Q. Yes. Do you know the names of any of the two boys?

2 A. I know their names.

3 Q. What were their names?

4 A. One of them was Ice Cube.

5 Q. And the other?

6 A. The other was Cyborg Bele-Tite.

7 Q. Which faction did they belong to?

8 A. Well, they were Chief's boys. They were in his own
9 company.

10 Q. Where was SAJ Musa at this time?

11 A. By that time he was still in Kurubonla.

12 Q. Did he eventually arrive at Colonel Eddie Town?

13 A. No. During that time he hadn't -- he hadn't come. He was
14 still in Kurubonla.

15 Q. And how long did he stay at Kurubonla?

16 A. Well, I don't know.

17 Q. Did anything happen to Junior Lion, while you were at
18 Colonel Eddie Town?

19 A. Yes.

20 Q. What happened?

21 A. Well, because he was at the headquarters, he was with those
22 men that he had arrested. So it got to a point when SAJ sent a
23 message that they shouldn't kill those men, they should just
24 arrest them until he comes. So when he said that, he deployed in
25 his own company, D Company. When he deployed in his company, so
26 I would leave the headquarters. I would go to D Company. I
27 would be there and I would cook for him. So, one morning, he
28 sent a patrol team to go on a patrol, so, after the patrol, they
29 came back and one of his boys, who was there, they told him that

1 this boy had brought something that he kept to himself. He

2 didn't hand them over to Johnson. So Johnson --

3 Q. Who is this boy you are talking about?

4 A. He's called Kodaleh.

5 Q. Your Honours, I think we have the -- please carry on. And

6 what happened?

7 A. So he asked Kodaleh for the things and Kodaleh said he

8 didn't have them. So he took him and placed him in a box because

9 when a soldier commits a crime there was no cell. They would

10 open a big box that the civilians used to put rice. They would

11 open that box and put you in there, to show that you are in a

12 cell. So he opened the box and placed him in there. He was

13 there until he told them to remove him. So they removed him and

14 took him back to him. Then he asked him to produce the things.

15 He refused. He asked him again. He asked him again. He

16 refused. So he took out his pistol, he shot him.

17 Q. Were you present when Junior Lion shot him?

18 A. I left them arguing that he would put him into a box. So

19 then I left headquarter because I had finished cooking. I left

20 D Company. I went to the headquarters. I left them arguing. It

21 was after he had been shot. So at the headquarters you have a

22 medical team so they brought him. He was in a hammock and blood

23 was dripping. Then I asked Kodaleh: "What's -- what's the

24 problem?" Then he said: "It is Johnson who has fired me." He

25 said "He fired me." So they took him to the medical centre.

26 Q. After they took him to the medical centre, did anything

27 happen to him?

28 A. He was there -- in the evening I went there. I sat there

29 because Kodaleh's wife, Massa, was my friend. She was crying.

1 So I sat there in the evening. During the night Kodaleh died.

2 Q. Madam Witness, you just told us that while you were in
3 Colonel Eddie Town SAJ Musa sent a message that the AFRC persons
4 should be kept until he arrives at Colonel Eddie Town?

5 A. Yes.

6 Q. Did SAJ Musa eventually arrive at Colonel Eddie Town?

7 A. Yes.

8 Q. Do you know when it was that he came to Colonel Eddie Town?

9 A. It was about October, November.

10 Q. And who did he come with?

11 A. He came with Father Mario and some soldiers.

12 Q. Did SAJ come with some civilians?

13 A. No. The only civilian that I knew was a Father, Father
14 Mario.

15 Q. And a minute ago you were talking about D Company; what is
16 D Company?

17 A. Well, while we were in the jungle we had -- we would go in
18 companies.

19 Q. Can you tell us what you know about the companies?

20 A. We had A Company, that is armed men who were in different
21 companies. We had A Company, B Company, C Company and D Company.

22 Q. Do you know who was in charge of A Company?

23 A. A Company, it was Tito.

24 Q. How do you know Tito was in charge of A Company?

25 A. Because I was in the jungle, so I knew.

26 Q. And who was in charge of B Company?

27 A. B Company, it was Foday Bah.

28 Q. How do you know?

29 A. Because I was in the jungle, so I knew.

1 Q. And C Company?

2 A. C Company, it was Arthur.

3 Q. And how do you know that?

4 A. I was in the jungle, so I knew.

5 Q. And the D Company?

6 A. It was Johnson. Junior Lion.

7 Q. And where is C Company head, Arthur?

8 THE INTERPRETER: Your Honours, can learned counsel please
9 repeat his question.

10 MR DANIELS:

11 Q. Where is the commander of C Company, Arthur?

12 A. I don't understand.

13 JUDGE SEBUTINDE: You mean currently?

14 MR DANIELS:

15 Q. Did anything happen to the commander of the C Company,
16 Arthur?

17 A. Yes.

18 Q. What happened?

19 A. He died.

20 Q. Do you know how he died?

21 A. No. All I knew is that they went on a mission and he never
22 returned.

23 Q. And when SAJ Musa came to Colonel Eddie Town, did he do
24 anything?

25 A. When SAJ Musa came, because when we were in Kono, they were
26 driving us out with jets, so we went to that place. So when SAJ
27 Musa came, at one time we were in Eddie Town, and we were
28 listening to the radio and we heard that there were killings
29 because I witnessed and I was listening. So after the killing,

1 then we came to know that it was the other AFRC men that had
2 remained in town, and those who had run away, those were the ones
3 they caught and killed. So SAJ said: "We have been here, we
4 have been in this bush, we have been hiding, you think we were
5 hoping -- we are hoping that one day Tejan Kabbah will change his
6 mind and we will go to the city. But what he has done now, he is
7 saying that he does not want peace and whoever he would catch he
8 would kill. So we should mobilise and when we get to Freetown we
9 rally around in the streets of Freetown and say we want peace and
10 not war."

11 Q. Now, you talked of the killings of some AFRC persons in
12 Freetown. Do you know how they were killed?

13 A. Well, by gunshot, because it was on the radio live.
14 Because we would hear when they would fire the gun, we would hear
15 the shouting of these people, when they were killing them.

16 Q. And you mentioned that there were AFRC persons. Do you
17 know the names of any of those persons who were killed?

18 A. Yes.

19 Q. What names do you know of?

20 A. I was conscious of, because they spoke about them on the
21 radio, they called their names. I was conscious of Abu Sankoh,
22 who was Zagalo.

23 Q. Anyone else?

24 A. I heard of FSY Koroma.

25 Q. Anyone else?

26 A. I knew about Kinda who drove the chopper.

27 Q. Your Honours, I'm being told that the name pronounced was
28 King. King, not Kinda. Can you go over the name again of the
29 person who drove the chopper?

1 JUDGE SEBUTINDE: Who told you it was King?

2 THE WITNESS: I knew that it was -- I heard it over the
3 radio because they called their names.

4 MR DANIELS:

5 Q. Madam Witness, you mentioned the second person. Can you go
6 over that name, the person you were linking to the chopper. What
7 was the name of that person?

8 A. I don't know his first name but his surname is King.

9 Q. Thank you very much. And how was it that SAJ Musa
10 communicated this information about the death of the soldiers in
11 Freetown? How did he communicate it to the persons at Colonel
12 Eddie Town?

13 PRESIDING JUDGE: Well, didn't she say she heard it on the
14 radio?

15 MR DANIELS: Thank you, very much. I will clarify.

16 Q. After you heard on the radio about the death of the
17 soldiers, did SAJ Musa do anything?

18 A. Yes.

19 Q. What did he do?

20 A. He summoned a meeting and said that we have been in this
21 bush. We have -- we had been hiding. That one day Tejan Kabbah
22 would call us out from the bush to make peace, but, he said,
23 these men, I'm not sure he wants peace.

24 Q. And from Colonel Eddie Town, did the troops go anywhere?

25 A. From Eddie Town, we used the jungle to come to Freetown.

26 Q. From Colonel Eddie Town you took the jungle to come to
27 Freetown. What --

28 A. Yes.

29 Q. -- was the first place you went to, on your way coming to

1 Freetown?

2 A. Well, in fact, Colonel Eddie Town, it was an island because
3 from what had happened at --

4 THE INTERPRETER: Your Honours, can the witness call that
5 name?

6 MR DANIELS:

7 Q. Can you just repeat your last sentence. You said it was an
8 island and you had to go where?

9 A. We crossed over the river by a boat.

10 Q. And where did you arrive at when you crossed the river?

11 A. When we crossed over the river we walked through the bush
12 road.

13 Q. And for how long did you walk?

14 A. We took about three days, the whole day, the whole night we
15 would walk.

16 Q. And where did you eventually arrive at?

17 A. The first big town we arrived was Mange Bureh.

18 Q. Did anything happen at Mange Bureh?

19 A. Well, as we were walking through the bush, I was always at
20 the back so I'm not aware of anything. The convoy and the
21 advance team would go ahead to clear the way for the women to
22 pass, so I know about nothing.

23 Q. At this time, on your way to Mange Bureh, about how many
24 women were together with you?

25 A. Well, we were many, because even when SAJ came with his
26 troops there were soldiers with their wives and children, so they
27 joined us up with us, so we were many.

28 Q. And who was looking after the soldiers and the children?

29 MR AGHA: Objection, Your Honour. Leading.

1 MR DANIELS: I will rephrase that.

2 PRESIDING JUDGE: All right.

3 MR DANIELS:

4 Q. Was there anyone looking after the soldiers and the
5 children? The women and the children, I beg your pardon.

6 A. It was Syl and Fasuluku. Fasuluku was taking care of me,
7 and with company soldier. They would take care of me.

8 JUDGE SEBUTINDE: Who -- what was that first name before
9 Fasuluku?

10 MR DANIELS: She mentioned a company soldier.

11 JUDGE SEBUTINDE: Did she say something like Seal? Steel?

12 MR DANIELS: Sill Fasuluku.

13 THE WITNESS: No, no.

14 MR DANIELS:

15 Q. Is this the same Fasuluku you mentioned earlier on in your
16 testimony?

17 A. Yes, it's him.

18 Q. And, Madam Witness, from Mange Bureh, where did you go?

19 A. From Mange Bureh, Mange Bureh, we went to a bush. We
20 crossed -- we only crossed Mamusa and we entered the bush.

21 Q. And when you crossed Mamusa, where did you get to?

22 A. We entered in a bush because it was in the morning. As I
23 said, we would walk in the bush the whole night and at morning we
24 would go into the bush because of the jet.

25 Q. And for how long did you stay in the bush?

26 A. We stayed there for -- for two days.

27 Q. At this time, where was the second accused?

28 A. Well, they were on, because when we were walking through
29 the bush you would have the advance team that would go ahead.

1 After the advance team you have the soldier boys who carry the
2 ammunition. After the ammunition, you have the medicals, those
3 who carry the medicines and the doctors themselves. After that
4 you have the wounded soldiers. After the wounded soldiers you
5 have those who guard Ibrahim Kamara, Alex Tamba Brima and
6 Santigie Kanu, and some others I can't recall. They took them
7 for -- as prisoners of war. They would tie their hands and there
8 were armed men to guard them. After their own convoy it was
9 Father Mario. After Father Mario then us. After us there were
10 armed men. That was how we were going.

11 Q. So after spending two days in the bush on your march to
12 Freetown, where did you go to?

13 A. From that point we went to Masiaka. We crossed.

14 Q. Did you spend any time at Masiaka at all?

15 A. Masiaka, we, as I said, I'm a woman. We were at the back.
16 They would clear in front and we would just pass. In fact, it
17 was not even the main area. We would just cross over the street
18 and enter into a bush road.

19 Q. And from Masiaka, where did you go to?

20 A. From Masiaka, the other area we went was RDF.

21 Q. Did anything happen at RDF?

22 A. As I said, I'm a woman and I was at the back. The men
23 would clear and make way for us and we would -- we would just
24 pass. I had -- I did not see if anything happened or if anything
25 did not happen.

26 Q. Madam Witness, thank you, but you just have to be patient
27 with me, I have to ask these questions, you know, so it's not
28 that I'm not listening to your answers but this is a Court of
29 record and I have to ask you as we go along. So please bear with

1 us. And where did you go to from there?

2 A. From RDF we entered another bush. We were there for a day
3 in order -- so that the jets will not bomb us.

4 Q. And how close is RDF to Freetown?

5 A. It's not that far.

6 Q. And for how long were you at RDF?

7 A. RDF is like when you, we entered, we only passed. We, the
8 women, when we got to RDF they only said this is the road. Just
9 use this road and we just passed. We slept there for the entire
10 day. In the evening we left there again.

11 Q. Where did you go to when you left there in the evening?

12 A. From there we went through the bush path until we surfaced
13 at Four Mile.

14 Q. And for how long were you at Four Mile?

15 A. Four Mile, while we were there, there was too much tension.
16 There was heavy shooting going on. Some armed men took the main
17 highway. We took the old road, Four Mile Old Road. Some armed
18 men took the main highway, the advance team. We and some other
19 armed men who were taking care of us, and the prisoners of war,
20 together with Father Mario, medical, we were -- we took the old
21 road because there was heavy shooting.

22 Q. Do you know who was shooting?

23 A. Well, I don't know, because the advance team was ahead so I
24 didn't know the exact group that was advancing.

25 Q. And you said some armed men were taking care of you; what
26 do you mean by they were taking care of you?

27 A. Yes, because we had four companies. Okay. Let me say. If
28 A Company, B Company, they are in the advance team, with mortar,
29 and platoon, they would be in the advance team. Then you would

1 have the other group, the other company, which will be in care of
2 medical, prisoners of war and the others, and then you would have
3 one company that would be with us the women, to guard us, so that
4 nothing will happen to us.

5 Q. Thank you. And for how long were you at Four Mile?

6 A. Four Mile, I cannot tell how long, because at Four Mile
7 things -- we were hearing shooting all over, so we would -- we
8 would only walk and we will walk until they said "rest here" and
9 then they would say "move on."

10 Q. And at this time, while you were at Four Mile, where was
11 the second accused?

12 A. All of us took the old road because they were prisoners of
13 war. So they, themselves, we were all in the old road, while the
14 advance team took the new road.

15 Q. Do you recall what time of year it was that you were at
16 Four Mile?

17 A. Yes.

18 Q. What time of year was it?

19 A. It was 1998.

20 Q. Do you recall the month?

21 A. It was December.

22 Q. And from the old road, where did you go to?

23 A. From the old road we went -- we surfaced at Waterloo.

24 Q. Do you remember the date it was that you arrived at
25 Waterloo?

26 A. Yes.

27 Q. What was the date?

28 A. It was December. It was December 22, 1998.

29 Q. How come you are able to remember this particular date?

1 A. Because that day, I was happy that I was going to -- that I
2 was going to get to Freetown. I was going to the city so I
3 remember that day vividly. I think it was the 22nd or the 23rd.
4 That day was SAJ's birthday.

5 Q. Did anything happen to SAJ at Waterloo?

6 A. No, nothing happened to him at Waterloo.

7 Q. And from Waterloo, where did you go?

8 A. From Waterloo, it was Benguema.

9 Q. And how far is it from Benguema to Waterloo?

10 A. Well, I cannot tell the miles or kilometre. I don't
11 understand, but it's not far.

12 Q. I mean, how long would it take you personally to walk
13 between Waterloo and Benguema?

14 A. If it's up to 50 minutes, it will not be more than that.

15 Q. And did anything happen at Benguema?

16 A. Yes. When we got to Benguema because when we got there,
17 Benguema, we met SAJ standing, and he and his boys, we met them
18 up --

19 THE INTERPRETER: Your Honour, please can the witness go
20 over that again.

21 MR DANIELS:

22 Q. Madam Witness, can you go over what you just said. You
23 said you saw SAJ by one gun, one machine gun. Carry on from
24 there.

25 A. At Benguema, we got there. We met soldiers jubilating that
26 they had captured Benguema. They had got up to Benjuma. SAJ was
27 up a vehicle, a soldier's vehicle, AA, he was there with his
28 boys, they were jubilating. They we went there. The AA was here
29 and we saw a block. The soldiers' apartment. We sat at the

1 verandah. We stood there looking at them.

2 Q. And did anything happen?

3 A. So we were standing there. Then they said that the armed
4 men should come and carry the ammunition because they had got a
5 lot. So SAJ ordered the armed men to take the ammunition because
6 they had got a lot of ammunition so they should carry them. So
7 they were doing that. When they said they should carry them the
8 armed men came. Then I told my friend "FA, I'm tired. I want to
9 sleep. Let's go and locate somewhere to sleep." We spread some
10 cloth on the verandah in order for us to sleep. So we went and
11 he didn't take long. Then FA got up. She said she wanted to
12 drink water. She was going in search of water. She went and
13 came back and asked me to wake up. Then she asked me what I
14 heard. Then I said what? Then she said SAJ is dead. Then I
15 said what's killed him? Then she said she didn't know. So we
16 got up but, but they didn't say it to the hearing of everyone.
17 So I got up. I was surprised. I said the man I left a while ago
18 up the AA? The man is dead? Then I heard soldiers saying that
19 we had said it. These people, we had told them that we should
20 kill them. These people are witches. They are hindering us from
21 entering Freetown.

22 Q. Which people are you referring to that were hindering you
23 from entering Freetown?

24 THE INTERPRETER: Well, Your Honours, please, I didn't get
25 that clearly.

26 MR DANIELS:

27 Q. I asked you which people and can we have your answer,
28 please, again?

29 A. The prisoners of war, who were with us.

1 Q. You are saying that the prisoners of war, the soldiers were
2 saying the prisoners of war were preventing you from going into
3 Freetown?

4 A. Yes, the soldiers were saying that. They said they were
5 witches. They said they are bewitching us not to come to
6 Freetown. They said that we -- they should kill them. They said
7 they had killed SAJ so they are going to kill them now.

8 Q. Did anything happen after you heard that SAJ Musa had died?

9 A. Well, after SAJ's death, because everybody didn't know
10 about it because they were keeping it as a secret, but we had
11 known and some soldiers had known, so we were just there. Some
12 people took the Freetown/Waterloo highway. Some took the Tombo
13 route. Some went up the peninsular hills.

14 Q. Those who took the peninsular hills, the Freetown road, do
15 you know where they were going to?

16 A. I do not know. It was when they had gone some distance and
17 they realised that there was no other people behind them, they
18 returned to Benguema and met us there. They said: "We had been
19 going, we thought you are with us."

20 Q. After SAJ Musa died who was the commander of the soldiers?

21 A. After SAJ's death it was Colonel FAT because he was the
22 only one remaining.

23 Q. And how do you know Colonel FAT became the commander?

24 A. Because before we were going into the jungle it was Colonel
25 FAT but when SAJ came and he was overall boss it was him. So,
26 when SAJ died at Benguema, Colonel FAT still.

27 Q. And at this time where was the second accused, if you know?

28 A. Because when we got to Benguema, when SAJ died, they were
29 looking for them in order to kill them. They said they had

1 killed SAJ through witchcraft so they were looking for them. So
2 they were shooting all over Benguema. You would stand there and
3 the next man behind you, he would have been struck by a bullet.
4 Some would say "Oh, my hand." Some would say "My head, my back."
5 So the place was all in chaos. Everybody -- nobody cared about
6 anyone. But the last time I was conscious, I saw them because
7 all of us had taken the old road. We all got to Benguema
8 together and we left them. We went where SAJ was. They were
9 with armed men who were guarding them. So we left them. We went
10 near where SAJ was. We sat there. So that was the last time I
11 saw them there.

12 Q. And for how long did you stay in Benguema after the death
13 of SAJ Musa?

14 A. We were there for three days. We climbed up the hills at
15 Benguema. We were there.

16 Q. And did you do anything when you climbed up the hills at
17 Benguema?

18 A. When we climbed up the hills we were there. We stayed
19 there. The jets would come and pass. The government still could
20 go, the ECOMOGs, they would open fire on us but they would not
21 climb up to meet us. They would be down and open fire and they
22 would leave. The jet would come and pass around and go.

23 Q. And for how long were you in the hills of Benguema?

24 A. We were there for more than a week.

25 Q. And when you say "we were there," what do you mean? Was it
26 the civilians, the women, or the soldiers or both of you?

27 A. The way we used to jungle. The soldiers, we were there.

28 Q. And from there did you go anywhere?

29 A. From that point Chief, because he was the first man to --

1 to come, because we were there, there was no food. The ECOMOGs
2 had surrounded us so Chief, one morning he got up, and he pointed
3 the gun at Colonel FAT, and he said: "SAJ is dead and we have
4 come, we are here now, and we are heading for Freetown. It is --
5 Freetown is our target. We have come here and we are suffering.
6 There is no food and we are having problems." At that point I
7 was there, I was present. "You would lead us to Freetown. You
8 and some other people, Tito, Foday Bah, and some other
9 sergeants." He was -- he put him under gunpoint and said that he
10 would go. He would not sit there because at the moment, there
11 was no food and we were straining. You would not be with us and
12 allow us to strain. You would go and you would lead us to go.
13 So Colonel FAT said that he would go. On that very day, in the
14 evening, the ECOMOGs came and attacked. So we -- we ran behind
15 them. When we ran behind them, we surfaced at Hastings.

16 Q. Do you remember the date it was that you were at Hastings?

17 A. Yes. Because the very day they launched the attack, it was
18 new year's day.

19 Q. And from Hastings, did you go anywhere?

20 A. We waited up the bush at Hastings.

21 MR AGHA: Your Honour, can we have some clarification that
22 apparently on new year's day an attack was launched? Who
23 launched the attack? I'm not clear about that.

24 PRESIDING JUDGE: She said ECOMOG.

25 MR AGHA: Thank you, Your Honour. I'm sorry.

26 MR DANIELS: Thank you, Your Honour.

27 Q. And, Madam Witness, from Hastings, where did you go to?

28 A. From Hastings, then we went, we crossed over to Jui. We
29 went up the hills.

1 Q. And where did he take you to?

2 A. We were up in the hills at Allen Town.

3 Q. And at the time you were up the hills at Allen Town, who,
4 if you know, was the commander of the troops at Allen Town?

5 A. It was Colonel FAT.

6 Q. And who was second in command to Colonel FAT?

7 A. It was Colonel Eddie.

8 Q. And for how long did you stay at Allen Town?

9 A. We spent, in Allen Town, we spent three days.

10 Q. Do you remember the exact date it was that you were at
11 Allen Town?

12 A. We were in Allen Town for three days, and I was conscious
13 that on 5 January, at night, we were up in the bush because night
14 had fallen and we were in Allen Town because the soldiers were
15 afraid to go into town. So, on the night of the 5th of January,
16 the Kamajors and the ECOMOG attacked us up the hills. So when
17 they attacked us up the hill they thought we were few. We were
18 not many. So, as a result of the advancement of our men, they
19 attacked them and that was how we came to enter the Freetown.

20 THE INTERPRETER: Your Honour, can the witness take that
21 last bit after the --

22 MR DANIELS:

23 Q. You said that is how you entered Freetown. Can you
24 continue from there?

25 A. Yes.

26 Q. All right. I will continue. And when you say you entered
27 Freetown, where exactly was it that you entered within Freetown?
28 I'm referring to yourself.

29 A. When we entered Freetown, in the morning, that morning I

1 was at PWD. I stopped at PWD. PWD. The roundabout.

2 Q. Did you ever go to the State House?

3 A. Yes.

4 Q. And when was it that you went to the State House?

5 A. The day I entered I slept at PWD. So, in the morning,
6 Chief sent them to look for me, so they collected me and we went
7 because at that time he was deployed at the Adelaide Street
8 Police Station. That was where he was deployed. So he said that
9 I had to be cooking, to take fooding along, so I should not be so
10 far, so I was lodged at the Annie Walsh school compound. It's
11 close by the Dove Cot so in the morning I would go to Dove Cot
12 and buy and cook and take the food along. Three days later he
13 was removed. The government troops removed him from that point
14 and took him to State House. So when he went to State House I
15 was still cooking food for him and taking it -- take the food to
16 State House for him.

17 Q. And when you went to State House, who was in charge of the
18 troops, if you know?

19 A. It was still Colonel FAT.

20 Q. Did you get to hear that the second accused was at the
21 State House during this period in Freetown?

22 A. No. Because from Benguema, after they were looking for
23 them to kill them, we did not see him again. Even after we
24 climbed up the hills at Benguema I asked Chief because I was -- I
25 was close to them. When they were prisoners of war, when I would
26 cook for them, so there was -- because there was a good
27 relationship between us. So I asked Chief: "Where are these
28 people?" So he said "They have run away but I know that they are
29 dead now. They would have killed them. They would have killed

1 them. They would have escaped because they -- because I heard
2 that some men went to somewhere and they got killed and I am sure
3 they are among those squad. They said we would find them but we
4 know they are wanted men and they would have killed them.

5 Q. Did you see the soldiers who entered into Freetown? Did
6 you see them killing innocent civilians in Freetown?

7 A. No.

8 Q. Did you see the soldiers burning houses in Freetown?

9 A. No.

10 Q. Did you see any women being raped in Freetown? By the
11 soldiers.

12 A. No, no. When we entered Freetown, the -- all the soldiers
13 were with their wives.

14 Q. How do you know this?

15 A. Well, when we were in the jungle, every soldier had their
16 wives except the prisoners of war, those who were prisoners of
17 war. You are the -- those are the only ones who would not have a
18 wife but all the soldiers had their wives. Even myself, I had --
19 I had my boyfriend. Even though I was cooking for Chief I had my
20 boyfriend.

21 Q. Okay. We will get there in the minute.

22 MR DANIELS: Your Honour, the first accused would like to
23 use the restroom.

24 PRESIDING JUDGE: Mr Brima can leave the Court.

25 MR DANIELS:

26 Q. You just told us that you had your boyfriend. Please do
27 not mention his name. But who was your boyfriend?

28 A. My boyfriend was a commander for mortar platoon.

29 Q. And how did he become your boyfriend?

1 A. Since we were in Kono, at Masingbi Road, he had been
2 proposing to me. So he went to Chief and he told him that he
3 wanted me. So Chief said [Redacted] "This boy says, said, says,
4 he wants you."

5 Q. And when he said he wanted you, what did you say?

6 A. So I agreed.

7 Q. Did you agree voluntarily or was it by force that you
8 agreed?

9 A. Well, Chief told me that "This is your husband, so it's
10 your husband." That was all he said to me. So I had no option.
11 I agreed.

12 Q. Do you have any children with him?

13 A. Yes, we have a son together.

14 Q. Is he still your boyfriend?

15 A. After the war, when we left the bush, I told him that I did
16 not want him any more.

17 Q. For how long did you stay in Freetown?

18 A. Well, I can't tell how long, but I know that we were the
19 last batch to leave Freetown.

20 Q. And who were the first batch to leave Freetown?

21 A. Colonel FAT, Tito and others, Chief.

22 Q. And where did they leave to, if you know?

23 A. They left for Benguema.

24 Q. And who left with you when you left Freetown, or did you
25 leave alone when you left Freetown?

26 A. No. The -- my child's father was with the mortar, so he
27 left last. Because when we came to Freetown they were killing a
28 lot of soldiers. They were killing. At that time I was
29 pregnant, six months pregnant. So I told him that when you go to

1 the war front I would -- I would grab him and take his combat and
2 put him -- put it into water. Say I don't want to have a child
3 for a father who is always at the war front. So that was the
4 reason I -- I did not leave early because he was always going
5 with mortar to fight. So, because I was always on his back to --
6 to go and fight, that was how we came to separate.

7 Q. And who was killing the soldiers?

8 A. ECOMOG.

9 Q. How do you know?

10 A. I knew because there was a time my child's father, the --
11 my child's father came --

12 THE INTERPRETER: Your Honours, can the witness take that
13 part again.

14 MR DANIELS:

15 Q. Can you go over that again please, a bit slowly, Madam
16 Witness. How do you know that they were killing, ECOMOG were
17 killing the soldiers?

18 A. There was a time when my child's father came. He came in a
19 vehicle and they said "Your husband has damages." So I saw, they
20 removed him and I saw him with burns all over his face and he
21 said it was the ECOMOGs as a result of the RPG bomb that was --
22 of the bomb. So he told me that one of his boys remained, was
23 left behind. He had been captured live.

24 Q. And when you left Freetown, where did you go to? You told
25 us about the advance group that went to Benguema; where did you
26 go to?

27 A. We were still in Freetown but, later on, because they were
28 fighting us at the back and in the front, we were in the middle,
29 and they were killing armed men among us. So eventually we

1 retreated. We -- we passed through Allen Town to go to Benguema.

2 Q. And did you get to Benguema?

3 A. Yes.

4 Q. Do you remember when it was that you got to Benguema?

5 A. It was -- it was in January. Not yet the end of January.

6 Q. And who was the commander of the troops at Benguema?

7 A. When we returned to Benguema, we met the RUF, and so I
8 asked and I came to know that Superman had, they had captured
9 those areas at Benguema, and Chief, he was at Rokel. At the
10 highway, the Rokel highway, that was where he was based. So
11 since I was pregnant and it was almost due, I would not go and
12 see him again at the war front. I was just based at Benguema.

13 Q. Did you get to deliver your child around this time?

14 A. No.

15 Q. And so, where did you go to after Benguema?

16 A. Benguema, we were there three weeks and we were removed
17 from that place. We went to Four Mile.

18 Q. Who removed you from Benguema?

19 A. It was ECOMOG.

20 Q. And how far is Four Mile from Benguema?

21 A. I think it's four miles. Four miles from -- I know it's
22 four miles from Waterloo. That's why it is referred to as Four
23 Miles. That is four miles from Waterloo.

24 Q. And for how long did you stay at Four Mile?

25 A. Four Mile, I was there for up to a month.

26 Q. Did anything happen at Four Mile?

27 A. Yes.

28 Q. What happened?

29 A. When we were at Four Mile, because when we left Freetown

1 going, because when we came to Freetown, when we were cooking,
2 eating, civilians would come and say "Oh, should we come and help
3 you to cook?" They would help us to cook. So when we were
4 getting ready to come to the jungle they were behind us. So
5 while we were in Four Mile I was conscious. One morning Chief
6 assembled all the children who had joined us, who were with us.
7 They took them away. They handed them over to ECOMOG at Four
8 Mile. They said they were returning them to Freetown, so they
9 should go.

10 Q. How do you know Chief handed over the children to ECOMOG?

11 A. Because I was a hairdresser, so some of them would come to
12 fix their hair with me, so they told me that they were returning
13 to Freetown. They were going to be handed over to their people
14 at Four Mile.

15 Q. And these children you are talking about, who are they?

16 A. They were just children. Some of them were not even
17 children. They were big girls. Women. It was more of women.

18 Q. And how did they get to be at Four Mile?

19 A. That's what I'm explaining. Some of them, I for example,
20 when we were in Freetown, two of them approached me in order to
21 be with me, to be house boys for me, working for me. Then I said
22 no. I said: "If you know the sweetness in the jungle you
23 wouldn't bother to follow us because when the jet will come,
24 after you yourself would know that you are at the point of death.
25 It's only God's grace that would be with us." So I said I don't
26 want anybody. So most of them, when we were going, they were
27 just going behind us, just like that.

28 Q. And do you know who Chief handed over the children to? You
29 said ECOMOG. Do you know the name of the individual he handed

1 the children over to?

2 A. No.

3 Q. Did anybody instruct Chief to hand over the children to
4 ECOMOG?

5 A. I don't know if anybody told him but I knew that he was
6 going from one house to the other because there was one with me,
7 who joined up and went.

8 Q. So why didn't you also go with the ECOMOG?

9 A. I'm happy that you've brought up this point.

10 Q. Please explain.

11 A. When we entered town in January 6th because I, there's one
12 thing. While we were in the jungle, if you had been there and
13 they knew that SLA were here, the Kamajors would come around us.
14 If you dare to go they wouldn't care whether you are civilian.
15 They would say you are a rebel. They would kill you. From the
16 jungle I said goodbye. I said I was going. But the first thing
17 that went, a girl Mummy, Olangba's wife, they went, they captured
18 her live. Our companion, they killed her. They said the reason
19 why she was spared was that because she was beautiful and
20 good-looking, so the Kamajor man took her as his wife. Later she
21 came to Freetown. And when we came in January 6th she was
22 released. My son, my child's father said I should --

23 THE INTERPRETER: Your Honour, please, can the witness go a
24 bit slower.

25 MR DANIELS:

26 Q. Please slow down. Just slow down and go a bit slowly?

27 A. I told my child's father that I was going no longer because
28 I wouldn't want the jet's problem, because when the jet would
29 come and bomb, it would kill, so I said I don't want to go again

1 I was pregnant, and it was due. Where I was -- he hid me, that
2 night the ECOMOG invaded that area. They said "Do you have any
3 rebels here? If you have then take them out." So the people
4 were afraid. They said "We have one" but, luckily, as I said,
5 removed the person. Luckily, a boy, who was my child's father's
6 cousin hid me and passed me through a fence and I escaped. On my
7 way, I met my colleague, Doris, who said, she said she too was
8 pregnant. She said "I have escaped." Said "Where we were hiding
9 they've killed Janet. They've killed Aja. They've killed them."
10 She said "It's only God who helped me that I have known these
11 boys I was escaping" and I said 'It's the same thing that had
12 happened to me too." Where my child's father hid me, they raided
13 there and later, after the war, they told them that I was there
14 but they were unable to handle me. They burnt down the house so
15 I went and met my child's father. I said this is a problem --

16 Q. Madam Witness, thank you.

17 PRESIDING JUDGE: What is your objection, Mr Agha?

18 MR AGHA: I am wondering what the relevance of all this
19 rambling is from the witness. It just seems to be a monologue of
20 events. I am wondering how it's related to the evidence she's
21 meant to be giving to the Court?

22 PRESIDING JUDGE: What is your answer to that objection,
23 Mr Daniels?

24 MR DANIELS: Your Honours, it's evidence of the fact that
25 civilians were being killed, and the civilians being killed were
26 being killed by persons other than the SLA. I was going to ask
27 her to clarify as to who she has mentioned specifically
28 individuals Janet, Aja, people who were killed.

29 PRESIDING JUDGE: I think you could possibly direct your

1 questions a bit more specifically rather than have her just give
2 what has been described as a monologue.

3 MR DANIELS: The point is well-taken, Your Honour. Very
4 well.

5 Q. Do you know who killed Janet and Aja?

6 A. Doris told me that --

7 Q. Listen to the question. Do you know who killed -- carry
8 on. Carry on. Doris told you that?

9 A. She said she, Aja and Janet were hiding in the same place.
10 Because she was nice, that was why she was smuggled. They
11 realised she was pregnant. She escaped. So I told him it was
12 the same thing for me too.

13 Q. Did Doris tell you who killed Janet and Aja; it's a simple
14 question.

15 A. She did not tell me. She, herself, while they were
16 arguing, she too was in the house so they only smuggled her.

17 Q. Thank you, Madam Witness. Thank you, Madam Witness. So,
18 from Four Mile, did you go anywhere?

19 A. From Four Mile we went to Mamamah.

20 Q. And for how long were you at Mamamah?

21 A. Mamamah, I was there for a week. Then my child's father
22 said he was leaving Mamamah. I should go to Mile 38 because my
23 pregnancy was due, so I left Mamamah and went to Mile 38.

24 Q. And at Mile 38 did anything happen?

25 A. Mile 38, I slept there for two days and I told my child's
26 father that I would go to Masiaka. I said because all this area
27 is war front. Every day the jets would come and bomb. So I said
28 I would go far off to Masiaka and stay there until I give birth.
29 So I left Mile 38 and went to Masiaka.

1 Q. And for how long were you at Masiaka?

2 A. Masiaka, I was conscious that I left Mile 38 at 12 p.m. I
3 went. I got to Masiaka around 5 o'clock. I got to Masiaka. I
4 met everybody had packed and I asked what had happened. Then
5 they said the roundabout at Masiaka a jet has just bombed and
6 killed three men. So we are leaving Masiaka and they were
7 fighting them at Masiaka from Port Loko. A troop would come from
8 Port Loko area and a troop would come from 91 area, fighting
9 them. So they said they were going to Masiaka. They would take
10 a route to go to Lunsar. So I said my --

11 Q. Madam Witness, so who was with you at Masiaka? Were there
12 soldiers with you?

13 A. My child's father had some SLA friends who had gone to
14 Masiaka. When they removed us from Four Mile, they did not block
15 Mamamah anymore. They went far off and blocked Masiaka. So I
16 went to stay with them in order for me to give birth there. But
17 I met them, they had packed, and they said they were going to
18 Lunsar.

19 Q. So did you eventually give birth?

20 A. I didn't stay there. That very day I went to Masiaka
21 because my child's things, I left them at Mile 38. The other day
22 --

23 THE INTERPRETER: Your Honour, please, can the witness take
24 it slowly.

25 JUDGE SEBUTINDE: Witness, it would really help if you
26 listened to the questions that are being asked and you confine
27 your answer to the question asked. If you listen, counsel merely
28 asked you if you gave birth. Now please answer that question.

29 THE WITNESS: Yes. Yes.

1 MR DANIELS:

2 Q. And do you remember when it was that you gave birth?

3 A. I gave birth on April 28th.

4 Q. Where were you on April 28th and what year was it?

5 A. April 28th, 1999.

6 Q. And where were you on April 28th 1999?

7 A. At Mile 38.

8 Q. And were there any soldiers at Mile 38 on April 28th?

9 MR AGHA: Objection; it's a leading question, Your Honour.

10 MR DANIELS:

11 Q. Were you alone at Mile 38 when you gave birth?

12 A. Mile 38, it was us, the women and some armed men, they were
13 with us and the war front, at the war front was at Mamamah.

14 Q. And where was Chief at this time?

15 A. He was at Mamamah.

16 Q. Do you know what Chief was doing at Mamamah?

17 A. I don't know but I knew that that was the war front because
18 my child's father was there also.

19 Q. And in what district is Mamamah?

20 A. I don't know.

21 Q. And when Chief was in Mamamah was he reporting to anyone,
22 if you know?

23 A. No.

24 Q. You don't know or he was not reporting to anyone?

25 A. I believe when we were at Mamamah, Chief was high in
26 command. He was senior for all of them.

27 Q. And where --

28 JUDGE SEBUTINDE: I thought the witness said she was at
29 Mile 38 and she wasn't at the front line. Isn't that what she

1 said?

2 MR DANIELS: I believe so.

3 JUDGE SEBUTINDE: So why are you asking her who was in
4 command at Mamamah?

5 MR DANIELS: I asked if she knew, that was -- because she
6 was asking about Chief, Your Honour, and it appears so.

7 Q. How do you know that Chief was a big man in Mamamah?

8 A. Because Colonel FAT, from Benguema, he was not around with
9 them again. He had gone to Makeni.

10 Q. I'm saying that how do you know that Chief was a big man at
11 Mamamah?

12 A. Because I knew that among the -- the soldiers, who were
13 fighters, he was the senior.

14 Q. Thank you, Madam Witness. Your Honours, I have no further
15 questions for this witness.

16 PRESIDING JUDGE: Thank you, Mr Daniels. Yes, any
17 questions, Mr Manly-Spain?

18 MR DANIELS: Just for the record I would like the Court to
19 know that this witness is the last in chief of our individual
20 witnesses for the Kamara team.

21 PRESIDING JUDGE: Thank you, Mr Daniels. Well, either of
22 the other Defence counsel wish to cross-examine?

23 MR MANLY-SPAIN: Just a few questions.

24 CROSS-EXAMINED BY MR MANLY-SPAIN:

25 Q. Good afternoon, Madam Witness. Madam Witness, during your
26 stay at Colonel Eddie Town, did you see the third accused,
27 Santigie Kanu?

28 A. Yes.

29 Q. Do you recall where you saw him?

1 A. It was when O-Five came, that was when I saw him.

2 Q. And where in Colonel Eddie Town did you see him?

3 A. The first area I met him was at the task force, in a box.

4 Q. Thank you, Madam Witness. Madam Witness, before Colonel
5 Eddie Town, did you -- had you known the third accused, Santigie
6 Borbor Kanu?

7 A. I don't understand.

8 Q. Before you saw him at Colonel Eddie Town, had you known
9 him?

10 A. No.

11 Q. Thank you, Madam Witness. Madam Witness, before then, did
12 you see, sorry, before then, had you heard about anybody called
13 Santigie Borbor Kanu?

14 A. No.

15 Q. Thank you. Madam Witness, whilst you were in Kono, I'm
16 going to ask you this question, it will sound really stupid but I
17 have to. Whilst you were in Kono, did anyone tell you that
18 Santigie Borbor Kanu was in Kono?

19 A. No.

20 Q. Madam Witness, before you saw him at Colonel Eddie Town,
21 did anyone tell you that he was in charge of SLA troops, that he
22 was commanding SLA troops anywhere in the jungle?

23 A. No.

24 Q. Thank you, Madam Witness. Madam Witness, on your way to
25 Freetown, I want you to remember whether after Allen Town you
26 passed through Calaba Town, Wellington, and Wellington, and also
27 Kissy, before you got to Kissy?

28 A. I did not get that clearly.

29 Q. When you were coming to Freetown, did you pass by

1 Calaba Town?

2 A. Yes.

3 Q. Thank you, Madam Witness. Madam Witness, in that area, did
4 you see the third accused Santigie Borbor Kanu?

5 A. No.

6 Q. Madam Witness, do you know whether civilians amongst you
7 were burning houses using matches that were distributed to them
8 by Santigie Borbor Kanu? That is at Calaba Town.

9 A. Yes. No. That man, he did not go with us to that point.
10 He did not get to that point. He never got to.

11 Q. Thank you, Madam Witness. What about Wellington; did that
12 happen?

13 A. No.

14 Q. And what about Kissy; did that happen?

15 A. But you heard when I gave my statement that I stopped
16 seeing that man from Benguema. I have not -- I have never heard
17 about that man. He was not with us.

18 Q. Yes, Madam Witness, I understand that, but sometimes there
19 is the case that certain evidence is before the Court. That is
20 why I'm putting it to you. You should be patient, please. So,
21 you understand Madam Witness? Whilst you were coming to
22 Freetown, was it the case that the soldiers you were with,
23 whenever they had to confront ECOMOG, they put you, the women and
24 children, ahead of them?

25 A. No. They were under good attention from, since I went to
26 the jungle, and I left, I haven't -- I have no mark on my body.
27 For that they took very good care of us. We had soldiers to
28 guard us so that nothing -- no harm would fall on us.

29 Q. Did they at any time, apart from when you were coming to

1 Freetown, any time they were going to fight, did they take you
2 the women and children to go to fight with them?

3 A. No. In fact, that is why there is an advance team. The
4 advance team will go ahead and clear the road. We would just
5 come and pass. That's simple. Even when we were passing we
6 would be in the middle. Armed men would be on this side and that
7 side. They would make sure we passed and they would be at the
8 back and we will go.

9 Q. Thank you. Am I right to say that during all this time you
10 personally did not witness any fighting that the soldiers did?

11 A. The only fighting I witnessed was, for example, when they
12 come to attack us at the base. When they come and infiltrate,
13 when they attacked, that's the only thing I saw.

14 Q. I was concentrating -- I was asking about when you were
15 coming to Freetown. When the soldiers with you went ahead of
16 you, did you witness any fighting?

17 A. No.

18 Q. Thank you, Madam Witness. Madam Witness, you said in your
19 evidence that you decided -- you passed by Mange Bureh. Did you
20 pass through the town of Mange Bureh itself?

21 A. We did not get into the town. It was, for example, this is
22 the main street. We just crossed over the street, the main
23 street, we just crossed and got into the bush road.

24 Q. By that, you mean from one end of the town across the
25 street into another end and then you went into the bush?

26 A. Yes.

27 Q. Thank you, Madam Witness. Madam Witness, you spoke about
28 Karina Road, that at one time you went by Karina Road. I want to
29 ask you: At the time you passed by Karina Road, do you recall

1 whether there was any fighting between your troops and any other
2 group at that area?

3 A. Karina, it was at dawn. They would not tell you to run
4 into the bush because the jet will come. Because when we passed
5 there we were running because it was dawn. We were running to go
6 into the bush so that there would be no bomb from the jet. There
7 was no fight. We only ran into the bush.

8 Q. Do you know whether the troops who were with you attacked
9 Karina, the civilians in Karina?

10 A. I'm not sure.

11 Q. What do you mean by you are not sure?

12 A. They did not attack. We passed. We did not even pass
13 through Karina Town. It's like this is the road. The town is
14 inside. We passed through this road because it's a tar ground
15 and it was in the morning around 6. We were afraid so that the
16 ECOMOG will not come with the troop or a jet. So we went through
17 the bush road. We were running to go, to get into the bush. So
18 the nearest bush path we would see, we would get into the bush.
19 We would take it and go into the bush till we got to that Mandaha
20 spot.

21 Q. Thank you, Madam Witness. Madam Witness, by the time you
22 were, let us say bypassing Karina, do you know whether the third
23 accused was there, Santigie Kanu?

24 JUDGE SEBUTINDE: Was where, Mr Manly-Spain?

25 THE WITNESS: No.

26 JUDGE SEBUTINDE: There or the bush where the witness ran?

27 MR MANLY-SPAIN: I said, sorry, Your Honour, I said
28 bypassing Karina.

29 JUDGE SEBUTINDE: Where exactly? I know the witness was

1 bypassing but the question is what I don't understand.

2 MR MANLY-SPAIN: The question was: Do you know whether at
3 the time you were bypassing Karina Santigie Kanu was there?

4 JUDGE SEBUTINDE: "There" means what?

5 MR MANLY-SPAIN: At the time they were bypassing Karina --

6 JUDGE SEBUTINDE: Was with the witness?

7 MR MANLY-SPAIN: Yes, that is what I'm asking.

8 Q. Was Santigie Kanu with you at that time?

9 A. No.

10 Q. Madam Witness, you said that you spent five days at
11 Mandaha; was Mandaha far from Karina?

12 A. Well, that's the mistake we made. It was not so far. It
13 was not too far.

14 Q. Thank you. At, before you got into Mandaha, do you know
15 whether the soldiers who were with you attacked Mandaha? Or you
16 just entered without any fight?

17 A. No. All I know, what I'm conscious of, there were men
18 standing here and there and we were passing in the middle. They
19 would say "Walk, hurry up and walk and run because it's already
20 dawn. The jet will come."

21 Q. So am I right to say you went into Mandaha without a fight?

22 A. Yes.

23 Q. And am I right also to say that fighting took place in
24 Mandaha but it was because you, your group, was attacked by
25 ECOMOG and Kamajors?

26 A. Yes. It was ECOMOG and Kamajor who attacked us.

27 Q. Thank you, Madam Witness. During this fighting at Mandaha,
28 did you see the third accused, Santigie Borbor Kanu?

29 A. No.

1 Q. And did anyone tell you that he was there and that he took
2 part in the fighting?

3 A. We took the jungle so I knew all the men we went with.
4 That man was not there.

5 Q. Thank you, Madam Witness. Madam Witness, I want you to
6 recall after the death of SAJ Musa at Benguema, you've told this
7 Court that you were informed of his death by a friend. Am I
8 right?

9 A. Yes, yes.

10 Q. Madam Witness, do you recall seeing O-Five after the death
11 of SAJ Musa?

12 A. Yes.

13 Q. Where did you see him?

14 A. O-Five, all of us climbed up those hills. All of us
15 climbed up the hills and all of us entered into town.

16 Q. And what about Eddie, did you see him after SAJ's death?

17 A. Colonel Eddie?

18 Q. Yes.

19 A. Colonel Eddie, all of us entered into Freetown. In fact,
20 after FAT, he was the next in command.

21 Q. Thank you, Madam Witness. Madam Witness, whilst you
22 were -- how long did you spend at State House after January 6th?

23 A. State House, I've never resided there. I used to take food
24 there for Chief.

25 Q. Thank you, madam. How often did you go there?

26 A. It was three times that I took food there and they removed
27 them from there.

28 Q. Thank you, Madam Witness. Madam Witness, at the time you
29 took food to State House, did you see the third accused there?

1 A. That man I left -- I stopped seeing him from Benguema. He
2 did not enter into Freetown with us. I did not see him there.

3 Q. And did anyone tell you that he was there at State House at
4 any time after -- from January 6th?

5 A. I knew that that man did not go because Johnson himself had
6 testified that to me that they were missing. But he said that
7 maybe where they had run to they would have killed him so he was
8 not there, in fact.

9 Q. Thank you, Madam Witness. Madam Witness, that is all I
10 have for you. Thank you very much.

11 PRESIDING JUDGE: Yes. Did you have questions, Mr Graham?

12 MR GRAHAM: Just a few questions, Your Honour.

13 CROSS-EXAMINED BY MR GRAHAM:

14 Q. Good afternoon, Madam Witness. Madam Witness, can you hear
15 me?

16 A. Yes, good afternoon.

17 Q. Have you heard the term "bush wife" before?

18 A. What?

19 Q. Have you heard the term "bush wife" before, Madam Witness?

20 A. No.

21 Q. Have you heard the term "rebel wife" before, Madam Witness?

22 A. When we were in the jungle?

23 Q. Yes, Madam Witness.

24 A. No.

25 Q. But did you hear the term "rebel wife" any time after you
26 left the jungle, Madam Witness?

27 A. I, for example, that was how they were calling me here in
28 Freetown that I was a rebel wife, but I knew that I was never
29 with a rebel, I was with SLA soldiers.

1 Q. And who would call you rebel wife in Freetown? Who called
2 you rebel wife in Freetown, Madam Witness?

3 A. Anybody that I had a quarrel with, that is what they would
4 say to me.

5 Q. And did you understand what they meant by rebel wife, any
6 time they referred to you as rebel wife, Madam Witness?

7 A. They would say I was a rebel. I have killed a lot in the
8 bush. I have taken drugs. I have lived a bad life.

9 Q. Thank you, Madam Witness. Madam Witness, have you heard
10 the term "forced marriage" before?

11 A. No.

12 Q. Thank you. Madam Witness, during the time that you were
13 going into Karina, that you told this court you used the bypass,
14 were you aware of the position of your group within the context
15 of the whole troop movement?

16 A. You mean how we were moving?

17 Q. Yes. I mean, you've told -- okay, sorry, I will rephrase.
18 During the time that you were taking the bypass at Karina, were
19 you in the front with the advance troops? Were you in the middle
20 or were you at the rear? Did you know that? Did you know where
21 you were?

22 A. Women would not go in the advance, no. We were at the
23 rear.

24 Q. Thank you.

25 A. I was at the rear.

26 Q. Thank you. So, Mr Witness, sorry, Madam Witness, I'm right
27 in saying that you were then not in a position to have known the
28 direction that the advance troops took, since you were at the
29 rear, isn't it?

1 A. Yes.

2 Q. So that if some of the advance troops went through the town
3 of Karina, it is fair for me to say that you wouldn't know that,
4 would you, since you took the bypass?

5 A. I'm not sure whether anybody went into Karina.

6 Q. Thank you. Thank you. Madam Witness, during the time that
7 you were captured by Chief and his boys in Kono, were you the
8 only female civilian who was with them, who was cooking for them,
9 during the period in Kono?

10 A. Yes. The day I was captured and taken away, I was the only
11 woman among them.

12 Q. And after the day that you were captured, did any other
13 female civilians join you?

14 A. Except later, the soldiers' wives came.

15 Q. When you say "later," how long did they come after you had
16 been captured by Chief and his boys, Madam Witness?

17 A. About two or three days later.

18 Q. And how did you know that they were, those who came were
19 the wives of the soldiers, Madam Witness?

20 A. For example, like Cat's wife, Cat was a Kono soldier. When
21 the Kamajors entered Kono he ran away and left his wife, a
22 suckling mother. His wife said where they were hiding. Every
23 day they would say "Move away from us, you are wife of a soldier.
24 Move away from us, so they would not kill all of us." So the
25 lady said everybody would go to town and she alone would remain
26 in the bush. So I think that one SLA came. She heard that SLA
27 were in Kono. She came. I was there when she came carrying a
28 baby. She asked for her husband. Then her husband came out and
29 said, "Oh, this is my wife that I was worrying about. This is my

1 wife."

2 Q. Madam Witness, please focus on the questions as they come
3 through. Most of the time I would expect a "yes" and "no" from
4 you. Madam Witness, during the time that you were in Kono, did
5 you witness any raping of female civilians by any of -- by either
6 Chief or any of his boys who were with him at the time?

7 A. I have no idea because we were not at the same place with
8 Chief. He was there and I was over there.

9 Q. Thank you. But apart from that, did you hear whether
10 soldiers in Kono at the time that you were there, whether they
11 were raping female civilians? Did you hear that?

12 A. No.

13 Q. And during the time that you were in Kono, did you, Madam
14 Witness, see any of the SLA soldiers who were in Kono setting any
15 houses on fire in Kono during the period that you were there?

16 A. No.

17 Q. Did you hear about that?

18 A. No.

19 Q. And did you, yourself, see whether the SLA soldiers engaged
20 in any looting during the time that you were in Kono?

21 A. No.

22 Q. But did anybody tell you that they had seen or heard that
23 the SLA soldiers in Kono were looting?

24 A. No, nobody told me that.

25 Q. And I'm asking you again, Madam Witness, during this period
26 that you were in Kono, did you witness any SLA soldiers
27 terrorising any of the civilians in Kono at the time?

28 A. No.

29 Q. Madam Witness, have you heard the name RUF before?

1 A. Yes.

2 Q. Do you know what the RUF stands for, Madam Witness?

3 A. No.

4 Q. And did you know that the RUF was also a fighting force?

5 Did you know that at the time you were in Kono?

6 A. No.

7 Q. But you knew at the time that you were in Kono that there

8 were RUF forces in Kono, didn't you, Madam Witness?

9 A. I don't know because where I was, I would not go out.

10 Q. Thank you. But did you hear -- thank you, Madam Witness.

11 And, Madam Witness, during the time that you were in Kono, did

12 you at any time see the first accused, Tamba Brima, in Kono at

13 the time?

14 A. No.

15 Q. Did any of Chief, or his boys, or any of the people that

16 you came in contact with, did any one of them tell you that they

17 had seen or heard that the first accused, Tamba Brima, was in

18 Kono during that period?

19 A. No.

20 Q. And, Madam Witness, on your way to -- on your way to

21 Mandaha, you've told this Court you made a bypass through Karina.

22 During the trip to Mandaha, through Karina, did you see the first

23 accused with the fighting forces?

24 A. No.

25 PRESIDING JUDGE: I think we will, if that is a convenient

26 time, Mr Graham?

27 MR GRAHAM: That is so, Your Honour, I am grateful.

28 PRESIDING JUDGE: All right. Madam Witness, we are going

29 to have a break for lunch now. Just remember please, you are not

1 allowed to talk about this case or your evidence with any other
2 person. We will adjourn until 2.15.

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

4 [Upon resuming at 2.15 p.m.]

5 PRESIDING JUDGE: Yes, Mr Daniels.

6 MR DANIELS: Good afternoon, Your Honours. Your Honours, I
7 don't have the full transcript before me but I am told that
8 during the testimony of the witness, in the morning session, she
9 did mention her name on two occasions, and that is her first
10 name.

11 PRESIDING JUDGE: Just her first name?

12 MR DANIELS: That is so. Just out of the abundance of
13 caution, we are proposing that name be redacted from the record,
14 for her own safety.

15 PRESIDING JUDGE: Anything you want to say about that?

16 MR AGHA: No objection at all, Your Honour.

17 PRESIDING JUDGE: Yes. We have an idea that it was only
18 once, Mr Daniels. In any event, we will direct that the
19 occasion, or occasions on which this witness mentioned her first
20 name, that first name shall be redacted from the transcript.

21 MR DANIELS: I'm most grateful.

22 PRESIDING JUDGE: Go ahead, Mr Graham.

23 MR GRAHAM: I'm grateful. Good afternoon, Your Honours.

24 Q. Good afternoon, Madam Witness. Madam Witness, on your way
25 to Mandaha, through the Karina bypass, you went through Kambia
26 before you got to Mandaha, didn't you?

27 A. No.

28 Q. Madam Witness, have you heard the name Adama Cut Hand
29 before.

1 JUDGE DOHERTY: Sorry, Mr Graham. Did the witness answer
2 in the negative? I didn't hear clearly.

3 MR GRAHAM: Yes, Your Honour. I believe she said no.

4 Q. Madam Witness, have you heard the name Adama Cut Hand
5 before?

6 A. Yes.

7 Q. How did you hear this name, Madam Witness?

8 A. Well, we had one lady, one SLA lady. She was called Adama,
9 whose man was Olangba. So, one day, when we were in the jungle,
10 at Bendembu, we arrived at a place where she said that that was
11 her home. She said that was the place that she was born and bred
12 up. She said that she staged a dance in that particular area and
13 they disrupted the dance, and she said it was no other person who
14 did that. It was my brother who disrupted my dance.

15 Q. Thank you. Madam Witness, you said Adama Cut Hand --

16 MR GRAHAM: Your Honours, I am now seeking clarification
17 because I think the extra -- very well.

18 Q. Madam Witness, if you could just clarify. She said
19 Bendembu was her home town and she was doing what? A dance; is
20 that what she said?

21 A. Yes. She said she was going to stage a dance there.

22 Q. Did she say she was going to stage or she had already
23 staged a dance there? Could you clarify that for the Court,
24 please?

25 A. She had already staged a dance there.

26 Q. Thank you. And you told this Court Adama Cut Hand, her
27 name was Olangba. What do you mean by her man was Olangba. What
28 do you mean by that?

29 A. That was the name of her husband. She was -- he was an SLA

1 soldier.

2 Q. Thank you. And Olangba, was he with you when you went
3 through Karina on your way to Mandaha?

4 A. Yes.

5 JUDGE SEBUTINDE: Mr Graham, do I understand this witness
6 to say that this lady, Adama Cut Hand, was also with her group?
7 Is this what she is saying?

8 MR GRAHAM: Yes. I believe that is what she said, but I
9 will clarify it with her, Your Honours.

10 Q. Madam Witness, for the sake of clarity, Adama Cut Hand, was
11 she with you during the time you took the Karina bypass on your
12 way to Mandaha?

13 A. Yes. All of us were together.

14 Q. Was Olangba also with you during that period?

15 A. Yes.

16 Q. Did you hear, Madam Witness -- sorry, before I go on,
17 during the time you were with Adama Cut Hand, did you see her
18 commit -- did you see her do any bad things on your way through
19 Karina to Mandaha?

20 A. No.

21 Q. But do you know why she is called Adam cut hand, Madam
22 Witness?

23 A. Yes. Yes.

24 Q. Please tell this Honourable Court why she is called Adama
25 Cut Hand?

26 A. At the time that we arrived at Bendembu, that was her home.
27 The town that you would leave to go to Bendembu, that was her
28 home. But what I can recall, I did not know the name of the
29 town. But I knew that the only town after hers, that was

1 Bendembu. She said when they had not just driven the SLAs in the
2 bush, she said she went and staged a dance in this town, and that
3 was the time that her people in town, they turned against her and
4 people fought in the hall, and they scattered the dance. So the
5 time that we reached there at Bendembu --

6 Q. Go on. Go on.

7 A. The day that we arrived at Bendembu, that was the time that
8 we saw this boy who disrupted her dance. And she had to order
9 one man who was in charge of C Company, Ato. He said Ato was to
10 cut his hand. From that day, that was the time they gave her the
11 name Adama Cut Hand.

12 Q. Thank you.

13 JUDGE SEBUTINDE: Mr Graham, is that cut, or amputate, or
14 what?

15 MR GRAHAM: Yes.

16 Q. And Madam Witness, when you say that she asked the
17 C Company commander to cut the hand of the boy, what do you mean
18 by that? To cut, what do you mean by that?

19 A. He laid it and he amputated it from here.

20 Q. From where, Madam Witness?

21 A. He chopped off the hand from the wrist.

22 Q. Thank you. And, Madam Witness, when you got to Mandaha,
23 you told this Court there was a fight. Did you see the first
24 accused, Tamba Brima, during the period when you were at Mandaha?

25 A. No.

26 Q. But did any of the people that you were with, did any one
27 of them tell you that they had seen or heard that the first
28 accused, Tamba Brima, was at Mandaha?

29 A. No.

1 Q. Thank you, Madam Witness. And, Madam Witness, did you see
2 the first accused at Mateboi?

3 A. No.

4 Q. Did you hear from anyone that the first accused, Tamba
5 Brima, was at Mateboi?

6 A. From the very day --

7 Q. Madam Witness, I expect a "yes" or "no" from you, please.
8 Did you see the first accused at Mateboi?

9 A. No.

10 Q. Thank you very much.

11 A. No.

12 Q. Did any of the people who were with you, in your group at
13 the time, did any one of them tell you they had seen or heard
14 that Tamba Brima was at Mateboi?

15 A. No.

16 Q. You've told this Court you were at Camp Rosos. Among the
17 civilians that were with the fighting forces, there were children
18 amongst -- were their children amongst you?

19 A. No.

20 Q. Well, let me be a bit more specific. Did you have boys
21 aged from around 9 to 14 in the group when you were moving, when
22 you were at Camp Rosos?

23 A. I want you to make it clear. Are you talking about the
24 civilians who came from the bush and they joined us, or the ones
25 with whom we were in the bush?

26 Q. Well, I'm talking about young civilians boys who were with
27 your group. Disregard wherever they came from.

28 JUDGE SEBUTINDE: Mr Graham, I think you are being
29 ambiguous. Are you asking about young civilian boys who went

1 along or young civilian boys who were -- are in active combat?

2 MR GRAHAM: Well, Your Honours, I'm just asking the witness
3 about young civilian boys who were with the group. I'm not --

4 JUDGE SEBUTINDE: Not necessarily in combat.

5 MR GRAHAM: Not at all.

6 JUDGE SEBUTINDE: Then I think you should make that clear.

7 MR GRAHAM: Okay. I'm grateful, Your Honour.

8 Q. Madam Witness, my question was: Did you have young
9 civilian boys, teenagers, in your group when you arrived at Camp
10 Rosos?

11 A. Yes, we had the children of soldiers, who were with us.

12 Q. And can you tell this Court approximately how many, to the
13 best of your knowledge, were with you when you arrived at Camp
14 Rosos?

15 A. I cannot recall because we had been going into the jungle,
16 and it's like anywhere that we went and blocked, we would go as a
17 family. You would go in families, so I cannot tell.

18 Q. Okay, thank you. During the time that you were with the
19 fighting forces at Camp Rosos, did you observe them engage in any
20 form of training, military training, that is the fighting forces;
21 I mean the soldiers? Any form of training like the normal drill,
22 weapons, arms training; did you observe anything like that when
23 you were in Camp Rosos, among the fighting forces?

24 A. No. No.

25 Q. And did you, at the time, also observe whether any of these
26 young civilian boys went under any form of military training
27 whilst you were at Camp Rosos, Madam Witness?

28 A. No. During the day everybody would go into the bush so
29 that the jet would not come and bomb into the town. There was no

1 training. No training.

2 Q. Thank you. Madam Witness, during the time that you were at
3 Benguema, when SAJ Musa died, did you hear that the first accused
4 had taken over overall command of the fighting forces at Benguema
5 after the death of SAJ Musa?

6 A. No.

7 Q. Did you hear that after the death of SAJ Musa the second
8 accused, Ibrahim Bazy Kamara, became the second overall
9 commander of the fighting forces after the death of SAJ Musa at
10 Benguema?

11 A. Those men were prisoners of war. They did not have any
12 power amongst us. From Benguema, I did not see them any more.
13 They wanted to kill them in Benguema. They were prisoners of
14 war.

15 Q. Thank you. Thank you, Madam Witness. I am happy.

16 MR GRAHAM: Your Honours, I do not have any further
17 questions for this witness. I'm very grateful for the time.

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

19 MR AGHA: Yes. Your Honours, at this point the Prosecution
20 would seek an adjournment before it carries out its
21 cross-examination under the 21-day rule. In the case of this
22 witness, the Prosecution received the summary on 6 October, so we
23 would therefore propose that the cross-examination be adjourned
24 until Friday, the 27th of October, which would be the day after
25 the reserved cross-examination for the witness who came
26 yesterday.

27 PRESIDING JUDGE: Yes. Thank you, Mr Agha. What is the
28 Defence attitude to that?

29 MR GRAHAM: We are ad idem with my learned friend. We have

1 no objections to his application before the Court.

2 PRESIDING JUDGE: Thank you, Mr Graham. All right. That
3 is granted, Mr Agha.

4 MR AGHA: Thank you, Your Honours.

5 PRESIDING JUDGE: Madam Witness, we are going to have to
6 ask you to come back on Friday, the 27th of October to finish
7 your evidence.

8 THE WITNESS: Yes, sir.

9 PRESIDING JUDGE: I want to tell you in the meantime that I
10 will remind you of the caution we've given you; that is, that you
11 are not permitted to discuss your evidence, or the case, with any
12 other person. Do you understand that, Madam Witness?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: Just sit there and some arrangements will
15 be made for you to leave the courtroom.

16 [The witness stood down]

17 PRESIDING JUDGE: Mr Daniels, you've advised that was your
18 last witness; is that correct?

19 MR DANIELS: That is so, Your Honour.

20 PRESIDING JUDGE: Thank you. Mr Manly-Spain, you will be
21 calling witness DBK-113; is that correct?

22 MR MANLY-SPAIN: Well, Your Honour, we have given a list of
23 the witnesses we intended to call. We have given three today.
24 We expect not to call more than four, but they won't be called in
25 the order we have given them because although three of them
26 reside in the witness house, one of them does not. And of the
27 three who reside in the witness house, one is employed and goes
28 to work every day. He is the one that is number one and we
29 cannot call him today. But we have a witness, who is relatively

1 short, who is present in Court today, whom I can start with and
2 then I will request an adjournment until tomorrow morning to
3 continue.

4 PRESIDING JUDGE: All right. Thank you, Mr Manly-Spain.
5 What is the pseudonym of the witness you are proposing to call
6 today?

7 MR MANLY-SPAIN: He is DSK-113.

8 PRESIDING JUDGE: Right, thank you. And he will be giving
9 evidence in what language?

10 MR MANLY-SPAIN: In Krio, sir.

11 PRESIDING JUDGE: Madam Court attendant, is somebody
12 bringing that witness in?

13 [The witness entered court]

14 WITNESS: DSK-113 [Sworn]

15 [The witness answered through interpreter]

16 EXAMINED BY MR MANLY-SPAIN:

17 Q. Good afternoon, Mr Witness.

18 A. Good afternoon, sir.

19 Q. Mr Witness --

20 A. Yes, sir.

21 Q. -- do you know how old you are?

22 A. Yes, My Lordship.

23 Q. And how old are you?

24 A. I'm 61 years now.

25 Q. Thank you, Mr Witness. Mr Witness, you were formerly a
26 member of the Sierra Leone Army?

27 A. Yes, My Lord.

28 Q. And you joined the army as a private in 1964?

29 A. Yes, sir. Yes, My Lord.

1 Q. You rose to the rank of staff sergeant?

2 A. Yes, My Lord.

3 Q. And in 1997 you were still serving in the SLA?

4 A. Yes, My Lord.

5 Q. Mr Witness, do you recall May 25, 1997?

6 A. Yes, My Lord.

7 Q. And on that date, where were you serving in the Sierra

8 Leone Army?

9 A. I was at Camp Charlie.

10 Q. And where in Sierra Leone was Camp Charlie?

11 A. It -- it's about one mile to 91. Where the soldiers were
12 camped during the war, that's where we were.

13 Q. You mean the area called Mile 91?

14 A. The area in 90 mile, said they -- they were calling the
15 place called Camp Charlie but the area is 91. 91 area.

16 Q. Thank you, Mr Witness. Mr Witness, by May 25 --

17 A. Yes, My Lord.

18 Q. -- 1997, how long had you been at Camp Charlie?

19 A. I went there 1974 to '75. And '76, until the intervention.

20 Q. Until the intervention. Mr Witness, do you know?

21 JUDGE SEBUTINDE: Sorry, I don't understand that answer.

22 You asked him how long he had been working.

23 MR MANLY-SPAIN: Yes, I will go over --

24 JUDGE SEBUTINDE: And what was the answer?

25 MR MANLY-SPAIN: He said since 1974, '75 up to the
26 intervention.

27 Q. But you were at Camp Charlie in May 1997?

28 A. Yes, My Lord.

29 Q. Mr Witness, do you know the third accused in this case,

1 Santigie Kanu?

2 A. Yes, My Lord.

3 Q. Do you remember when you first knew him?

4 A. I knew him when he was young, before he joined the army.

5 They were in the barracks there, at the battalion, till they

6 joined the army and met us there.

7 Q. Thank you. Do you remember when the third accused,

8 Santigie Kanu, joined the army?

9 A. Well, I cannot recall the time because, at that time, the

10 war was going on. Well, I cannot recall the time he joined the

11 army. When he joined, I used to see him because we were going up

12 and down.

13 Q. Thank you, Mr Witness. Mr Witness, do you know what

14 happened to the third accused when he joined the army, on or

15 about 1994?

16 A. I don't understand. I don't understand that, My Lord.

17 PRESIDING JUDGE: There is an objection to that question,

18 Mr Manly-Spain.

19 MR MANLY-SPAIN: I will rephrase the question.

20 Q. Mr Witness --

21 A. Yes, My Lord.

22 Q. -- do you know whether on or about the year 1994 -- the

23 years 1994, 1995, whether the third accused was deployed?

24 A. Yes.

25 Q. Anywhere?

26 A. Yes, My Lord.

27 Q. Where was that?

28 A. It was in Camp Charlie, 91 -- 91 highway. After, when they

29 were -- they were with Strasser, as bodyguards, but after they

1 had overthrown Strasser, they said all of them should leave
2 Kabasa Lodge, so all of them were sent to us. So he was with us
3 at the highway, Magbosie.

4 Q. Hold on, Mr Witness. Mr Witness, you mentioned Strasser.
5 Who was Strasser?

6 A. He was a chairman, My Lord.

7 Q. Chairman of what?

8 A. Chairman for NPRC.

9 Q. And what was NPRC?

10 A. It was a soldier -- a government belonging to the soldiers.

11 Q. Mr Witness, you said that when Strasser was overthrown, the
12 third accused was sent to Mile 91. Do you know whether the third
13 accused was anything to Strasser?

14 A. Which accused are you talking about?

15 Q. Third accused, Santigie Kanu. Do you know whether he was
16 anything to Strasser?

17 A. They were the bodyguards at Kabasa Lodge.

18 Q. Please talk about the third accused, not them. Him only,
19 please. Was the third accused a bodyguard --

20 A. He, the Santigie Kanu, was at Kabasa Lodge because there
21 were many and I was not able to differentiate between them. Some
22 were with Strasser, some were with Mada Bio. We were the people
23 that were in the bush. We used to see them up and down.

24 Q. Thank you. Who lived at Kabasa Lodge, Mr Witness?

25 A. It was -- it was the chairman, Strasser, who was at Kabasa
26 Lodge.

27 Q. Thank you, Mr Witness. Mr Witness, you also mentioned that
28 when Strasser was overthrown -- do you know who overthrew
29 Strasser?

1 A. I cannot recall the person, as a matter of fact, because
2 when we were at Camp Charlie, we heard that they said that, from
3 today, chairman was no longer -- was no longer a chairman. Mada
4 Bio was the chairman. But during that time, I did not know who
5 that person was.

6 Q. So Mada Bio was the one who replaced Strasser?

7 A. Yes, My Lord.

8 Q. Thank you, Mr Witness. Mr Witness, do you know what
9 happened to Santigie Kanu when Mada Bio replaced Strasser?

10 A. What happened with him? They were with us at Camp Charlie.

11 Q. Was Santigie Kanu with you?

12 A. Yes, My Lord. Not he alone. I cannot recall all of them,
13 because there were so many from Kabasa Lodge who were sent to us.

14 Q. Thank you. Mr Witness, I asked you earlier whether you
15 recall 25th of May 1997. Do you know what happened then?

16 A. When we were, May the 25th was the time of the coup, that
17 was the time that they overthrew, the AFRC overthrew.

18 Q. Thank you. After this overthrow, do you know who became
19 the leader in the country?

20 A. It was John Paul Koroma.

21 Q. Thank you. On the day of the overthrow, do you know where
22 Santigie Kanu was?

23 A. Well, during that time some had been asking for a pass to
24 go and raid the household business, because when they were at
25 Kabasa Lodge, when they came to us they were so -- they had so
26 many problems.

27 Q. Hold on, hold on, Mr Witness. Mr Witness, answer the first
28 question. Do you know where Santigie Kanu was on that day?

29 A. During that day -- I did not see him during that day, but

1 he was at Camp Charlie. But during that day, I did not see him.

2 I do not know whether he was around or not. I did not see him
3 during that day.

4 Q. Thank you, Mr Witness. After that, did anything happen at
5 Camp Charlie?

6 A. Well, at that time, we heard anything that they said they
7 would come and explain to us, say what had been happening.

8 Q. Thank you. Did the soldiers at Camp Charlie do anything as
9 a result of this coup?

10 A. The soldiers that were at Camp Charlie, they did not do
11 anything because we were all under command. So we used to get
12 command right from the town, so we were not involved in any other
13 thing during that time. So if they came and explained to you,
14 something from the town, so you would accept, but you did not
15 take any part.

16 Q. Yes. Did the soldiers at Camp Charlie stay there?

17 A. Yes, My Lord. We were only there to control the -- the
18 ground because it was during wartime, My Lord.

19 Q. Thank you, Mr Witness. Mr Witness, after that day did you
20 see Santigie Kanu?

21 A. Well, after that day, I was not able to see him again
22 because, during that time, everything was mixed up because the --
23 the place from where they were deployed was a little bit far from
24 where we were, Masesay. Whosoever walked from Mile 91 --

25 THE INTERPRETER: Your Honours, would the witness go a
26 little bit slow?

27 MR MANLY-SPAIN:

28 Q. Hold on, Mr Witness. I want you to go slowly, bit by bit,
29 with your evidence. I'm asking you, from that day of the coup,

1 after that day of the coup, did you see Santigie Kanu at Camp
2 Charlie?

3 MR WAGONA: Objection. That question was answered, Your
4 Honours. He said he did not see him.

5 THE WITNESS: I did not see him during that time. I did
6 not see him because people are so many mixed up during that time
7 when the coup took place, so it took two to three days before we
8 understood what had been happening.

9 MR MANLY-SPAIN:

10 Q. I get your point. My question was after that day, not on
11 the day.

12 PRESIDING JUDGE: I see.

13 MR MANLY-SPAIN:

14 Q. After that day, did you see him at Camp Charlie, not on
15 that day?

16 A. Well, the man, I did not see him that day because he was
17 not deployed there. Where he was deployed was far away from Camp
18 Charlie area. We had different places where they sent soldiers.

19 Q. Okay. Thank you, Mr Witness. I want you to listen to the
20 question. After the day of the coup, did you see him again?

21 A. I only saw him after the coup. I only saw him at Benguema
22 here, after the intervention.

23 Q. Thank you, Mr Witness. Do you remember the time you saw
24 him at Benguema?

25 A. I can recall it was in December, at the time that our
26 brother SLAs came to come and -- to come and attack Benguema.

27 Q. Thank you. Do you -- did you know at the time who led
28 these SLAs to attack Benguema?

29 A. We were not with them. But, later, they told us that who

1 led them was SAJ Musa.

2 Q. Thank you, Mr Witness. Mr Witness, I want to ask you -- go
3 back a little bit. After the overthrow of -- after the overthrow
4 by the AFRC, did you continue to work in the army?

5 A. Yes, My Lord.

6 Q. Thank you. And were you still deployed at Camp Charlie?

7 A. Same. Yes, My Lord. It was during the intervention that I
8 left there.

9 Q. Thank you. What do you mean by the intervention?

10 A. Well, during the time when they said that, that was what
11 they told us. They told us that there was no peace any more.
12 They said we were to fight by then. Because AFRC, with the
13 government, were at -- were not at peace. So later, the ECOMOG
14 came and ousted the AFRC.

15 Q. Thank you, Mr Witness. Mr Witness, after the AFRC was
16 ousted, did you do anything?

17 A. When they ousted the AFRC? Well, we were in that place.
18 In the morning, we left. They told us that AFRC had been ousted.
19 They said that where we were now, everybody should find his or
20 her way. So whosoever wanted to go with me could go and
21 whosoever not to go with me could go his own way. So that was
22 the time I took my own family and came and reported to 91, and I
23 surrendered to the ECOMOG.

24 Q. Thank you, Mr Witness. Mr Witness, after you had
25 surrendered, did anything happen to you?

26 A. When I surrendered, from there, I was asked to --

27 THE INTERPRETER: Your Honours, I did not get the last bit
28 of the witness's testimony.

29 MR MANLY-SPAIN:

1 Q. Slow, Mr Witness. Hold on, Mr Witness. After you have
2 surrendered, you were asked to do what?

3 A. Well, when I surrendered to the highest people, so they
4 said -- asked who wanted to continue with the service. I said I
5 wanted to continue with my service. So, during that time, would
6 come every morning, we would go and report to ECOMOG and they
7 would count us and, from there, we parted and they told us when
8 we were to regroup again.

9 Q. Where were you reporting to ECOMOG every morning?

10 A. Masiaka, sir. Yes, sir, at the committee centre.

11 Q. Mr Witness, at that time were you the only soldier that was
12 reporting?

13 A. No, My Lord. We were many during that time. Officers were
14 amongst us and other ranks.

15 Q. Thank you, Mr Witness. Mr Witness, from Masiaka, did you
16 go anywhere with ECOMOG?

17 A. We were there for some time. From there, one day we saw
18 vehicles. They came and parked and they said that all the
19 surrendered soldiers, who had surrendered there, were to be taken
20 to Lungi. From there, they started taking us. So they
21 transported us from Masiaka to Lungi.

22 Q. Well, thank you, Mr Witness. Mr Witness, when you got to
23 Lungi, did you meet other SLA soldiers there?

24 A. Yes, My Lord. When I went to Lungi, when we were
25 alighting, there was an officer, an authority to whom we
26 reported, and he was the one who directed us where we were to
27 lodge and where we were to go, and it was under the same ECOMOG.
28 And the way we left the authorities, where we came from, we also
29 met some authorities there and there were some Sierra Leonean

1 soldiers who had surrendered there and they were all under

2 ECOMOG.

3 Q. Thank you, Mr Witness. Mr Witness, you mentioned an

4 officer, do you recall who the officer you reported to was?

5 A. He was also a soldier who surrendered. Also a soldier who

6 surrendered.

7 Q. Do you recall his name?

8 A. He was called Mr Kargbo.

9 Q. Thank you. Do you remember his rank?

10 A. He was a lieutenant.

11 Q. Thank you, Mr Witness. Mr Witness, do you recall the time

12 of the year that you arrived at Lungi?

13 A. I cannot recall the date and the year. Because that time,

14 see, I was also suffering and I was ill. I had hernia problem.

15 Q. Thank you, Mr Witness. Mr Witness, as a result of your

16 illness, did anything happen to you?

17 A. Yes, My Lord. When I felt ill, I was operated on at Lungi.

18 Q. Thank you. After the operation, did you continue to stay

19 at Lungi?

20 A. After the operation, I was with them at Lungi for some

21 time. Then, from there, one day they said that I was to be taken

22 to the place where -- at Benguema, and from there they took me to

23 Benguema.

24 MR MANLY-SPAIN: Thank you. May it please, Your Honour, I

25 am asking for permission for the second accused to use the

26 bathroom.

27 PRESIDING JUDGE: Yes. Mr Kamara can leave the courtroom.

28 MR MANLY-SPAIN: Thank you, Your Honour.

29 Q. Mr Witness, do you remember what month of the year you were

1 taken to Benguema?

2 A. It would be around either November -- around October or
3 November to December. November.

4 Q. Thank you, Mr Witness. Mr Witness, when you arrived at
5 Benguema, did you meet anyone there?

6 A. When we arrived at Benguema, we met those who had
7 surrendered who wanted to continue their services, who wanted to
8 join the other people. These are the people that I joined. When
9 I joined them, they said that now you are unwell, but every
10 morning you should come and report here. After a muster parade
11 you would come here and, afterwards, you go home. So I, myself,
12 went there. So when I went in the morning, I was there. I sat
13 on the ground and by then they were doing their muster parade.
14 When they finished doing their muster parade, they told me that I
15 was to go back home. I went back home.

16 Q. Mr Witness, the people you met there you said had
17 surrendered, were they other SLA soldiers?

18 A. Yes, My Lord.

19 Q. And do you know whether anybody, or anyone, was in charge
20 of them at Benguema?

21 A. Well, those that were in charge were still the ECOMOG
22 soldiers. The officers were there. They had majors and they had
23 SLA soldiers with our own Sierra Leonean soldiers but they were
24 under ECOMOG. They were the ones that had been controlling
25 during that time.

26 Q. Thank you, Mr Witness. Mr Witness, can you recall, if you
27 do know, how many surrendered SLA soldiers were at Benguema at
28 the time?

29 A. My Lord, I cannot recall because, during that time, I was

1 not well. I was not feeling well, but there were many. I cannot
2 recall. I would not recall their strength.

3 Q. Thank you. What about the ECOMOG soldiers that were there,
4 can you recall how many?

5 A. No, My Lord. They were there with SSDs. There were many.
6 There were many. In fact, more than us but we did not have any
7 weapons during that time. Nobody wore uniform. It was only the
8 SSDs and the ECOMOG that had uniform during that time with
9 weapon.

10 Q. When you said nobody wore uniform you mean the surrendered
11 SLAs?

12 A. We, the surrendered -- we, the SLAs, sir.

13 Q. Thank you, Mr Witness. Mr Witness, you told this Court
14 earlier that you saw the third accused at Benguema?

15 A. Yes, My Lord.

16 Q. And you said it was after the attack which you found out
17 later was led by SAJ Musa?

18 A. Yes, My Lord. They were all -- they all went.

19 Q. Yes. Mr Witness, at the time you saw the third accused at
20 Benguema, do you recall how he was dressed?

21 A. He had -- he dressed half combat and half civilian
22 clothing.

23 Q. Which was combat?

24 A. The combat? I'm referring to the ones worn by soldiers,
25 the uniform.

26 Q. You said the dress was half combat and half civilian. I'm
27 asking you which of his dress was combat and which was civilian?

28 A. No, sir. I said -- I said that he was dressed in halves.
29 What I meant by that was that the trousers was -- the trousers

1 was in combat and the top was civilian clothing. That was what I
2 was trying to say, My Lord.

3 Q. At the time you saw the third accused, Mr Witness, was he
4 carrying anything?

5 A. No, My Lord. I did not see any weapon with him.

6 Q. Thank you, Mr Witness. Mr Witness, the people who were led
7 by SAJ Musa, do you know who they were? I believe you mentioned
8 earlier your brother SLAs. Do you know whether they were SLAs?

9 A. Yes, My Lord.

10 Q. How do you know that that they were SLAs?

11 A. Well, I saw Santigie Kanu. Then I saw Tamba Brima. Then I
12 saw Corporal Jusu. Most of them. I saw them.

13 Q. Thank you, Mr Witness. Mr Witness, after these SLA
14 soldiers came into Benguema, did anything happen to you?

15 A. Yes, My Lord.

16 Q. Please tell the Court what happened to you?

17 A. When we were at Benguema, before they came, like, this
18 evening, during that time the ECOMOG commander that was there, he
19 summoned everybody. He said we were to go and fall in around
20 4.00 in the evening. He said -- he said, your brothers today,
21 the SLAs, they would come and attack us today and said because of
22 that, you should stand by because they were your SLA brothers.
23 So, during that time, we had two vehicles. He brought two
24 vehicles that came. They came with rifles. When I say rifles,
25 they are single barrels that would take five rounds. They
26 brought them, they offloaded them and put them into the store.
27 From there, they said, well, those who did not have anything,
28 they said they were to be supplied. So we that were SLAs who did
29 not have anything, they started giving us these single barrels

1 and if they gave you one gun, they would give five one-packet
2 cartridge. When they give you one gun that would give you one
3 packet cartridge, that is what was supplied to us. Then for
4 some, those who didn't have any uniform, they gave them overalls,
5 police overalls, so those who did not have any, like -- people
6 like us who were not well in health, they did not consider us.
7 The majority did not have those. You see, from there, now --
8 then they -- they deployed us in different areas: Who was in
9 block 7, who was in block 24, who was in block 34. Then they
10 deployed us in two different places so that, if they came, in
11 case of anything, if they came, it's from that point that we
12 would have to attack them. So when we had done that --

13 Q. Hold on, Mr Witness. You have gone to the point to say
14 that they came and you saw the third accused and other people
15 whom you recognised. I'm asking you, when they had come, after
16 they had come, what happened to you? Did anything happen to you?

17 A. I was captured. I was captured in the barracks.

18 Q. Do you recall who captured you?

19 A. I was captured in the barracks. The SLA brothers.

20 Q. Thank you, Mr Witness. Mr Witness, after you had been
21 captured, did anything happen?

22 A. Then they said that I was to go with them. So I was going
23 with them where they wanted to go by Koba Wata area.

24 Q. Thank you. Do you know, Mr Witness, whether anything
25 happened by Koba Wata area?

26 A. Well, when we were going we had -- but before we left the
27 barracks we had -- they fired, they fired and we saw a very big
28 light. And when we saw this big light and we heard the gun
29 sound, something like a gun sound. Little did we know that it

1 was a bomb where SAJ Musa was with some of his men, the SLAs. I
2 think they had been looking after a vehicle, according to what
3 the man told me, he had been looking after a vehicle.

4 Q. Hold on, hold on, Mr Witness. Do you know what happened to
5 SAJ Musa? Let me cut it down.

6 A. Yes, My Lord. That is why he died --

7 Q. Thank you.

8 A. He died, My Lord.

9 Q. After the death of SAJ Musa, what happened to you?

10 A. When he had died they put him in a corner and, from there,
11 the day he died, he was not buried. They put him to something
12 like a stretcher, but he had two men ahead and two men at the
13 back, so they brought him. At that time they had called us with
14 the soldiers who had been captured at Benguema. We were six,
15 coupled with Father Mario. So they said that we were to go and
16 witness where he was going to be buried. So we went and sat at
17 the place and we stood at the place, and they brought him and
18 they gave us the body, and the -- the father prayed over the body
19 and, after that, he was buried and we dispersed.

20 Q. Thank you, Mr Witness. Mr Witness, from the place where
21 SAJ Musa was buried, did you go anywhere?

22 A. Pardon, My Lord? See, I not got you, My Lord.

23 Q. From the place where SAJ Musa was buried, did you go
24 anywhere?

25 A. Yes, My Lord.

26 Q. Where did you go to?

27 A. See, I was with them. They said that they were not going
28 to release us. They said we were to be taken to town.

29 Q. Thank you. Mr Witness, after the death of SAJ Musa, do you

1 know whether these SLAs had a leader?

2 A. Well, at that time, by then the most important thing was
3 that we had an operation commander, who was called Woyoh. Woyoh.
4 Then Adamu was there. Then FAT. FAT, FAT Sesay. He was the one
5 that had been passing orders.

6 Q. Thank you, Mr Witness. Mr Witness, from there did you come
7 to Freetown with the SLAs?

8 A. I was with them.

9 Q. And after you had seen Santigie Kanu at Benguema, did you
10 see him when you were coming to Freetown?

11 A. No, no, no, My Lord. In fact, when this thing happened,
12 there was rumour going around that that man, he was the one that
13 killed him. So, during that time, when this thing came up, he,
14 the Tamba Brima, with this Santigie, so they came and met us. We
15 saw that -- how they were captured Pa Yonka. And they said,
16 "What did you hear about this whole thing?" And they -- do told
17 them that, well, we are informed that you were the ones that
18 killed this man and that if you are going to town, you have to be
19 very careful. So from that time that we discussed that, because
20 it was during the midnight that we moved and we were in the bush
21 and, since that time, I wasn't able to see he, the Santigie Kanu
22 or Tamba Brima, except in Makeni when we had left Freetown, when
23 we returned.

24 Q. Do you remember when you saw them in Makeni, Mr Witness?

25 A. I saw them in Makeni during the time when they said that
26 no -- there was no more -- any army, when they disbanded the
27 army. It was during that time. I cannot recall the month,
28 really, but it was during that time. So when -- all of us that
29 were there, so we came, you see, and converged in Makeni. So it

1 was during that time, when the peace accord was going on, you
2 know, with Foday Sankoh, with Tejan Kabbah.

3 Q. Thank you, Mr Witness. Mr Witness, when you came with them
4 to Freetown, where did you go to?

5 A. I, when I was brought to Freetown, since we were taken as
6 sort of prisoners of war, so we were with Adamu, with some other
7 men, Father Mario, with the other people that were captured at
8 Benguema, we had our own group. And anywhere that -- any place
9 that we were, we were surrounded, see. And if we converged
10 somewhere, we would have some people to guide us so that we could
11 not escape. We went and we reached Freetown. From Freetown, we
12 went to PWD. After PWD, we went to quarry, that's a stream, that
13 old road. The stream, that brook, that went right up the hill.
14 That was the place where we were and were kept.

15 Q. Thank you, Mr Witness. Mr Witness, you mentioned a brook;
16 is it Kissy Brook?

17 A. No, My Lord. They said it was PWD. PWD. It's before you
18 reach Uppun. That brook that went right up that -- the one that
19 goes to Fourah Bay College. That is the area that we were kept.

20 Q. Thank you. Is that at Kissy, Mr Witness?

21 A. It is not by Kissy. That is not Kissy. It's -- it's by
22 PWD, before you reach Uppun. Okay, let me say it's Kissy. Yeah,
23 it's Kissy area, anyway, but after PWD.

24 Q. Thank you, Mr Witness. Mr Witness, when did you leave the
25 army?

26 A. I left the army in 2002, December the 31st.

27 MR MANLY-SPAIN: Thank you very much, Mr Witness. Your
28 Honours, that is all.

29 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Are there any

1 cross-examination by the other Defence counsel?

2 MR GRAHAM: Your Honours, I don't have any questions for
3 the witness.

4 CROSS-EXAMINED BY MR DANIELS:

5 Q. Good afternoon, Mr Witness.

6 A. Good afternoon, my brother.

7 Q. Mr Witness, do you know the second accused, Ibrahim Bazy
8 Kamara?

9 A. Ibrahim Bazy, I don't have enough understanding about --
10 about him. When we were in the army, I was not intimate with
11 him.

12 Q. Did you get to hear that he was a soldier who overthrew the
13 Tejan Kabbah government?

14 A. He, the Bashiru? The person that overthrew Tejan Kabbah's
15 government? I don't understand, My Lord.

16 Q. The second accused, Ibrahim Kamara, have you ever heard
17 that he was responsible for overthrowing the Tejan Kabbah
18 government?

19 A. No, My Lord. I don't know he, Kamara, but I have never
20 heard that story before.

21 Q. Mr Witness, you said you were arrested at Benguema and you
22 made your way to Freetown. On your way from Benguema to
23 Freetown, did you see the SLA soldiers burning any houses on the
24 way to Freetown?

25 A. No, My Lord. In fact, when we had come, all that we have
26 to say -- they were saying that we should be careful because we
27 were going to defend our brothers and sisters and that we were
28 coming for peace.

29 Q. Did you see some of the SLA soldiers amputating the limbs

1 of civilians on their way to Freetown from Benguema?

2 A. No, My Lord, because since I was a prisoner of war, I -- I
3 was unable to move around. But whatever information I got -- but
4 I was not able to move -- to go everywhere at that time. I did
5 not observe that. I did not see that.

6 Q. Did you hear of them, the soldiers, raping women on the way
7 from Freetown, from Benguema to Freetown?

8 A. No, My Lord. No, My Lord. If he -- I did not see him in
9 person, if he came to that place. I did not see him in person.

10 MR DANIELS: I don't have any further questions.

11 THE INTERPRETER: Correction interpreter. If it did
12 happen, I did not see that.

13 PRESIDING JUDGE: Yes, Mr Wagona?

14 MR WAGONA: Yes, My Lords, I am ready.

15 CROSS-EXAMINED BY MR WAGONA:

16 Q. Good afternoon, Mr Witness.

17 A. Good afternoon, My Lord.

18 Q. I have a few questions for you. Please listen to the
19 questions carefully.

20 A. Yes, My Lord.

21 Q. And most of the time you can answer with a yes, or no, or I
22 don't know; do you understand?

23 A. Yes, My Lord. Yes, My Lord.

24 Q. Mr Witness, do you consider yourself to be a well-trained
25 and experienced soldier?

26 A. Yes, My Lord. Because I have served, I think, about 38
27 years in the army before I retired. If I had any little idea, it
28 was from the army.

29 Q. And as a well-trained and experienced soldier, are you

1 aware that your role during combat is not to kill innocent

2 civilians?

3 A. Yes, My Lord.

4 Q. Are you aware that during combat your role is not to kill

5 surrendered enemies?

6 A. I shouldn't have killed any, any innocent civilian.

7 Q. Are you aware that your role during combat is not to abduct

8 civilians?

9 A. The work that we used to do, except under command.

10 Q. Please, you can answer briefly and say "yes" or "no." Are

11 you aware that during combat your role is not to rape women and

12 girls?

13 A. No, My Lord.

14 Q. Are you aware or you are not aware?

15 A. No, My Lord. I don't know anything about that.

16 Q. Are you saying that you are aware or you are not aware that

17 you are not supposed to do that?

18 A. I said I don't.

19 Q. You don't know that?

20 A. I am not supposed to do that. I'm not supposed to do that.

21 And I didn't do that.

22 Q. Are you aware that during combat you are not supposed to

23 burn houses and other properties of people?

24 A. Yes, My Lord. You shouldn't do that and I didn't do that,

25 sir.

26 Q. And also that you should not loot?

27 A. In truth, that is against the law. The -- the role is to

28 protect the lives and properties of individuals.

29 Q. And also that you should not amputate arms of civilians?

1 A. No, My Lord. I didn't do it. I didn't see it done.

2 Q. And during your long service in the army, were you
3 following orders of your commanders?

4 A. Well, regarding that, anything that is -- that is the --
5 that is law, I should follow whatever the law says because I was
6 not an infantry soldier. I was a professional driver, so
7 anywhere my boss says I should carry him, I have to carry him
8 there.

9 Q. And you saw other soldiers, also being like you, following
10 what their commanders told them?

11 A. Well, regarding that, everybody was under his own command.
12 Whatever the commander tells you is what you -- you will do. It
13 is not what your -- the commander of your colleagues told them --
14 it's what you have to do; you have to follow the orders of your
15 commander.

16 Q. Now, when you came into Freetown with the soldiers, around
17 January 1999, were you a prisoner?

18 A. I was a prisoner of war because I hadn't a weapon. I
19 didn't go anywhere. I was around. Anywhere I was about to go,
20 they would order us to stay. So anywhere we were about to go,
21 they said you soldiers come over here, our brothers, the SLAs.
22 They were -- they were the MPs.

23 Q. Okay.

24 A. Even the father were -- were with them, so I didn't go
25 anywhere, My Lord.

26 Q. Where were you taken in Freetown? Where were you taken?

27 A. They carried me to that place, the same place after PWD,
28 the quarry, the stream that comes right from -- right up from
29 Fourah Bay College down to PWD. That was the area that they --

1 that was the area where we were based. We were there for the
2 whole of the day, for the whole of the night until when, finally,
3 we returned.

4 Q. And how long did you stay there? Did you stay there as a
5 prisoner for the whole time that the troops were in Freetown?

6 A. Yes, My Lord.

7 Q. So, is it correct to say that you don't know what was
8 happening in Freetown during that time when the troops were in
9 Freetown because you were a prisoner?

10 A. Yes, My Lord. Except the announcement. Except the
11 announcement made by FAT. Whatever happened, whatever FAT said,
12 our colleagues will come and brief -- brief us, the SLAs, but we
13 were not present. I did not go anywhere, including the father.
14 All of us were together. The father was brought from Kamalu. We
15 were with the troop there. We were there for the whole day, you
16 see. Even the food that we used to eat, they were the people
17 that brought it for us.

18 Q. Now, I will take you back to Benguema before you came to
19 Freetown where you were a prisoner. While at Benguema, you said
20 you saw the third accused, Santigie Borbor Kanu; correct?

21 A. I saw him in Benguema, yes, My Lord.

22 Q. What was he doing?

23 A. He -- well, he was with the troops. He was with the SLAs.

24 Q. So he was moving together with the troops, freely?

25 A. Yes, My Lord. Within the Benguema area until Koba Wata.
26 After some time he disappeared. I didn't see him again until the
27 time we came to Freetown.

28 Q. And you also saw the first accused, Alex Tamba Brima; is
29 that correct?

1 A. Yes, My Lord. I saw him.

2 Q. And what was he doing?

3 A. Well, he himself was with them but for -- after some time
4 there were many. They could sit together with the -- the big
5 men, the operation commander, that was Adamu, Mansa and FAT
6 Sesay. All of them could sit together. But we, we are not
7 opportune to be among them, so we could sit far away apart from
8 them, but I saw them sitting together. Except when we had left
9 to go to town, that was the time the two of them disappeared.
10 And, during that time, I don't know where they were, because
11 people were many during that time.

12 Q. So while you were in Benguema, Alex Tamba Brima was freely
13 doing his work with the rest of the troops; correct?

14 A. Well, we used to see them moving up and down, up and down.
15 In fact, even Benguema, I did not stay there for long. After
16 they had attacked ,they came to Koba Wata. From there, the whole
17 of the day, during that time, we used to stay in the bush. Where
18 they were during the day, we didn't know.

19 JUDGE SEBUTINDE: Mr Witness, it would really help if you
20 answered the question that you were asked which relates only to
21 Benguema.

22 MR WAGONA: Thank you, Your Honours.

23 Q. Now, Mr Witness --

24 A. Yes.

25 Q. -- did you see the second accused, Ibrahim Bazy Kamara, at
26 Benguema?

27 A. I was not able to see him because somebody that was two
28 miles, not so much acquainted, My Lord.

29 Q. Was there a battle at Benguema while you were there?

1 A. If there was a battle at Benguema? There was no battle
2 when these forces come and attacked Benguema. So, from there,
3 they left. We were at Koba Wata by then. So, Benguema, there
4 was nobody. Even ECOMOG themselves had run away. Nobody was
5 there. No civilian was there. No soldiers were at Benguema
6 barracks during that time. So we were all in that bush during
7 that time, until the time that we left, you know, for Freetown.

8 Q. Now, when you were leaving, when you were advancing to
9 Freetown, where were you yourself positioned?

10 A. I was with them as a prisoner of war, I, with some of my
11 colleagues, with whom we were captured at Benguema with Father
12 Mario, our own group. There was some people who were to look
13 after us, so we would not even move away from them, so from
14 Benguema up to Freetown. So we were not slackened at all.
15 Anywhere that they sat, we also would sit there. So even if you
16 wanted to -- you had to take a permission from them, or if you
17 wanted to ease yourself, again, you had to take a permission from
18 them. They were with them, My Lord.

19 Q. So as the troops were advancing to Freetown fighting, since
20 you were a prisoner, were you at the back?

21 A. Yes, My Lord. They would go as far as, not at the rear,
22 but he also had some troops at the rear. But those that were
23 ahead were many, see, compared with those that were at the back.
24 We were with the families. Those who had some women, some had
25 their wives, but when they had moved, we were the second batch.
26 The father was with us.

27 Q. Now, I put it to you, Mr Witness, that it was the first
28 accused, Alex Tamba Brima, who was the chief in command
29 commanding the troops in the advance to Freetown; what do you

1 say?

2 A. No, My Lord. I did not see him. I did not see him, My
3 Lord. I did not see him, My Lord. If I saw him with my eyes, he
4 was a man that I knew very well. But where I was, and it was in
5 the main headquarters, there they would pass before going to do
6 anything. And whosoever came would have to meet us. And
7 whosoever would go and take cigarettes or rice and give to us, we
8 -- when we were as prisoners. But, for him -- if fact, most --
9 both of them, I did not see them, My Lord.

10 Q. And I put it to you that the second accused, Ibrahim Bazy
11 Kamara, was the second in command during that advance; what do
12 you say?

13 A. Well, about Bazy Kamara, I do -- I was not acquainted with
14 him, just like I explained. When we had been advancing to go to
15 Freetown, Adamu, FAT -- FAT, FAT Sesay -- with Woyoh, Woyoh, with
16 some SLAs, but he, particularly, I was not able to recognise him.
17 I did not see him. If I saw him, I would have said so because he
18 was a man that I knew, My Lord.

19 Q. I put it to you that the third accused, Santigie Borbor
20 Kanu, was the third in command during that advance; what do you
21 say?

22 A. My Lord, I did not see him. I saw the troop that was
23 moving in the way they had been moving, but these people I have
24 called, but from that, the time that --

25 THE INTERPRETER: Your Honours, would the witness go slow?

26 PRESIDING JUDGE: Just a minute, Mr Witness. You are
27 talking too fast for the interpreter. Could you please repeat
28 your answer a little more slowly, please?

29 THE WITNESS: I said I was not able to see them during that

1 time. I did not see them. I did not see them at all. At all.
2 You see, except if some other person saw them, but I did not see
3 them.

4 MR WAGONA:

5 Q. And I suggest to you that you did not see them because you
6 were a prisoner and you were at the back; what do you say?

7 A. Well, I was at the rear but all the people who went there
8 during that time, most of them, these big men, I was used to
9 them. So, from Freetown -- sorry, from Benguema, up to that
10 place, quarry, where we stopped, if that man was there, I would
11 have seen him. I would have seen him, My Lord.

12 Q. Just a moment. When you came to Freetown, you did not go
13 to State House, did you?

14 A. No, My Lord.

15 Q. I put it to you that when you came to Freetown, the three
16 accused persons, Alex Tamba Brima, Ibrahim Bazy Kamara, and
17 Santigie Borbor Kanu, went and based themselves in State House;
18 what do you say?

19 A. Well, if they had to base at State House just like I told
20 you, where we were, we were not moving up and down. We would
21 only have announcement that was made by FAT. See, that was the
22 announcement that we heard from State House. See, they told us
23 that they had reached State House and they told us that they were
24 in town already, you see, but to say that we had been moving up
25 and down with them, no, My Lord. We did not have any opportunity
26 to go anywhere but anything that happened we would have the
27 information. They would tell us, My Lord.

28 Q. So you don't know whether they were at State House. Do you
29 know or you don't know?

1 A. I did not know, My Lord. I did not know, My Lord. I did
2 not see them and I did not know.

3 Q. Did you say that you came with Woyoh to Freetown?

4 A. Woyoh? All of them were ahead of us. They were operations
5 commander. Woyoh, Woyoh with Adamu, FAT, FAT, FAT all of them.
6 All of them. We were not close to them but anything that
7 happened they would tell us as we moved along. All that I knew
8 about them. See, I came with them in Freetown, and where we
9 stopped, we stopped at quarry and whatever happened at State
10 house we -- we did not know about it except they came and told
11 us. Up to the time that they came and took the soldiers, we saw
12 them.

13 JUDGE DOHERTY: Mr Witness, you've told us that already.

14 MR WAGONA: Just a moment, Your Honours.

15 [Counsel conferred]

16 THE WITNESS: My Lordship, pardon?

17 MR WAGONA: Thank you, Your Honours.

18 Q. Mr Witness --

19 A. Yes, My Lord.

20 Q. -- after your stay in -- after your stay in -- I beg your
21 pardon. When you -- I will take you back to Benguema a bit.
22 When you were at Benguema, yes, SAJ Musa attacked ECOMOG and
23 defeated him, them, didn't he?

24 A. When he came with the SLAs at Benguema, yes, he ousted, he
25 ousted them out and all of them ran away. In fact, including
26 even our soldiers, the SLAs who were with them, all of them
27 pulled out, and they had to capture us, My Lord.

28 MR WAGONA: Your Honours, that's where I will end with my
29 cross-examination. Thank you, Mr Witness.

1 PRESIDING JUDGE: Yes, thank you, Mr Wagona. Any

2 re-examination?

3 MR MANLY-SPAIN: No re-examination, Your Honours.

4 PRESIDING JUDGE: All right. Thank you, Mr Witness --

5 THE WITNESS: Yes, My Lord.

6 PRESIDING JUDGE: -- thank you for coming to Court to give
7 evidence. Your testimony is finished now.

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: And you will be able to leave in a minute
10 but just sit there for the moment, please, and we will make some
11 arrangements for you to leave.

12 THE WITNESS: Yes, My Lord.

13 PRESIDING JUDGE: Mr Manly-Spain, I understand you have no
14 more for today in any event, is that so?

15 MR MANLY-SPAIN: Yes, sir. We will continue in the morning
16 with the other two but no more than three.

17 PRESIDING JUDGE: All right. Thank you, Mr Manly-Spain.
18 Well, I take it the Prosecution would not object to a slightly
19 early day today?

20 MR AGHA: No, Your Honour, not at all.

21 PRESIDING JUDGE: All right. Thank you. We will adjourn
22 the Court until 9.15 tomorrow morning.

23 [Whereupon the hearing adjourned at 3.45 p.m.,
24 to be reconvened on Friday, the 13th day of
25 October 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DBK-005	3
CROSS-EXAMINED BY MR AGHA	3
RE-EXAMINED BY MR DANIELS	36
WITNESS: DBK-126	42
EXAMINED BY MR DANIELS	42
CROSS-EXAMINED BY MR MANLY-SPAIN	73
CROSS-EXAMINED BY MR GRAHAM	80
WITNESS: DSK-113	93
EXAMINED BY MR MANLY-SPAIN	93
CROSS-EXAMINED BY MR DANIELS	110
CROSS-EXAMINED BY MR WAGONA	111