

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

MONDAY, 18 OCTOBER 2004

9.45 A.M.

TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsch
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison

Ms Melissa Pack
Mr Christopher Santora
Mr Christopher Dunn (intern)
Mr Bobby Gboyor (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr John Cammegh

1 Monday, 18 October 2004.
2 [Open session]
3 [Accused Sesay and Kallon entered Court]
4 [Accused Gbao not present]
09:40:28 5 [Upon commencing at 9.45 a.m.]
6 WITNESS: TF1-167 [Continued]
7 PRESIDING JUDGE: Morning, learned counsel. I think we are
8 resuming our session. I see Mr Harrison on his feet.
9 Yes, Mr Harrison, how are we proceeding this morning?
09:50:32 10 MR HARRIS: Your Honour, I wish to invite the Court to go into
11 a closed session briefly so that I could bring a matter
12 to the Court's attention, which in general has to do with
13 witness protection measures. It is something of some
14 import, and I think the Court may be apprised of it
09:50:51 15 already, but in the event it is not, I think it's
16 important that the Court be aware of it at the earliest
17 opportunity. It would be perhaps five minutes of closed
18 session that I'm asking for. I've already raised the
19 matter with Defence Counsel and explained to them what
09:51:05 20 the matter is regarding and passed on a document to them
21 to that effect.
22 PRESIDING JUDGE: Mr Jordash?
23 MR JORDASH: That's absolutely right. My learned friend did
24 appraise me of the matter earlier this morning and
09:51:25 25 I completely agree with his suggestion.
26 PRESIDING JUDGE: Mr Touray?
27 MR TOURAY: Your Honour, we are not opposed to the
28 application.
29 PRESIDING JUDGE: Mr Cammegh?

1 MR CAMMEGH: Nor am I, thank you.

2 PRESIDING JUDGE: I think we will move into a closed session

3 for between five and ten minutes. I hope the gallery is

4 fully informed. Unfortunately, for procedural reasons --

09:52:07 5 they may wish to leave and to come back in the next 10 or

6 15 minutes. We're sorry about that. Can the necessary

7 steps be taken for us to move into a closed session,

8 please.

9 [At this point in the proceedings, a portion of the

10 transcript pages 3 to 9, was extracted and sealed under

11 separate cover, as the session was heard in camera]

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1 [Open session]
2 [The witness entered Court]
3 MS EDMONDS: We're now in open session.
4 WITNESS: TF1-167 [continued]
10:14:00 5 PRESIDING JUDGE:
6 Q. Mr Witness, how are you this morning?
7 A. Quite fine, sir.
8 Q. You're fine?
9 A. Yes, sir.
10:14:08 10 Q. Feeling better today?
11 A. Yes.
12 Q. Okay. I hope that you're feeling strong enough to
13 proceed.
14 A. Yes.
10:14:14 15 Q. Good, okay. All right. So we're ready to move now?
16 A. Yes.
17 PRESIDING JUDGE: Yes, Mr Harrison, you may proceed, please.
18 Yes, you have your hand up?
19 THE WITNESS: Please, sir, I would like to testify openly,
10:14:33 20 sir.
21 PRESIDING JUDGE: Pardon me?
22 THE WITNESS: I would like to testify openly.
23 PRESIDING JUDGE: Just hold on, hold on. Witness, what do you
24 mean -- what do you mean by that, you want to testify
10:15:44 25 openly? Can you explain to us, you know, what you mean,
26 because we want to get you very, very clearly on the
27 record.
28 THE WITNESS: Yes, I mean I would like to testify openly --
29 I mean, in an open court session, because the last time

1 I gave my testimony, all around town, the newspapers,
2 everybody know that I'm testifying. So I believe I'm
3 saying the truth; I don't believe I should hide myself
4 from the truth.

10:17:33 5 PRESIDING JUDGE: Are you suggesting, therefore, that the
6 protective measures which have been put in place should
7 be lifted?

8 THE WITNESS: Yes.

9 JUDGE THOMPSON: In effect, you don't want the screen behind
10:18:26 10 you?

11 THE WITNESS: Yes.

12 JUDGE THOMPSON: You don't want your voice distorted?

13 THE WITNESS: Yes.

14 JUDGE THOMPSON: What's the Prosecution's position on that?

10:19:02 15 MR HARRISON: The Prosecution suggests that the Court ought to
16 embark on a few considerations before it makes any
17 determination on this matter. There was a case decided
18 in the ICTY where a witness asked that the protective
19 measures be lifted and the Court embarked upon a
10:19:30 20 consideration of the concerns and the overriding issues.
21 And the Court's conclusion, as I understand it, was that
22 there has to be an objective assessment of risk to a
23 witness. The witness's subjective experience may well be
24 something the Court can consider, but ultimately there
10:19:56 25 has to be an objective assessment of risk, and it may
26 well be that the Court would find some guidance from
27 hearing from the Witness and Victims Management Office to
28 give you some assistance in determining the objective
29 risk to the witness.

1 The Prosecution concedes that a witness is entitled
2 to express their views, but there still must be an
3 assessment at the end of the day prior to determining
4 whether or not protective measures should be lifted.

10:20:30 5 JUDGE THOMPSON: And when there is a conflict or tension
6 between the objective evaluation and the subjective
7 evaluation; in other words, how does the Court resolve
8 it? Did that particular decision give any guidance as to
9 how that can be resolved; in other words, when the scales
10:20:56 10 are evenly weighted?

11 MR HARRISON: Perhaps it would be of most assistance if
12 I actually told the Court the decision. It's the
13 Prosecutor v Tadic, a decision titled "Decision on the
14 Prosecutor's motion requesting protective measures for
10:21:17 15 victims and witnesses 10 August 1995, paragraph 62". The
16 decision states that the risk assessment must be done on
17 an objective basis as established by the jurisprudence of
18 the Tribunals and:
19 "Judicial concern motivating a non-disclosure order
10:21:43 20 may be based on fears expressed by persons other than the
21 witness, e.g. the family of the witness, the Prosecutor,
22 the victims and witnesses unit."
23 My suggestion to the Court that the proper
24 interpretation is, in the event that the Victims and
10:22:07 25 Witness Management provides you with an objective
26 assessment that there is a risk, that would be the final
27 determining factor. If they give you no such
28 recommendation, then it may well be the case that the
29 wishes of the witness are paramount.

1 JUDGE THOMPSON: Thank you, learned counsel. May we have a
2 response from learned counsel for the first accused?
3 MR JORDASH: I submit that my learned friend is correct so
4 far, but not completely. Firstly, there is an issue of
10:22:41 5 whether this man's name is in the public domain in any
6 event. The witness appears to believe it is and,
7 therefore, considerations as to whether his security is
8 at risk may be an issue which has already been resolved
9 insofar as his name is out in the public domain. It may
10:23:05 10 be a case of closing the stable door after the horse has
11 bolted and, secondly, in relation to my learned friend's
12 analysis of the jurisprudence, it is right that there has
13 to be, I would submit, an objective basis, but an
14 objective basis relating to a specific individual.

10:23:26 15 If my learned friend is proposing that the Witness
16 and Victims Unit simply give an assessment of the
17 security situation in Sierra Leone, I would submit that
18 that is part of the analysis which must take place. The
19 remaining analysis must involve an analysis as to whether
10:23:49 20 this particular individual's security is at risk. I do
21 not agree that the objective basis -- if there is a
22 tension between the objective test and the subjective
23 test, that the objective test has to inevitably prevail.
24 A witness may be in a position to give a subjective basis
10:24:17 25 which, in fact, on balance, is the best analysis which
26 guides this consideration.

27 JUDGE THOMPSON: Yes; in other words, unless the jurisprudence
28 overwhelmingly points to an application of the objective
29 assessment as always prevailing when there is a conflict

1 between the objective and the subjective, because one
2 would have thought that in an equation of this nature one
3 factors in also the wishes of the witness; in other
4 words, his right to waive certain entitlements.

10:25:02 5 MR JORDASH: Well, the witness is in, I would submit, perhaps
6 the best position to say what his security situation is
7 in Freetown, what his family security situation is in
8 Freetown, what it has been over the last few months and
9 how it's changed, if at all, since his name came into the
10:25:23 10 public domain. Those are considerations which, I would
11 submit, in certain circumstances would be paramount.

12 JUDGE THOMPSON: Learned counsel for the second accused?

13 MR NICOL-WILSON: Your Honour, we support the position
14 canvassed by counsel for the first accused. I do not
10:25:42 15 wish to add anything more.

16 JUDGE THOMPSON: Learned counsel for the third accused,
17 Mr Cammegh?

18 MR CAMMEGH: Your Honour, if not paramount, the wishes of the
19 witness must be of grave significance, in my submission,
10:25:54 20 and, as I think Your Honour pointed out just now, unless
21 it is overwhelmed by the jurisprudence, then the wish of
22 the witness, in my submission, should be perhaps the most
23 central consideration the Court has in reaching a
24 decision.

10:26:12 25 JUDGE THOMPSON: Thank you very much. Do you wish to make any
26 short response?

27 MR HARRISON: I think it is probably incumbent upon me just to
28 remind the Court that, a decision already having been
29 made, the mechanism for reconsidering that decision may

1 be an awkward one -- whether a witness himself is
2 entitled to ask the Court to reconsider an existing
3 decision. I leave that for the Court. Frankly, I don't
4 know the answer.

10:26:43 5 JUDGE THOMPSON: Well, it's a very perplexing issue which
6 perhaps we will need to wrestle with ourselves. All
7 right.

8 MR HARRISON: The only other comment I wish to leave with the
9 Court was the suggestion that you may find guidance from
10:26:57 10 the Victims and Witnesses Unit.

11 JUDGE THOMPSON: Very well. Thank you.

12 JUDGE BOUTET: Mr Prosecutor, I would like to know your
13 position as well. In your description of the interested
14 parties that should be listened to in making the
10:27:13 15 objective assessment, I do recall you mentioned
16 Prosecution. What's your position?

17 MR HARRISON: The position that the Prosecution maintains --

18 JUDGE BOUTET: Do you object that his identity be revealed,
19 that's my question to you.

10:27:26 20 MR HARRISON: In our assessment at present --

21 JUDGE BOUTET: And why?

22 MR HARRISON: -- we say it ought to remain protected. So far
23 as we're aware, there were good reasons for the
24 protective measures being put in place. We're not aware
10:27:40 25 of a change in the circumstances.

26 JUDGE BOUTET: Do I take it that you have not talked to this
27 witness since he began to give his evidence and,
28 therefore, situations could have changed that you may not
29 be aware of?

1 MR HARRISON: That's exactly right. No-one from the
2 Prosecution Office has spoken to this witness since his
3 testimony began.

4 JUDGE BOUTET: In other words, when we assess your response,
10:28:03 5 we must take that into consideration; in other words, if
6 their situation has changed, you may not be aware of it
7 because you have not been in a position to talk to the
8 witness about that.

9 MR HARRISON: That's correct.

10:28:14 10 JUDGE BOUTET: Thank you. Just one more question. You quoted
11 Tadic on the objective test. Do you have any other case
12 to quote, or is this the sole jurisprudence you're
13 relying upon at this moment?

14 MR HARRISON: I think I can assist you somewhat further.

10:28:37 15 There were some other cases that considered Tadic. For
16 the Court's benefit, those decisions - you'll have to
17 forgive my pronunciation - are Prosecutor v Barayagwiza.
18 JUDGE BOUTET: Barayagwiza in Rwanda?

19 MR HARRISON: Correct -- 13 July 2000, paragraph 13; and
10:29:04 20 Prosecutor v Gatete, which is -- I'm sorry, that is ICTR
21 again, 11 February 2004, paragraph 8. That's the extent
22 of the guidance I can provide.

23 JUDGE BOUTET: Thank you.

24 PRESIDING JUDGE: I have just a very short question for the
10:30:36 25 Defence. It seems that you are leaning very strongly on
26 the subjective test; that is, the test of the witness
27 himself. Do you think, you know, that he has a full
28 appraisal of the security situation, because I heard you
29 saying that he best knows, you know, whether the security

1 situation is favourable to him or to members of his
2 family. Would you think, you know, that he alone can
3 determine that issue, which is part of quite a complex
4 web of what we have been going through in these matters
10:31:24 5 concerning protective measures?

6 MR JORDASH: I would go further than that in this witness's
7 case and argue that the subjective test is almost the
8 same as the objective test, simply because this witness
9 **xxxx xxxx xxxx**, and this witness is aware that his
10:31:45 10 name is in the public domain. He therefore can say what
11 objectively has been the difference to his security, to
12 his family's security, what has been the difference to
13 his sense of safety. And that, I would submit, is the
14 best possible evidence this Court could obtain as to the
10:32:08 15 security situation of this individual.

16 Whilst of course the Witness and Victims Unit can
17 provide useful evidence as to the security situation in
18 Sierra Leone, what they may not be able to do is provide
19 any further information as to what this witness's
10:32:29 20 security situation is as he has found it. That, I would
21 respectfully submit, is the best possible evidence this
22 Court could receive. And I would invite the Court to
23 perhaps have the Witness and Victims Unit speak to this
24 witness to ascertain why it is he believes he is safe;
10:32:50 25 and I suspect, and I would respectfully submit, that the
26 answer to that would be based on objective factors he has
27 observed since his name became exposed into the public
28 domain.

29 PRESIDING JUDGE: Right, thank you. Mr Harrison, do you have

1 any response to this?

2 MR HARRISON: There's nothing I can add.

3 PRESIDING JUDGE: Nothing else to add. The Court will put
4 this on advisement. We will rise for now and we will
10:33:19 5 resume sitting in the next couple of minutes. The Court
6 will rise, please.

7 [Break taken at 10.30 a.m.]

8 [On resuming at 10.50 a.m.]

9 PRESIDING JUDGE: We're resuming the session.

10:55:30 10 JUDGE THOMPSON: Learned counsel on both sides, before any
11 further Chamber deliberation on this subject, we would
12 certainly like to have some inputs from the victims and
13 protections unit. So we are now inviting Mr Vahidy to
14 provide some inputs on this matter, and then counsel on
10:56:03 15 both sides would be at liberty to seek clarifications
16 from him. Right.

17 SALEEM VAHIDY, called

18 MR VAHIDY: Thank you, Your Honour. Objective conditions, it
19 is not known --

10:56:18 20 PRESIDING JUDGE: Are we still agreed that his testimony
21 remains unsworn?

22 MR JORDASH: Certainly, for my part.

23 PRESIDING JUDGE: Unsworn. Mr Harrison?

24 MR HARRISON: Yes, the Prosecution certainly agrees.

10:56:34 25 MR JORDASH: Could I just raise something before Mr Vahidy
26 does give his --

27 JUDGE THOMPSON: Mr Vahidy, do sit down. Learned counsel
28 wants --

29 MR JORDASH: Simply -- and I don't express any opinion one way

1 or the other, but just to raise the question as to
2 whether the witness should be present to hear these
3 comments about him, or these debates.

4 JUDGE THOMPSON: Can we have your quick response,
10:57:00 5 Mr Prosecutor?

6 MR HARRISON: Mr Jordash's guidance may well be the prudent
7 course of conduct to follow. If Mr Jordash's suggestion
8 is accepted, I just wish to recommend to the Court that
9 perhaps --

10:57:13 10 JUDGE THOMPSON: Let me ask the other counsel. Counsel, are
11 you associating --

12 MR NICOL-WILSON: Yes, sir.

13 MR CAMMEGH: Me, also.

14 JUDGE THOMPSON: If the technicians can help us pull the
10:57:40 15 curtains across so that this witness can, at this point
16 in time, continue to enjoy the protection that is in
17 place, and then we will decide to have him temporarily
18 escorted out of the Court.

19 [The witness left the Court]

10:58:31 20 PRESIDING JUDGE: Mr Harrison, can you advise the Chamber as
21 to whether you want this to proceed in an open or a
22 closed session?

23 MR HARRISON: I think the information would most efficiently
24 be delivered if we were in a closed session.

10:58:53 25 PRESIDING JUDGE: Learned counsel --

26 MR JORDASH: I think that is probably right for a proper and
27 full and candid discussion.

28 PRESIDING JUDGE: Mr Touray?

29 MR NICOL-WILSON: No objection, Your Honour.

1 PRESIDING JUDGE: Mr Cammegh.

2 MR CAMMEGH: Mr Jordash is right. We don't want anything to
3 be fettered, so closed session would probably be
4 appropriate at this time.

10:59:19 5 PRESIDING JUDGE: We will move into a closed session for a
6 very brief moment. I am sure that the gallery is advised
7 for a very brief moment -- I don't think it should take
8 us up to 20, 30 minutes. So we will go into an open
9 session as soon as we are through. Will the gallery
10:59:40 10 please be advised? I'm sorry about this, but these are
11 the procedural implications of international tribunals of
12 this nature.

13 JUDGE BOUTET: Does that mean that the information that
14 Mr Vahidy will be providing will be in closed session?

10:59:55 15 PRESIDING JUDGE: Yes, that's right.

16 JUDGE BOUTET: I have a concern about that, because the
17 witness has already testified publicly in part this
18 morning as to the reasons why his whole evidence should
19 be done publicly without any protection in court.

11:00:08 20 I understand the portion where we're calling some
21 objective assessment as such, this is in closed session,
22 so I have some difficulty to reconcile the two, I must
23 say.

24 PRESIDING JUDGE: Anyway, these are preliminary issues which
11:00:21 25 have to be raised here and which might -- for the time
26 being and before the measures are lifted, we might
27 continue protecting the witness. I think it is proper
28 for us to handle this preliminary issue with Mr Vahidy in
29 a closed session. Mr Vahidy, is he there? Yes.

1 [At this point in the proceedings a portion of the
2 transcript pages 22 to 26, was extracted and sealed under
3 separate cover, as the session was heard in camera]

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[HS181004B 11.18 a.m.]

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[Open session]

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PRESIDING JUDGE: Well, we are resuming the session. I would

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like to have confirmation that we are in an open session.

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Are we in an open session? Is the gallery in

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communication with us? Right, okay.

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Well, the oral ruling of the Court in this

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application by the witness will be presented by

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Honourable Judge Thompson.

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[Ruling]

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JUDGE THOMPSON: The ruling of the Chamber is that the

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application of the witness to testify openly is granted

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and the order of the Chamber is that the screen be

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removed and the voice distortion mechanism be eliminated.

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It is also ordered that the other protective measures are

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to remain in place.

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PRESIDING JUDGE: Following this order, we would like some

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labour to be brought in to lift the veil of this witness.

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It is a term that is -- we are very conversant with in

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company law, but international tribunals are making us in

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[inaudible] the issue of the veil -- the veiled

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witnesses. So, Mr Witness, have you heard? Have you

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heard what the order is?

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THE WITNESS: Yes.

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PRESIDING JUDGE: Are you satisfied with the order?

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THE WITNESS: Yes.

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PRESIDING JUDGE: Good. Okay, that screen will be removed

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from behind you. Okay?

1 THE WITNESS: Yes.
2 [Screen and voice distortion removed]
3 JUDGE BOUTET: Where is the map?
4 MR HARRISON: Madam clerk went to retrieve it.
5 JUDGE THOMPSON: Proceed, learned counsel.
6 MR HARRISON: I am open to suggestions as to what to do with
7 the map. One possibility is to actually attach it to the
8 glass. That would impede the view of some of the
9 spectators. Alternatively, if the Court is of a mind,
10 the witness will be asked to pursue the route. He may be
11 able to do it simply on the table in front of him, and at
12 the conclusion of that everyone can inspect the map and
13 perhaps make markings on their own copies, if they deem
14 that to be the appropriate course. But I am in the hands
15 of Defence counsel if they have a suggestion they prefer
16 to follow.
17 PRESIDING JUDGE: Yes, Defence counsel, what would you opt
18 for? Do you want to learn geography about Sierra Leone?
19 MR JORDASH: I don't know whether the map could be placed on
20 the end of the row. I don't know if that would work. I
21 don't know.
22 PRESIDING JUDGE: Why don't we say we will consult the map
23 when it is necessary? Please, we will consult the map,
24 you know, when it is necessary.
25 MR HARRISON: Thank you.
26 WITNESS: GEORGE JOHNSON
27 EXAMINED BY MR HARRISON: [Continued]
28 Q. Witness, at the outset if you do wish to have some water,
29 you are certainly entitled to have some. I want to ask

- 1 you to cast your mind back to a portion of the evidence
2 that was given on Thursday. I have a note that you
3 mentioned the name of a person named Peleto. Do you
4 recall that?
- 5 A. I know Peleto.
- 6 Q. That is a name that was not included in the table that
7 was prepared. Can you please advise the Court as to the
8 identity of that person, if you are able to?
- 9 A. Yes, he was one of the mid-level commanders of the RUF.
- 10 Q. And do you know what his responsibility was?
- 11 A. I know he's responsible for -- he was a task force
12 commander at the time when we pulled out from Freetown to
13 Waterloo, when we joined with the Revolutionary United
14 Front.
- 15 Q. Do you know that person's Christian name, or is Peleto
16 the Christian name?
- 17 A. Well, I only know him by that name. I don't know whether
18 that it's first name, or his alias name.
- 19 Q. Do you know what rank that person had?
- 20 A. He was a major when I knew him.
- 21 Q. Were there commanders for diamonds in Kono?
- 22 A. Pardon? Say again.
- 23 Q. Were there commanders for diamonds at Kono?
- 24 A. At the time we are at Kono there was no diamond mining
25 taking place, because we are concentrating on defending
26 Kono.
- 27 Q. Now, I am going to try and resume from exactly where we
28 left off on Thursday, and I stand to be corrected by my
29 colleagues, but I think we were at, or near, a town known

- 1 as Newton.
- 2 A. Yes.
- 3 Q. Do you recall that?
- 4 A. Yes.
- 5 Q. I think you indicated that there was a meeting that took
6 place at or near Newton; is that correct?
- 7 A. Yes.
- 8 Q. Can you tell the Court if there was an operational plan
9 developed while you were at Newton?
- 10 A. Yes. On the meeting at Newton it was chaired by SAJ Musa
11 and operational orders were given that we are to attack
12 Freetown. And also, specific orders were given to
13 certain commanders of the battalions of their areas of
14 responsibility when we attacked Freetown.
- 15 Q. Can you tell the Court what route was to be followed to
16 Freetown?
- 17 A. Yes. The route we followed to Freetown was from Newton,
18 came to Waterloo, Waterloo to Benguema Training Centre.
19 From Benguema we went through into the peninsula down to
20 Hasting, and from Hasting we crossed over the Orugu
21 Bridge, turned left up to Orugu village. Then we
22 proceeded in Freetown.
- 23 Q. Let me just pause you there.
- 24 PRESIDING JUDGE: What village is that after Hastings?
- 25 A. Orugu village.
- 26 Q. Orungo?
- 27 A. Orugu.
- 28 MR HARRISON:
- 29 Q. Do you know the spelling of that village?

- 1 A. It's O-R-U-G-O.
- 2 Q. From Newton, were any civilians abducted?
- 3 A. No.
- 4 Q. Were any instructions given with respect to civilians?
- 5 A. Instructions were given by SAJ Musa that when we were
6 coming, there should be no abduction of civilians until
7 we reached Freetown.
- 8 Q. Can you advise the Court now of when Waterloo and
9 Benguema were entered?
- 10 A. I cannot give the right date on the entry of Waterloo and
11 Benguema, but it was in the month of December 1998.
- 12 Q. At Waterloo, was there looting?
- 13 A. At Waterloo there was no looting; there was only burning.
- 14 Q. What was burned?
- 15 A. The shops along the highway, Freetown to Waterloo Road,
16 and the shops along the highway, Waterloo to Benguema
17 Training Centre, they are burnt down.
- 18 Q. Why were they burnt?
- 19 A. One, for us to see that, because it was at night -- for
20 us to see each other and the part where the troops are
21 heading for.
- 22 Q. From Waterloo where did you go?
- 23 A. We went into Benguema Training Centre.
- 24 Q. What was the purpose of going there?
- 25 A. The purpose of going into Benguema Training Centre is for
26 us to get more arms and ammunition to proceed to
27 Freetown.
- 28 Q. Were there arms and ammunition at Benguema?
- 29 A. Yes.

- 1 Q. What was there?
- 2 A. There was an arms store full with arms and ammunition,
3 and there was also a white truck parked before the
4 [inaudible] shell, filled with single-barrel rifles.
- 5 Q. Was there fighting at Benguema?
- 6 A. Yes.
- 7 Q. Describe the fighting that took place.
- 8 A. The fighting was fierce and it lasted for six hours
9 before we could regain Benguema.
- 10 Q. Who were you fighting?
- 11 A. We were fighting the ECOMOG troops and the Kamajors.
- 12 Q. Did SAJ Musa die at Benguema?
- 13 A. Yes.
- 14 Q. Where did he die?
- 15 A. He died right in front of the ammunition dump at the
16 [inaudible] shell.
- 17 Q. Was there a change in command?
- 18 A. Yes.
- 19 Q. What was the change?
- 20 A. The change after the death of SAJ Musa; Alex Tamba Brima
21 took over as field commander.
- 22 PRESIDING JUDGE:
- 23 Q. What killed SAJ Musa?
- 24 A. It was an explosion.
- 25 Q. What sort of an explosion? Where did it come from?
- 26 A. After taking off the arms and ammunition from the -- from
27 the room where they were kept, SAJ Musa ordered for the
28 burning of the building, and once the building was put on
29 fire there was still arms and ammunition underground the

- 1 building. So that's when an explosion -- and hit him on
2 the head and he was the only one to die.
- 3 MR HARRISON:
- 4 Q. Was a meeting called following the death of SAJ Musa?
- 5 A. Yes, a meeting was called at Gubawatar.
- 6 Q. Perhaps you could restate that name and perhaps spell it?
- 7 A. Gubawatar. G-U-B-A-W-A-T-A-R.
- 8 Q. And where is that?
- 9 A. It's just three kilometres from Benguema Training Centre.
- 10 Q. And were any decisions taken at that meeting?
- 11 A. Decisions still continued that we should hit Freetown.
- 12 Q. Were any changes made?
- 13 A. Yes. The field commander was Alex Tamba Brima and his
14 deputy was Ibrahim Bazzy Kamara.
- 15 Q. When Brima took over, were there any radio
16 communications?
- 17 A. Yes.
- 18 Q. Who were they with?
- 19 A. There were radio communications between Alex Tamba Brima
20 and Sam Bockarie; AKA Mosquito.
- 21 Q. What was the -- when was the first radio communication
22 between them?
- 23 A. The first radio communication between them was at
24 Gubawatar after the death of SAJ Musa.
- 25 Q. What was the subject of the communication?
- 26 A. The subject of the communication is that Tamba Alex Brima
27 told Mosquito that SAJ Musa is dead and the RUF should
28 send more troops to join us so that we can reinforce to
29 hit Freetown.

- 1 Q. Was there a response?
- 2 A. The response was that -- Mosquito sent a response saying
3 that Alex Tamba Brima was lying; that it was a trick.
- 4 Q. Do you know who the radio operator was?
- 5 A. The radio operator was Alfred Brown of the Revolutionary
6 United Front.
- 7 Q. And was he the radio operator used by Brima?
- 8 A. Say again.
- 9 Q. Was he the radio operator on behalf of Brima?
- 10 A. Yes.
- 11 Q. At this point in time, were there still people at
12 Kurubonla?
- 13 A. Yes.
- 14 Q. Who was?
- 15 A. Brigadier Mani was at Kurubonla. Superman was at
16 Kurubonla and some other STF members. I can remember
17 Bople, who is a Liberian.
- 18 Q. Did those people leave Kurubonla?
- 19 A. Not at all. Unless Denis Mingo -- alias Superman.
- 20 Q. And where did he go?
- 21 A. He came to attack Makeni from the northern side.
- 22 Q. Do you know when that was?
- 23 A. No.
- 24 Q. At this point in time of SAJ Musa's death, do you know
25 where the RUF combatants were?
- 26 A. Yes. They were heading very close to Makeni to take over
27 Makeni Town.
- 28 Q. Now, from Benguema, tell the Court what took place.
- 29 A. From Benguema, after we have got a new field commander,

1 we took to the hills of the peninsula to Hastings.

2 Q. Did you enter the town of Hastings?

3 A. Yes.

4 Q. Can you assist the Court as to when that took place?

5 A. I couldn't give the right date, but it was in December.

6 We entered Hastings on two occasions.

7 Q. And what happened on the first occasion that you entered
8 Hastings?

9 A. The first occasion we went to Hastings, we attacked the
10 Nigerians and the Kamajors that were deployed there. And
11 we went back into the peninsula.

12 Q. Was anyone killed in that attack?

13 A. Yes.

14 Q. Can you tell the Court who?

15 A. Nigerians were killed.

16 Q. Do you know how many?

17 A. I cannot give a right figure, but it is more than 20.

18 Q. And after that first attack of Hastings, what happened?

19 A. We went up to the peninsula jungle and we planned to move
20 in full force into Freetown.

21 Q. Describe the next thing that happened?

22 A. We came down Hasting again, attack Hasting, and two
23 battalions were sent in to Kossoh Town, the Nigerian
24 headquarter, whilst the remaining troops, families and
25 all arms and ammunition we had crossed through the bridge
26 to Orugu village.

27 MR NICOL-WILSON: Your Honour --

28 JUDGE BOUTET: Yes. Just one moment, please.

29 MR NICOL-WILSON: We want to make a gentle request that the

1 witness slow down a little bit, because we are taking
2 down notes.

3 MR CAMMEGH: Yes, I will endorse that, please. Thank you.

4 PRESIDING JUDGE: I think so. Mr Harrison, you are moving too
5 fast. I am sure you will want your colleagues on the
6 other side to share the reflections of this witness with
7 you. It's important for the fairness of the process.

8 MR HARRISON: I will try to keep a closer eye on their pens.

9 PRESIDING JUDGE: Right.

10 MR HARRISON:

11 Q. I think we were part way through what took place at
12 Hastings. Could you complete your answer?

13 A. We came the second time down Hastings, moved the troops
14 full force, two battalions were sent into the Kossoh Town
15 where the Nigerian headquarter was, and the rest of the
16 troops passed through the main highway over the bridge
17 and turned left up to Orugu village.

18 Q. Was there looting at Hastings?

19 A. No, we only collected arms and ammunition at Hastings.

20 Q. Were houses burned at Hastings?

21 A. Yes, just one building close to the Nigerian headquarter.
22 It was burned because of -- we wanted to locate our
23 positions from the rest of the troops.

24 Q. How far is Orugu village from Hastings?

25 A. It's approximately two miles.

26 Q. What did you do at Orugu village?

27 A. On our arrival at Orugu village, there was another
28 meeting there; a final meeting for us to come down into
29 Freetown.

1 Q. Who attended that meeting?

2 A. All senior commanders and mid-level commanders.

3 Q. Were any decisions taken at that meeting?

4 A. Yes.

5 Q. Please tell the Court what they were.

6 A. Decisions were given that we are now coming into
7 Freetown, and there were decisions given by Alex Tamba
8 Brima, who was the field commander, that Nigerians
9 civilians should be targeted, policemen and women should
10 be targeted, and all collaborators of the SLPP government
11 also should be targeted. And all assignments given to
12 each battalion of their area of responsibility was known
13 to all battalion commanders.

14 Q. You used the word "targeted"; what do you mean by that?

15 A. I will say -- when I say targeted, I refer them to as
16 enemies.

17 Q. How would they be treated?

18 A. They should be killed.

19 Q. Do you know when that meeting took place?

20 A. The meeting took place on January 4th, 1999 at 6.00 p.m.

21 PRESIDING JUDGE:

22 Q. 19 what?

23 A. 1999, 6.00 p.m.

24 Q. It was 4th January?

25 A. Yes.

26 MR HARRISON:

27 Q. Were there any other orders given with regard to
28 Nigerians or Nigerian soldiers?

29 A. Yes. Nigerian soldiers were regarded as enemies and they

1 should be killed.

2 Q. On the table adjacent to your left hand, there is a blue
3 highlighter. I would ask you to pick up the highlighter
4 pen and continue tracing the route from where you left
5 off Newton to Orugu village or as close to Orugu village
6 as you can locate on that map.

7 PRESIDING JUDGE: You can stand up, if you wish to.

8 Mr Witness, you can stand up, if you wish to, so that you
9 can see properly.

10 [Witness complies]

11 THE WITNESS: I'm -- I would like to get the map of Freetown,
12 because Orugu village is not located on this map.

13 MR HARRISON:

14 Q. We will flip that over in just a minute. But if you
15 could just finish off that map in tracing the route, as
16 far as you can, on that map that you have in front of
17 you. I think you will see on that map there is
18 Wellington and if that is as far as you can trace it,
19 perhaps that should be the end of the use of that map?

20 A. Yes.

21 Q. Can you just indicate for us how far you drew the blue
22 line? Where did it end?

23 A. It end at Hastings.

24 Q. Thank you. At this point in time, can you tell the Court
25 what the military plan was for approaching Freetown?

26 A. Yes. The military plan was that we should use a
27 twin-track approach from Orugu village using the old road
28 up to the eastern -- the Kissy Police Barracks, split
29 into two; use the new road and the old road. Up to ferry

1 junction. Then we used the two routes again; the old
2 road and the new road up to Uppun. On our arrival at
3 Uppun, we met a heavy resistance of ECOMOG troops there.
4 We penetrated them. Overran them. Took over the Uppun
5 roundabout, and the 6th Battalion was to go and deploy at
6 the Queen Elizabeth Quay port whilst the rest of the
7 troops used the Kissy Road and Fourah Bay Road to the
8 eastern police. And we proceeded on the twin camp
9 approach to the State House. And from State House there
10 were two battalions deployed there to take care of
11 security of the central part of Freetown.

12 Q. Let me just stop you there so that we can go through this
13 a bit more slowly. When did this operation commence?
14 What day?

15 A. It was on January 5th, we started moving from Orugu
16 village at night and we ended up in Freetown on January
17 6th, a.m.

18 Q. At this time --

19 PRESIDING JUDGE: Let's just get the dates again.

20 THE WITNESS: We started the movement on January 5, night,
21 from Orugu village --

22 JUDGE THOMPSON: Yes.

23 THE WITNESS: And we ended up on January 6th.

24 JUDGE THOMPSON: The year?

25 THE WITNESS: 1999.

26 PRESIDING JUDGE:

27 Q. And ended up in Freetown?

28 A. On January 6th in the morning 1999.

29 Q. That was the next day?

1 A. Yes.

2 MR HARRISON:

3 Q. At this time, January 5 and January 6 of 1999, do you
4 know where the RUF combatants were?

5 A. They are already captured Makeni Town up to Lunsar.

6 Q. Did you know what they were intending on doing?

7 A. They also were intending to come to Freetown.

8 Q. Now, I will ask to you to describe a second time the
9 commencement of the movement of the troops to Freetown.
10 Could you please relate that again?

11 A. Yes.

12 MR CAMMEGH: I wonder if he could have it - because I would
13 like to get this down specifically - if we could have it
14 in very distinct stages. I would be grateful, because
15 there was a lot of information there. Thank you.

16 MR HARRISON: I will try to do that.

17 Q. You mentioned in your first explanation going down Kissy
18 Road. Could you take us first of all from Orugu village
19 to Kissy Road? Describe that route.

20 A. Yeah. We moved Orugu village on the 5th of January 1999.
21 We used the old road. We came to the Kissy Police
22 Barracks and the troops were split into two. Two
23 battalions were sent to use the new road whilst the
24 remaining force used the old road up to the ferry
25 junction.

26 Q. Let me just stop you there. On the back side of the map
27 that you have been looking at, you will see some other
28 maps. Could you please turn that over so that they are
29 visible to you?

- 1 A. [Witness complies]
- 2 A. Yes.
- 3 Q. Correct me if I am wrong, but the map at the top is a map
4 of Freetown and the surrounding areas. The map below
5 that is a magnified map of downtown Freetown. Does that
6 seem right to you?
- 7 A. Yes.
- 8 Q. Starting with the map at the top, the map of Freetown and
9 the outlining areas, could you again use that blue
10 highlighter and trace, if possible, the routes or route
11 that was followed? And, Witness, if I could just
12 indicate now, the lines you are putting on the map, trace
13 them only as far as Kissy Road.
- 14 A. [Witness complies]
- 15 Q. From where you are now, have you identified where the
16 Kissy police station is?
- 17 A. Yes.
- 18 Q. Now, if you -- for the benefit of counsel who are
19 standing behind you, perhaps you could just take your
20 seat. If you could hold up the map, point it towards the
21 Defence counsel, and point with your finger where the
22 Kissy Road police station is.
- 23 A. Here is it.
- 24 Q. And if you could turn it slightly so that the Court can
25 also see what you are pointing to. [Overlapping speakers]
- 26 JUDGE BOUTET: This is where it says on the map "Kissy Police
27 Barracks".
- 28 THE WITNESS: Yes.
- 29 PRESIDING JUDGE: And downwards, if you look downwards, POL

- 1 and a dot. What does that mean? Police or so -- still
2 police. POL.
- 3 A. Yes, that's the police station and up is the Kissy Police
4 Barracks.
- 5 PRESIDING JUDGE: Yes.
- 6 MR HARRISON:
- 7 Q. Now, did anything happen at the Kissy police station?
8 A. Yes.
9 Q. Tell the Court what happened.
- 10 A. On the arrival at the Kissy police station, the police
11 station was ordered by Alex Tamba Brima to be burned down
12 and we had a Hilux jeep from the Kissy police station
13 where we mounted all our heavy weapons.
- 14 PRESIDING JUDGE:
- 15 Q. That is, you took the Hilux?
16 A. Yes.
17 Q. Was it a police vehicle?
18 A. Well, there was no label on it as a police vehicle.
19 Q. I see.
20 A. But it was taken in the police station compound.
- 21 MR HARRISON:
- 22 Q. Were civilians captured on entering Freetown?
23 A. On the route to Freetown, there was no civilian captured.
24 Q. From the Kissy police station, describe what happened
25 next.
26 A. Two battalions were asked to take the new road whilst the
27 remaining troops took the old road down to ferry
28 junction.
29 Q. Can you say which battalions took which route?

1 A. I couldn't remember the two battalions that took the main
2 route.

3 Q. Describe the route that was taken next.

4 A. On our arrival at ferry junction, the same two battalions
5 took the old road, whilst the remaining troops took the
6 new road to Upgun roundabout.

7 Q. Let me just stop you there. What do you mean by ferry
8 junction?

9 A. Ferry junction is a junction close to where the ferry
10 used to come.

11 Q. Are you able to locate that on the map?

12 A. Yes.

13 Q. Could you please do that? If you are able to do so,
14 please point it out first to Defence counsel and then to
15 the Court.

16 A. Can I locate that on the second map?

17 Q. All right, please do so then. If you could point it out
18 to Defence counsel on the second map, the lower map.

19 A. Here is it.

20 [Witness points]

21 Q. And if you could just turn it slightly so that you are
22 pointing to the Court.

23 A. Just close to it, going left you have Bai Bureh Road and
24 down you have PWD store.

25 Q. Now, if you could just return to the upper map, the
26 larger of the two maps. You have told us that the main
27 column followed a route. Describe the route taken by the
28 main column.

29 A. The route taken by the main column was the new road.

- 1 Q. And where did that column go?
- 2 A. The column that took the new road went up to Uppun
3 roundabout.
- 4 Q. And where did the other battalions go?
- 5 A. The other battalions took the old road to the Uppun
6 roundabout.
- 7 Q. If you have not already done so, could you, please, in
8 the blue highlighter pen, trace the routes taken up to
9 the Uppun roundabout.
- 10 A. I have done so.
- 11 [Witness complies]
- 12 Q. What happened at the Uppun roundabout?
- 13 A. We met a stiff resistance there by ECOMOG troops, and we
14 overcome them, and the 6th Battalion was sent down to the
15 Queen Elizabeth Quay port.
- 16 Q. Let's pause you again there. On the movement to the
17 Uppun roundabout, had there been any looting?
- 18 A. No.
- 19 Q. Had there been any burning of property?
- 20 A. No.
- 21 Q. At the Uppun roundabout, what took place?
- 22 A. At the Uppun roundabout we had some casualties on our own
23 side. After overrunning the roundabout, we had to bury
24 them and the 6th Battalion was assigned to go and take
25 care of its responsibility area.
- 26 Q. That responsibility area you have described as being the
27 Queen Elizabeth Quay.
- 28 A. Yes.
- 29 Q. Can you locate that on the map?

- 1 A. I would like you to turn to the other map.
- 2 Q. Please do.
- 3 A. You can see the Cline Town roundabout going up the map.
- 4 You have the Queen Elizabeth Quay, and close to that you
- 5 have the health centre, custom department, shipping crew
- 6 office. This is the area of the Queen Elizabeth Quay
- 7 port.
- 8 Q. Which battalion went there?
- 9 A. The 6th Battalion.
- 10 Q. I am going to ask that with a black ball point pen you
- 11 indicate where the 6th Battalion was positioned.
- 12 [Witness complies]
- 13 A. I will still do that on the other side of the map.
- 14 Q. Yes, that's acceptable. I would ask if you could simply
- 15 write the number "six" and then "BAT" in the area
- 16 adjacent to where you believe they were.
- 17 [Witness complies]
- 18 A. I have done so.
- 19 Q. Thank you. Can you describe for the Court what, if any,
- 20 tactics were used up to that point in time in dealing
- 21 with resistance?
- 22 A. In dealing with resistance, the ECOMOG troops only
- 23 resisted us at the Uppun roundabout. And we had no other
- 24 resistance until the opening of the Pademba Road prisons.
- 25 Q. How was that resistance dealt with?
- 26 A. We used the two routes to attack them. After we have
- 27 tried the first time, we couldn't go through. We
- 28 ordered the two battalions at the old road to come with
- 29 heavy suppressive firing, whilst the rest of the

- 1 battalion moved with force from the new road.
- 2 Q. Was that tactic successful?
- 3 A. Yes.
- 4 Q. Tell the Court what took place after that attack.
- 5 A. After the attack we buried our casualties and then we
6 continued moving to the central part of Freetown.
- 7 Q. First of all, describe the route that you took to the
8 central part of Freetown.
- 9 A. From Uppun we used the Kissy Road straight down to the
10 eastern police, whilst one battalion took Fourah Bay Road
11 and joined up at the East End police.
- 12 Q. Are you able to identify on the map where the East End
13 police station is?
- 14 A. Yes.
- 15 Q. Could you please do that?
- 16 A. [Witness complies]
17 If you could just hold the map up and point it out to
18 Defence counsel first where you understand the East End
19 police station to be located.
- 20 A. I will do it on the small side of the map, and it's
21 located right here, down off where it is written
22 "Magazine".
- 23 Q. If you could just turn that slightly so that the Court
24 can see the map, and if you could point again where you
25 understand it --
- 26 JUDGE BOUTET:
- 27 Q. That's where you have on the map POL again?
- 28 A. Yes.
- 29 Q. Just down from Magazine?

- 1 A. Yes, that's the East End police station.
- 2 MR HARRISON:
- 3 Q. Do you know what time it was that you arrived at the East
4 End police station?
- 5 A. It was done in the morning at 5.30 a.m., January 6, 1999.
- 6 Q. Was there any fighting at the East End police station?
- 7 A. No.
- 8 Q. Up to the East End police station, were any civilians
9 abducted?
- 10 A. No.
- 11 Q. Was there any burning of houses or property?
- 12 A. Yes, the burning of the East End police station.
- 13 Q. Describe what happened there.
- 14 A. As I told you at first, that all police properties and
15 policemen are targets. So all police stations should be
16 burnt down. That was the order given by the field
17 commander, Alex Tamba Brima. So Kissy police station was
18 burnt down.
- 19 Q. What happened to the police that were there?
- 20 A. They all ran away.
- 21 Q. On the map, if you could, again with the blue
22 highlighter, trace a route that was taken up to the East
23 End police station.
- 24 [Witness complies]
- 25 A. I've done so.
- 26 Q. And if it is possible, could you also do it on the map of
27 central Freetown?
- 28 [Witness complies]
- 29 A. Done so.

- 1 Q. Do you know which battalions went to the East End police
2 station?
- 3 A. The whole troops met at the East End police station.
- 4 Q. And what happened after reaching the East End police
5 station?
- 6 A. After reaching the East End police station, another --
7 the two battalions still continued by Sanni Abacha Street
8 to [inaudible] whilst the remaining troops took Goderich
9 Street up to the State House.
- 10 Q. You have already indicated that the 6th Battalion went to
11 the Queen Elizabeth Quay.
- 12 A. Yes.
- 13 Q. Did they remain there?
- 14 A. Yes.
- 15 Q. So is there now five battalions?
- 16 A. Yes.
- 17 Q. Please indicate on the map - and I think if you just
18 leave it on the map of downtown Freetown - if you could
19 just trace the route that you have described.
- 20 [Witness complies]
- 21 A. I have done so.
- 22 Q. What were the streets that were used?
- 23 A. Goderich Street was used and Sanni Abacha Street was used
24 up to Garrison Street to State House.
- 25 Q. Up to arriving at State House, were any houses burned?
- 26 A. No.
- 27 Q. Do you know when the combatants arrived at State House?
- 28 A. It was in the morning at about 7.30 a.m., January 6th,
29 1999.

1 Q. What happened at State House?

2 A. On our arrival at State House the order was given that
3 the troops should go and open the Pademba Road prisons
4 whilst the State House was located as the headquarters.

12:08:19 5 [HS181004C 12.18 p.m.]

6 PRESIDING JUDGE: Orders were given by who.

7 THE WITNESS: Alex Tamba Brima, the commander in chief.

8 MR HARRISON:

9 Q. Was there fighting at State House?

12:15:30 10 A. There was no heavy resistance at State House. Before
11 reaching State House, the ECOMOG troops had pulled out
12 from State House.

13 Q. We're now at State House. Describe for the Court what
14 took place next?

12:16:06 15 A. On arrival at State House, orders were given by Alex
16 Tamba Brima to go and open up the Pademba Road prison.

17 PRESIDING JUDGE: Yes, we had that already.

18 MR HARRISON:

19 Q. Did that happen?

12:16:25 20 A. Yes.

21 Q. Who did that?

22 A. The first battalion was in charge of that area and
23 reinforced by -- reinforced by the fourth battalion.

24 Q. Do you know when they arrived at the Pademba Road prison?

12:16:46 25 A. It was at 9.00 a.m. in the morning January 6, 1999.

26 Q. And what happened there?

27 A. On arrival at the Pademba Road prisons, the main door was
28 blast with an RPG bomb and it was opened. Everybody came
29 outside and they were directed to go to the State House.

- 1 Q. When you say "everyone", who are you referring to?
- 2 A. All detained people who met at the Pademba Road prisons.
- 3 Q. Using the blue highlighter again, could you please
- 4 indicate the route that was taken to --
- 12:17:42 5 PRESIDING JUDGE: You said they were asked to go to State
- 6 House?
- 7 THE WITNESS: Yes.
- 8 PRESIDING JUDGE: Everybody from Pademba prison?
- 9 THE WITNESS: Yes.
- 12:18:03 10 MR HARRISON:
- 11 Q. With the blue highlighter could you please trace the
- 12 route to the Pademba Road prison?
- 13 A. [Marks]
- 14 Q. You've done that on the map of downtown or central
- 12:18:37 15 Freetown. Could you please go back to the larger map and
- 16 you may well be able to identify the Pademba Road prison
- 17 on that, and, if you can, could you please trace the
- 18 route to it?
- 19 A. [Marks] I've done so.
- 12:19:35 20 Q. Is there any markings on the map which indicate Pademba
- 21 Road prison?
- 22 A. Yes.
- 23 Q. And was there a particular battalion that was positioned
- 24 there or stationed there?
- 12:19:45 25 A. Yes.
- 26 Q. Could you write down the number of that battalion that
- 27 was located in the black ball-point pen?
- 28 A. [Marks] The first battalion was located here.
- 29 Q. Thank you. From Pademba Road, what is the next course of

- 1 action that's taken?
- 2 A. From Pademba Road prisons, while the detainees were asked
3 to go to the State House, the other battalion that
4 reinforced the first battalion to the Pademba Road and
12:20:28 5 the first battalion went up to the Broadcasting Station,
6 the SLBS; came up to the Brookfields Hotel, where it was
7 the Kamajor headquarters; right up to the Hill Cot --
8 right up to -- from -- from the Brookfields Hotel; came
9 down King Harman Road to Youyi building, whilst the
12:21:07 10 remaining battalion took the route side streets Ascension
11 Town and to Kingtom.
- 12 Q. Do you know what time those combatants arrived at the
13 Brookfield Hotel?
- 14 A. It was about 10.00, 10.30 a.m., January 6, 1999.
- 12:21:40 15 Q. Can you explain, again, the route that was taken from the
16 Brookfields Hotel?
- 17 A. From the Brookfields Hotel, the route was taken to the
18 junction of King Harman, down to the Youyi building,
19 Youyi building to the Siaka Stevens Stadium side street,
12:22:05 20 down to the Ascension Town, and the Kingtom Police
21 Barracks.
- 22 Q. Who went to the Kingtom Police Barracks?
- 23 A. The Kingtom Police Barracks, the commander Saidu Kambula,
24 a.k.a. Baski, was deployed there.
- 12:22:30 25 Q. Do you know which battalion that was?
- 26 A. I couldn't remember the right battalion.
- 27 Q. Now, if you could please go back, I think it's to the map
28 of central Freetown, and in the blue highlighter pen
29 please trace the route that was taken to Kingtom? If

1 you're only able to do it on the larger map, please do it
2 on the larger map.

3 A. [Marks]

4 PRESIDING JUDGE: Learned counsel, you think you have about
12:24:27 5 how much time -- how much more time?

6 THE WITNESS: I've down done so.

7 MR HARRISON: With this particular map, I would think about 15
8 to 20 minutes, and then I would estimate another hour and
9 a half to complete the testimony.

12:24:43 10 PRESIDING JUDGE: I see. Go ahead.

11 MR HARRISON:

12 Q. From the Kingtom area what was the next action taken by
13 the combatants?

14 A. From the Kingtom area, after the deployment of the
12:25:02 15 battalions, we reorganised the fighters to advance to the
16 Congo Cross, which we use the two routes - the main
17 route's on the Congo Cross bridge and the other route's
18 by the Ascension Town Road.

19 Q. And what happened at Congo Cross?

12:25:27 20 A. We couldn't go through to Congo Cross. We only stopped
21 at the two bridges.

22 Q. Why could you not go through?

23 A. Because ECOMOG troops were deployed at the other side, so
24 couldn't go through.

12:25:46 25 Q. Was there fighting there?

26 A. Yes.

27 Q. What happened?

28 A. There was heavy fighting there and we are beaten back, so
29 we pulled out from the two bridges and just gain control

- 1 of Kingtom, the Youyi building, Jomo Kenyatta Road.
- 2 Q. Were there casualties there?
- 3 A. Yes.
- 4 Q. How many?
- 12:26:16 5 A. I couldn't give a right figure of casualty.
- 6 Q. With the blue highlighter could you, please, indicate on
7 the map, again, the routes taken to the two bridges that
8 you referred to?
- 9 A. [Marks] I've done so.
- 12:26:52 10 Q. Was there any other troop movement on that day of
11 January 6?
- 12 A. No.
- 13 Q. Tell the Court if you went to Pademba Road.
- 14 A. Yes.
- 12:27:09 15 Q. What did you do after going to Pademba Road?
- 16 A. After opening Pademba Road, I moved to the troops to
17 Kingtom, and we tried to go over the bridges; we
18 couldn't. So I returned back to the headquarter at State
19 House.
- 12:27:31 20 Q. Do you know what time you returned to State House?
- 21 A. I cannot give a specific time, but it was in the
22 afternoon of January 6, 1999.
- 23 Q. When you got to State House, what did you see?
- 24 A. On my arrival at State House, the front part of the State
12:27:52 25 House I saw a lot of corpse, dead bodies on the floor in
26 front of the State House.
- 27 Q. Can you estimate for the Court how many corpses you saw?
- 28 A. A right figure I couldn't give, but it was more than 30
29 dead bodies on the floor.

- 1 Q. Did you come to any understanding of who those people
2 were?
- 3 A. Most of the dead bodies on the floor were Nigerian
4 soldiers, Nigerian civilians and policemen.
- 12:28:39 5 Q. Do you know how they were killed?
- 6 A. They were killed by gunshots.
- 7 Q. Do you know why they were killed?
- 8 A. I could say because those people were targeted people, so
9 I believe that was why they were killed.
- 12:29:06 10 Q. You referred to fighting at the bridges for Congo Cross;
11 is that right?
- 12 A. Yes.
- 13 Q. And it was ECOMOG who was putting up the resistance?
- 14 A. Yes.
- 12:29:34 15 Q. Were any orders given as a result of that ECOMOG
16 resistance?
- 17 A. No.
- 18 Q. When you went back to State House, did you remain there?
- 19 A. On my arrival at State House I rested. On January 7th we
12:30:03 20 got some troops from the other battalions to continue our
21 advance at the Congo Cross bridge, but we couldn't go
22 through.
- 23 Q. So what did you do next?
- 24 A. Next I went back to the State House, because the ECOMOG
12:30:32 25 troops have started fighting us in full force.
- 26 Q. Do you recall the route you took back to State House?
- 27 A. I use the Ascension Town Road to the Kingtom junction, up
28 to the Kroo Town Road supermarket, and the Siaka Stevens
29 Street to State House.

- 1 Q. Was there any burning of property at that time?
- 2 A. At that time there was no burning of property, on that
3 day.
- 4 Q. Was there burning on subsequent days?
- 12:31:45 5 A. Yes.
- 6 Q. When did that start?
- 7 A. It started when we -- when we lost the Kingtom junction,
8 Ascension Town, and also the King Harman Road junction,
9 when we were pulling back to State House.
- 12:32:09 10 MR CAMMEGH: Slow down, please.
- 11 MR HARRISON:
- 12 Q. Were any orders given with respect to burning property?
- 13 A. No.
- 14 Q. What happened on the remainder of January 7th?
- 12:33:01 15 A. After pulling out to State House -- when I came to State
16 House, there was a radio message sent to Sam Bockarie,
17 a.k.a. Mosquito, by Gullit - Alex Tamba Brima - that we
18 have started pulling out from where we had already
19 stopped to the State House. And the response of Sam
- 12:33:39 20 Bockarie was that if at all ECOMOG troops push us that
21 far, the whole central part of Freetown he would ask --
22 he will give orders for the burning down of the whole
23 central part of Freetown and all important buildings.
- 24 Q. Do you know who sent that radio message on behalf of
12:34:45 25 Gullit?
- 26 A. It was Alfred Brown of the RUF.
- 27 Q. At that time did you know where the RUF combatants were
28 located?
- 29 A. They were still at Lunsar.

1 JUDGE BOUTET: But when you say Brown was the radio operator -
2 he's from RUF, he was Brima's radio operator all the
3 time, was he?
4 THE WITNESS: No.
12:35:19 5 JUDGE BOUTET: Well, while you are in Freetown he is Brima's
6 radio operator?
7 THE WITNESS: Yes, yes.
8 JUDGE BOUTET: Okay. So when you are attacking Freetown, all
9 the time Brown is Brima's radio operator?
12:35:31 10 THE WITNESS: From Orugu from Kobawata, where SAJ died, then
11 he started relaying message for Alex Tamba Brima, till we
12 reach Freetown and pulled out back.
13 JUDGE BOUTET: Thank you.
14 MR HARRISON:
12:35:47 15 Q. Do you know of a building called the Foamex factory?
16 A. Yes.
17 Q. Did you or others go there?
18 A. I did not go there, but there was a commander that was
19 sent there by the name of Colonel Junior Marvin.
12:36:08 20 Q. First of all, tell the Court where the Foamex factory is?
21 A. The Foamex factory is at the eastern side of Freetown,
22 going to the eastern village.
23 Q. On either of the maps that are beside you - the large map
24 of the Freetown and surrounding area or the map of
12:36:33 25 central Freetown, are you able to assist and in locating
26 where the Foamex factory was?
27 A. It is not shown in either two of the maps.
28 Q. Why was Junior Marvin sent there?
29 A. He was sent there to go and receive --

1 PRESIDING JUDGE: Let us have the location of the Foamex
2 factory. You say it is located where?
3 THE WITNESS: At the eastern part of Freetown, going to
4 Hastings.
12:37:29 5 PRESIDING JUDGE: And you say it's not in this map?
6 THE WITNESS: Not at all.
7 PRESIDING JUDGE: Okay. Yes, proceed, please.
8 JUDGE BOUTET: When you say it is not marked on the map, but
9 can you indicate roughly where it might be on the map?
12:37:42 10 THE WITNESS: It's not very close, because here I can see the
11 Kissy Dockyard, Fisher Lane and --
12 JUDGE BOUTET: It's further east?
13 THE WITNESS: It's further east.
14 JUDGE BOUTET: Okay. It's not --
12:37:54 15 THE WITNESS: Just the edge of Freetown, coming into Freetown
16 by the eastern part.
17 JUDGE BOUTET: Okay.
18 MR HARRISON:
19 Q. If you turn to the other of -- the larger of the two maps
12:38:03 20 does that --
21 A. It's not located in either of the two maps.
22 Q. Is the Foamex factory near Wellington?
23 A. The Foamex factory's after Wellington. It's at the edge
24 of the eastern part of Freetown.
12:38:33 25 Q. Thank you. Why did Junior Marvin go there?
26 A. Junior Marvin went to Foamex factory because a radio
27 communication was sent to Sam Bockarie, alias Mosquito,
28 to send reinforcements of RUF fighters to join us in
29 Freetown, and they were to meet at the Foamex factory.

- 1 Q. When was that radio communication?
- 2 A. The radio communication was sent the time we started
3 pulling out after we've lost the State House.
- 4 Q. How many days after January 6 did you start pulling out
12:39:33 5 from Freetown?
- 6 A. Three days started pulling out from the central part of
7 Freetown.
- 8 Q. How many people went with Junior Marvin?
- 9 A. I cannot give a right number, but it was an handful of
12:39:59 10 fighters.
- 11 Q. And what did Junior Marvin do?
- 12 A. On his arrival at the Foamex factory he was to wait to
13 receive the RUF fighters, but they moved from Lunsar up
14 to Waterloo, and they stayed at Waterloo; they never came
12:40:25 15 to join us. So Junior Marvin was there till we pulled
16 out and join up at Orugu village.
- 17 Q. At that point in time do you know who the RUF commanders
18 were?
- 19 A. The RUF commander that was -- that was moving with the
12:40:53 20 troops was called Denis Mingo, a.k.a. Superman; and you
21 have Morris Kallon, a.k.a. Bilai Karim; whilst Issa Sesay
22 stayed at Makeni. And you have also Rambo of the RUF.
- 23 Q. Were there other communications between Brima and people
24 in the RUF?
- 12:42:06 25 A. Yes.
- 26 Q. In the order in which they occurred, tell the Court about
27 those communications.
- 28 A. The first communication was at Orugu village before
29 coming down to Freetown. Communication was sent that we

1 are already in the outskirts of Freetown and we are
2 planning to proceed into the central part of Freetown.
3 That was the first communication.
4 Q. Who was that sent to?
12:42:40 5 A. It was sent to Sam Bockarie, alias Mosquito.
6 Q. And who was it sent by?
7 A. It was sent by Alex Tamba Brima through Alfred Brown, the
8 signaler.
9 Q. Was there a response to that communication?
12:42:57 10 A. The response to the communication was not known by me.
11 Q. Was there other communications?
12 A. Yes.
13 Q. What was the next one?
14 A. The next one was at State House. Alex Tamba Brima
12:43:18 15 informed Mosquito that we are now in Freetown and we are
16 in control of the city. And the response Mosquito made
17 was his announcement over the BBC broadcasting station.
18 Q. Was it as a result of this communication that Junior
19 Marvin went to Foamex?
12:43:54 20 A. No.
21 Q. When did that take place?
22 A. On the -- the information that -- the communication that
23 made Junior Marvin to go to Foamex was sent by Alex Tamba
24 Brima to Mosquito at State House when we started the
12:44:18 25 pull-out after three days.
26 Q. Was there any further communications?
27 A. Yes.
28 Q. Tell the Court what they were.
29 A. There was another communication at the Shankaras building

1 at Ferry Junction, telling Mosquito that we are pulling
2 out and the president, Dr Ahmad -- Alhaji Ahmad Tejan
3 Kabbah has given a ceasefire, and a response by him -- by
4 Mosquito was that we should not accept to the ceasefire
12:45:04 5 given by the president.

6 Q. What was the response of Brima to that?

7 A. Brima accepted and we still continue the fighting.

8 Q. In trying to keep track of things, you mentioned a
9 Shankaras building. Does that indicate the name of a
12:45:36 10 company?

11 A. Yes.

12 Q. And are you able to assist the Court in describing where
13 that building was located?

14 A. The building is located very close to the Ferry Junction.

12:45:57 15 Q. Was there any further communication?

16 A. Yes.

17 Q. Can you tell the Court what that was?

18 A. There was another communication at Orugu village on our
19 pulling out. It was sent by Alex Tamba Brima to
12:46:11 20 Mosquito, telling Mosquito that we have lost Freetown, he
21 had not seen the reinforcement he asked for and now we
22 are pulling out. And the response of Mosquito is that we
23 should pull out at least for us not to be trapped in
24 Freetown, to join the RUF at Waterloo.

12:46:37 25 Q. Did you go to the Kissy Mental Hospital?

26 A. Yes.

27 MR CAMMEGH: Sorry, can we slow down, please.

28 MR HARRISON:

29 Q. Did you go to the Kissy Mental Hospital?

- 1 A. Yes.
- 2 Q. Was there any communications from there?
- 3 A. Yes.
- 4 Q. Who was the communications between?
- 12:47:48 5 A. Between Alex Tamba Brima and Mosquito.
- 6 Q. Do you know what the subject of the communication was?
- 7 A. Yes.
- 8 Q. Please tell the Court.
- 9 A. It was sent by Mosquito to Alex Tamba Brima that all high
- 12:48:12 10 politicians - because from the Pademba Road prisons -
- 11 should be hand over to Issa Sesay on our arrival at
- 12 Waterloo. And he specified names like the former
- 13 president JS Momoh, the parliamentarian Victor Foh, and
- 14 Steve Bio, and some other high ranking SLA officers.
- 12:48:58 15 MR CAMMEGH: I got as far as Momoh.
- 16 MR HARRISON:
- 17 Q. Witness, if you could repeat the names after Momoh.
- 18 A. Victor Foh.
- 19 Q. Perhaps you could spell that, Foh.
- 12:49:10 20 A. F-O-R, Foh, Victor Foh.
- 21 Q. And was there any further names?
- 22 A. Steve Bio.
- 23 Q. Is the spelling B-I-O?
- 24 A. Yes.
- 12:49:27 25 Q. And were there other names?
- 26 A. Those names I only could remember.
- 27 PRESIDING JUDGE: You mentioned the former president --
- 28 THE WITNESS: President --
- 29 PRESIDING JUDGE: -- Momoh.

1 THE WITNESS: Yes, Joseph Saidu Momoh, and also a chief named
2 Chief Dura.
3 MR HARRISON:
4 Q. When you say "chief", do you mean Paramount Chief?
12:49:55 5 A. Yes.
6 Q. And are you able to spell that chief's name?
7 A. D-U-R-A.
8 Q. Witness, what I would like you to try to do now is to
9 tell the Court what you did following the withdrawal from
12:50:27 10 State House.
11 A. On the withdrawal --
12 PRESIDING JUDGE: [Overlapping speakers]
13 Q. Was this order carried out? This order -- instructions
14 from Mosquito to Brima for this personalities to remove,
12:50:46 15 you know, to be taken to Waterloo; were they carried out?
16 A. Yes, on the arrival at Waterloo they were all sent to
17 Makeni.
18 Q. They were these people you have mentioned here?
19 A. Yes.
12:50:59 20 Q. Were taken to Waterloo?
21 A. We brought them to Waterloo and from Waterloo they were
22 hand over to Issa Sesay at Makeni.
23 MR HARRISON:
24 Q. I'm wanting to take you back to State House, when you
12:51:45 25 begin the withdrawal from State House.
26 A. Yeah.
27 PRESIDING JUDGE: Learned counsel, we have just five minutes
28 to go. Is this new ground? Is this a new ground.
29 MR HARRISON: This is a convenient time if the Court wishes to

1 break.

2 PRESIDING JUDGE: Pardon me?

3 MR HARRISON: This would be a convenient time should the Court
4 wish to break now.

12:52:05 5 PRESIDING JUDGE: Yes, because if you start on new grounds, it
6 might be strategically not very pertinent, you know, for
7 you to stop after five minutes and to pursue your
8 examination from there. So the Court will rise at this
9 time and we will resume sitting at 2:30. The Court will
12:52:57 10 rise, please.

11 [Luncheon recess taken at 12.55 p.m.]
12 [On resuming at 2.43 p.m.]
13 [HS181004C2]

14 PRESIDING JUDGE: Yes, Mr Harrison, we'll proceed. We are
14:40:01 15 resuming the session.

16 MR HARRISON: Thank you.

17 PRESIDING JUDGE: It's for you to proceed.

18 MR HARRISON:

19 Q. Witness, can you tell the Court how many combatants
14:40:13 20 entered Freetown on January 6, '99?

21 A. I couldn't give a specific number, but it was over 2000
22 combatants.

23 Q. Did one of the battalions go to Government Wharf?

24 A. Yes.

14:40:38 25 Q. Do you know which battalion did that?

26 A. I cannot tell the battalion, but I can give the name of
27 the commander, the battalion commander.

28 Q. What was the name?

29 A. He was Major Rhino.

1 Q. On the map that's in front of you could you endeavour to
2 locate Government Wharf, and if you can, perhaps you can
3 just indicate by putting "MR" to indicate Major Rhino
4 where Government Wharf is?

14:41:26 5 A. Shall I put abbreviation of the battalion commander?

6 Q. If you could --

7 PRESIDING JUDGE: On what map are we - the map of Freetown?

8 MR HARRISON: Yes, we're on the smaller map of Freetown. The
9 downtown, sort of central Freetown.

14:41:42 10 Q. Do you see Government Wharf indicated on the map
11 anywhere?

12 A. Yes.

13 Q. And just above Government Wharf could you put the
14 initials "MR", which I think would be helpful for
14:41:54 15 indicating Major Rhino?

16 A. [Marks] Yes.

17 Q. Thank you. You told us a number of combatants entered
18 Freetown. Are you able to say how many civilians entered
19 Freetown with the combatants on January 6, 1999?

14:42:19 20 A. I couldn't give a specific number but they were also more
21 than 2000.

22 JUDGE BOUTET: What was your previous question about
23 combatants? Wasn't it about Freetown? Is it the same
24 question or is it --

14:42:36 25 MR HARRISON: The second question is the number of
26 civilians --

27 JUDGE BOUTET: Oh, okay.

28 MR HARRISON: -- that entered Freetown with the combatants on
29 January 6, 1999.

1 PRESIDING JUDGE: Mr Harrison, we would like to know where
2 were these civilians coming from?
3 THE WITNESS: The civilians were captured on our way from
4 Mansofinia to Camp Rosos, to Major Eddie Town and to
14:43:05 5 Newton.
6 PRESIDING JUDGE: So you're saying that they were captured and
7 they were onward marched to Freetown.
8 THE WITNESS: Yes.
9 MR HARRISON:
14:43:37 10 Q. What was the purpose of having the civilians enter
11 Freetown with the combatants?
12 A. The purpose of the civilians was to carry arms and
13 ammunition on the route to Freetown.
14 Q. I'd like to pursue your evidence by starting from the
14:44:16 15 time when you commenced the withdrawal from State House.
16 A. Yes.
17 Q. Can you tell the Court when the withdrawal from State
18 House began?
19 A. The withdrawal from State House began after -- after the
14:44:35 20 first five days in Freetown.
21 Q. How did the withdrawal from Freetown proceed?
22 A. We withdraw from State House back to Orugu village.
23 Q. Starting from State House, tell the Court the route you
24 took and where you went?
14:45:04 25 A. From the State House we took the route Kissy Road to the
26 Uppun roundabout.
27 Q. How long did it take you to get there?
28 A. It was just a day.
29 Q. Was a night spent in that area?

1 A. Yes, we spent couple of days at the Ferry Junction.
2 Q. Where did you stay at Ferry Junction?
3 A. At the eastern part of Freetown.
4 Q. Did you stay in particular buildings?
14:45:56 5 A. Yes.
6 Q. What were they?
7 A. The Shankaras building, the SLRA building.
8 Q. What is the SLRA building?
9 A. Sierra Leone Road Authorities.
14:46:14 10 Q. And where is that located?
11 A. At Ferry Junction.
12 Q. During the movement from State House to Ferry Junction,
13 was there any burning of property?
14 A. The burning of property --
14:46:40 15 JUDGE THOMPSON: Learned counsel, has he completed the road
16 from State House to the withdrawal? Has he completed the
17 road ?
18 MR HARRISON: No, we're going through it step by step.
19 JUDGE THOMPSON: Oh, I see.
14:46:55 20 MR HARRISON: The first step is State House to Ferry Junction,
21 and that's as far --
22 JUDGE THOMPSON: I see. So you're going in stages.
23 MR HARRISON: That's as far as we've gotten so far.
24 JUDGE THOMPSON: Okay, that's fine.
14:47:02 25 THE WITNESS: At Ferry Junction the burning started when the
26 ECOMOG troops pushed us from the Ugun roundabout to the
27 Ferry Junction, and there was an announcement made by the
28 operation director, Hassan Papa Bangura, alias Bomb
29 Blast, for burning of houses on our withdrawal to Orugu

1 village.

2 Q. Can you tell the Court which streets burning took place
3 on?

4 A. I cannot tell all the specific streets; I could only
14:47:59 5 remember the Kissy Road, the Fourah Bay Road. Those are
6 the streets I could remember.

7 Q. During the withdrawal from State House to Ferry Junction,
8 were there any abductions of civilians?

9 A. Yes.

14:48:34 10 Q. Do you know how many people were abducted?

11 A. I couldn't tell number of people abducted.

12 Q. What happened with those people who were abducted?

13 A. They were with the fighters till we pull back to Orugu
14 village.

14:49:09 15 Q. Did any amputations of limbs take place during the
16 withdrawal from State House to Ferry Junction?

17 PRESIDING JUDGE: I'm still uncomfortable with this; were
18 there any amputations and so on. I don't know what is
19 happening. There is so much of leading questions and
14:49:27 20 we're just continuing, you know, like that, with the
21 amputations. Well, answer.

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: And let's get along. Please, we would like
24 to have legally framed questions, you know, so that we
14:49:41 25 are sure we are operating within the limits of what is
26 permissible under the law.

27 MR HARRISON:

28 Q. Can you tell the Court what took place from State House
29 to Ferry Junction?

1 A. Amputation took place after we lost Ferry Junction going
2 to the Crazy Yard, the mental home. And the order was
3 passed by Santigie Kanu.

4 JUDGE THOMPSON: Slowly please. After we lost Ferry
14:50:18 5 Junction --

6 THE WITNESS: Going to the Kissy Mental Home.

7 JUDGE THOMPSON: -- heading for Kissy Mental Home.

8 THE WITNESS: The order was given by Santigie Kanu, a.k.a.
9 Five-Five, that the troops should amputate up to 200
14:50:35 10 people and send them into Freetown.

11 PRESIDING JUDGE: What was the nickname again - Santigie Kanu?

12 JUDGE THOMPSON: Five-Five? Five-Five you said?

13 PRESIDING JUDGE: A.k.a. Five-Five?

14 THE WITNESS: Five-Five, yes.

14:51:01 15 MR CAMMEGH: I didn't get the --

16 JUDGE THOMPSON: Amputate up to 200 people and send them to
17 where?

18 THE WITNESS: 200 people and send them back to Freetown to the
19 ECOMOG controlled area.

14:51:16 20 JUDGE BOUTET: Yes, Mr Cammegh?

21 MR CAMMEGH: I didn't get the significance of I think it was
22 used by its colloquial name Crazy Yard, which I think is
23 the Kissy Mental Home.

24 JUDGE THOMPSON: Well, there's Kissy Mental Home -- that's the
14:51:31 25 proper name.

26 MR CAMMEGH: Yes.

27 JUDGE THOMPSON: And he was giving the vernacular.

28 MR CAMMEGH: Yes, indeed.

29 JUDGE THOMPSON: Kissy Mental Home.

1 MR CAMMEGH: Yes. I just didn't get the significance of that
2 location in relation to the order to commit amputations.
3 JUDGE THOMPSON: Ferry Junction. It is said, "After we lost
4 Ferry Junction, heading towards Kissy Mental Home."
14:51:47 5 MR CAMMEGH: Yes.
6 JUDGE THOMPSON: And it was after the Ferry Junction and
7 that's what he was trying to say.
8 MR CAMMEGH: Yes.
9 JUDGE THOMPSON: But let him explain it.
14:51:56 10 MR CAMMEGH: Yes, certainly. Thank you.
11 JUDGE THOMPSON: Yes, let him clarify that. Could you go over
12 that again, please? The amputations took place, you
13 said, "after we lost Ferry Junction, going towards".
14 THE WITNESS: The Kissy Mental Home.
14:52:24 15 JUDGE THOMPSON: Yes. Does that help, counsel?
16 MR CAMMEGH: Thank you.
17 THE WITNESS: Excuse me, please. I cannot hear from this.
18 MR HARRISON: I see. Perhaps the Court clerk can help us.
19 PRESIDING JUDGE: There must be a technical problem.
14:52:43 20 JUDGE BOUTET: Might not be on the right channel.
21 THE WITNESS: It's okay, yeah.
22 JUDGE BOUTET: Can you hear now?
23 THE WITNESS: Yes.
24 JUDGE THOMPSON: Continue, counsel.
14:53:03 25 MR HARRISON:
26 Q. Tell the Court how long you remained at Ferry Junction?
27 A. We are at Ferry Junction for a week before losing control
28 of Ferry Junction.
29 Q. And who did you lose control of Ferry Junction to?

- 1 A. To the ECOMOG troops.
- 2 Q. And how did that happen?
- 3 A. We had a fight between the ECOMOG troops, so we have to
4 pull back from Ferry Junction.
- 14:53:41 5 Q. At this time were you listening to the BBC?
- 6 A. Yes.
- 7 Q. Were there any announcements or programmes that were of
8 note?
- 9 A. Yes.
- 14:54:08 10 Q. What was that?
- 11 A. An announcement came to the BBC by the president, Dr
12 Alhaji Ahmad Tejan Kabbah, that we should have a
13 ceasefire. That was on a Friday; I couldn't tell the
14 dates. And we did not accept to the ceasefire. And on
14:54:33 15 the following Monday another announcement was made by
16 Charles Taylor for us to ceasefire, and the commander,
17 Alex Tamba Brima, told us to ceasefire. But the ECOMOG
18 troops did not hear [sic] to that ceasefire.
- 19 Q. Where were you at the time of those announcements?
- 14:55:37 20 A. We were at Ferry Junction.
- 21 Q. Were there any killings during that time period?
- 22 A. Yes.
- 23 Q. Tell the Court what they were or who was killed.
- 24 A. A government minister was killed and his body was
14:56:03 25 deposited at the Sierra Leone Road Authority building.
26 And also other captured ECOMOG soldiers were also killed
27 in the Sierra Leone Road Transport Authority.
- 28 JUDGE BOUTET: These ECOMOG soldiers were soldiers that you
29 had captured?

1 THE WITNESS: Yes.
2 JUDGE BOUTET: How many are we talking about?
3 THE WITNESS: I cannot give a specific number, but about 10.
4 JUDGE BOUTET: Ten.
14:56:52 5 JUDGE THOMPSON: Their bodies, too, were deposit at the SLRA?
6 THE WITNESS: Yes.
7 JUDGE THOMPSON: Authority.
8 THE WITNESS: Yes.
9 PRESIDING JUDGE: What was the name of the government minister
14:57:17 10 who was killed, do you know?
11 THE WITNESS: No.
12 PRESIDING JUDGE: You don't know the name?
13 THE WITNESS: No.
14 MR HARRISON:
14:57:46 15 Q. Can you estimate the number of bodies that were left at
16 the SLRA?
17 A. About 15.
18 Q. How long did you remain at Ferry Junction?
19 A. Remain at Ferry Junction for a week.
14:58:37 20 PRESIDING JUDGE: You'd earlier said that you remained at
21 Ferry Junction for a week before losing control of it to
22 ECOMOG.
23 THE WITNESS: Yes.
24 PRESIDING JUDGE: Yes.
14:58:47 25 MR HARRISON:
26 Q. What happened next?
27 A. Next we pull out to the Kissy Mental Home.
28 Q. Were there any abductions?
29 A. Yes.

1 Q. Who was abducted?
2 A. Bishop Ganda was abducted and also some Catholic nuns
3 were also abducted - eight of them.
4 Q. When were they abducted?
14:59:42 5 A. They were abducted on the pull-out from Ferry Junction to
6 the Kissy Mental Home.
7 Q. Were other civilians abducted?
8 A. Other civilians were also abducted.
9 Q. Can you estimate how many?
15:00:17 10 A. No.
11 Q. Were any commanders making announcements at that time?
12 A. Yes.
13 Q. What announcements were made?
14 A. The first announcement was made by Hassan Papa Bangura,
15:00:46 15 a.k. [sic] Bomb Blast, that the whole part of the
16 eastern part of Freetown should be burnt down. And the
17 second announcement was made by Santigie Kanu, a.k.a.
18 Five-Five, that the troops should amputate as much as 200
19 people and send to ECOMOG.
15:01:13 20 JUDGE BOUTET: So there was two announcements that you just
21 described. They are the same announcements that you
22 testified to before. This is not two announcements.
23 THE WITNESS: I mean --
24 JUDGE BOUTET: You testified before that Kanu had talked about
15:01:30 25 200 amputees that should be sent back to the Government.
26 So this is the same announcement.
27 THE WITNESS: Yes.
28 JUDGE BOUTET: He didn't make two announcements about that;
29 it's one.

1 THE WITNESS: Yes. It's one announcement by Santigie Kanu.
2 JUDGE BOUTET: And another before that by the one you call
3 Bomb Blast.
4 THE WITNESS: Bomb Blast's own announcement was to burn down
15:01:54 5 the whole eastern part of Freetown.
6 MR HARRISON:
7 Q. How long did it take you to get to the Kissy Mental
8 Hospital?
9 A. We took two days to get to the Kissy Mental Hospital.
15:02:07 10 Q. What happened en route?
11 A. En route to the Kissy Mental Hospital, abduction took
12 place till we reach the Kissy Mental Hospital, and from
13 that point fighters were sent down to the Kissy -- the
14 eastern part of Freetown to do the amputations that
15:02:41 15 Five-Five give orders to.
16 Q. Can you estimate how many amputations took place?
17 A. No.
18 MR JORDASH: Unless I missed -- there's an objection,
19 Your Honours. I think what the witness said was that
15:03:29 20 fighters were sent to the eastern area of Freetown to
21 amputate. The next question from my learned friend was
22 well, how many were amputated? There was no proper
23 foundation for that question. Fighters being sent to
24 amputate doesn't mean to say they did.
15:03:47 25 JUDGE THOMPSON: Yes.
26 MR JORDASH: And it's that type of very subtle, but very
27 definite leading of the witness which has been going on
28 for some time. Only a few moments before that the
29 question as to whether any announcements were made by the

1 commanders. As my learned friend knows what
2 announcements were made by commanders is crucial to their
3 joint criminal enterprise. And to ask that question in
4 that way presumes that announcements were being made, but
15:04:26 5 at the very least what it does do is tip off the witness
6 that that is the answer that they're seeking. And in my
7 respectful submission it's wrong.

8 JUDGE THOMPSON: In a sense you're saying that some of the --
9 this part of examination-in-chief is virtually, in a way,
15:04:51 10 coming out in getting answers from the witness to issues
11 that are highly contentious.

12 MR JORDASH: Extremely contentious.

13 JUDGE THOMPSON: Yes. Learned counsel, what is your response?

14 MR HARRISON: I'll accept the criticism.

15:05:10 15 JUDGE THOMPSON: Good, fine. I think myself I am inclined to
16 that. Please continue.

17 MR HARRISON: Thank you.

18 PRESIDING JUDGE: It's just a question of a proper foundation
19 before getting to --

15:05:20 20 MR HARRISON: I understood the point that was raised by Mr
21 Jordash.

22 JUDGE THOMPSON: Yes.

23 MR HARRISON: Maybe if I can just back up a bit to cover off
24 Mr Jordash's first concern.

15:05:30 25 Q. Were there any amputations?

26 A. Yes.

27 Q. Can you estimate how many?

28 A. No.

29 Q. What happened upon your arrival at the Kissy Mental

1 Hospital?

2 A. On arrival at the Kissy Mental Hospital, as I initially
3 stated that abductions took place, the Bishop Gunda was
4 abducted and eight other Catholic nuns were abducted, and
15:06:06 5 three of them were killed.

6 [HN181004 3.10 p.m.]

7 PRESIDING JUDGE: Three of who.

8 THE WITNESS: The Catholic nuns, three of them were killed.

9 MR HARRISON:

15:06:32 10 Q. Where were they killed?

11 A. Outside the Kissy mental home.

12 Q. When were they killed?

13 A. On their arrival of the Kissy mental home.

14 Q. Who killed them?

15:06:46 15 A. Foday Bah Marah, aka Bulldoze.

16 PRESIDING JUDGE: Can I have the name again. Who?

17 THE WITNESS: Foday Bah Marah, aka Bulldoze.

18 MR HARRISON:

19 Q. Did anything else happen at the Kissy mental hospital?

15:07:31 20 A. We were attacked at the Kissy mental hospital by the
21 ECOMOG troops, so we had to leave there in a rush to pull
22 out to Orugu village.

23 Q. What happened to the bishop?

24 PRESIDING JUDGE: I was going to ask the question, the bishop
15:08:07 25 and the other nuns, because the bishop and the four nuns
26 were abducted. What happened to the bishop and other
27 nuns?

28 THE WITNESS: Due to the attack on us at the Kissy mental
29 home, as I initially said, we pulled out in a rush. The

- 1 bishop and other nuns, too, escaped from us.
- 2 MR HARRISON:
- 3 Q. How long did you remain at the Kissy mental hospital?
- 4 A. Two days.
- 15:08:59 5 Q. Did you leave there?
- 6 A. Say again?
- 7 Q. Did you leave that location?
- 8 A. Yes.
- 9 Q. Where did you go?
- 15:09:08 10 A. We left the Kissy mental home heading to Orugu, passing
11 through the brewery company.
- 12 Q. Where is the brewery located?
- 13 A. It is located on the eastern part of Freetown.
- 14 Q. Did anything happen in that area?
- 15:09:53 15 A. Yes. We were also attacked by ECOMOG at the brewery
16 company, but we had to push through and make our way to
17 Orugu village.
- 18 Q. Do you know the name "Red Goat"?
- 19 A. Yes.
- 15:10:34 20 Q. Is that a person?
- 21 A. Yes.
- 22 Q. Tell the Court who that person is.
- 23 A. Red Goat as an SLA soldier. He was with the RUF and he
24 absconded from the RUF to join us in Freetown from
15:10:56 25 Waterloo. On his arrival at Freetown he was deployed at
26 the Calaba Town axis.
- 27 Q. Could you repeat the name of axis that you referred to?
- 28 A. Calaba Town.
- 29 Q. Where is that located?

- 1 A. In the eastern part of Freetown.
- 2 Q. Where is that in relation to the brewery that you're
3 referring to?
- 4 A. Calaba Town is ahead of the brewery.
- 15:12:00 5 Q. Did anything happen at Calaba Town?
- 6 A. At Calaba Town I cannot say, because I just passed
7 through there to Orugu village.
- 8 Q. Did you see anything there?
- 9 A. On my route to Orugu village I passed through Calaba
15:12:31 10 Town. In front of a mosque building there were a lot of
11 dead bodies outside the mosque building and inside the
12 mosque.
- 13 Q. Can you estimate how many dead bodies you saw?
- 14 A. I saw seven dead bodies outside the mosque, but inside
15:13:04 15 the mosque -- I couldn't go inside the mosque, so I could
16 not tell how many dead bodies were there, but I could see
17 dead bodies inside the mosque by looking through the door
18 of the mosque.
- 19 Q. Was a commander assigned to that area?
- 15:13:42 20 A. Yes.
- 21 Q. Who was that commander?
- 22 A. Red Goat was assigned to that area.
- 23 Q. Where did you go next?
- 24 A. We went to Orugu village.
- 15:14:07 25 Q. How long did it take you to get there?
- 26 A. A day.
- 27 Q. Is Orugu village next to Allen Town?
- 28 A. Yes.
- 29 Q. How far is Orugu village from Allen Town?

- 1 A. I could say just 2 kilometres.
- 2 Q. What did you do at Orugu village?
- 3 A. On arrival at Orugu village a radio message was sent to
4 Sam Bockarie, alias Mosquito, by Alex Tamba Brima that we
15:15:02 5 have lost control of Freetown and we are presently trying
6 to pull out from Freetown to Waterloo. And the response
7 Mosquito made was that we should try and pull out faster
8 before we get shot in Freetown.
- 9 Q. What happened next?
- 15:15:29 10 A. The fighters -- some of the fighters did not decide to
11 pull out. They stayed at Orugu village and the commander
12 at that time that stayed was Hassan Papa Bangura, aka
13 Bomb Blast, whilst the rest of the troop pulled out from
14 Orugu village across the Grafton -- the Grafton/Hill
15:16:04 15 Station Road into the peninsula and pulled out to
16 Benguema.
- 17 Q. Did you go to Benguema?
- 18 A. Yes.
- 19 Q. How long did it take you to go there?
- 15:16:29 20 A. It took us four days to get to Benguema.
- 21 Q. Why did it take you so long?
- 22 A. Because it is a very long route from Orugu village
23 through the peninsula to Benguema.
- 24 Q. Did you arrive at Benguema?
- 15:16:53 25 A. Yes.
- 26 Q. What did you do there?
- 27 A. On our arrival at Benguema, the rest of the troops and
28 Alex Tamba Brima stayed in Benguema training centre,
29 whilst Ibrahim Bazy Kamara and some other mid-level

1 commanders stayed in Waterloo, where we met the RUF.

2 Q. Where did you meet the RUF?

3 A. We met the RUF at Waterloo.

4 Q. Who did you meet at the RUF?

15:17:33 5 A. On arrival at Waterloo, we met Denis Mingo, aka Superman,
6 Morris Kallon, aka Bilai Karim, Rambo of the RUF and the
7 other day Issa Sesay arrived at Waterloo.

8 Q. Tell the Court what took place next.

9 A. In Waterloo on the arrival of Issa Sesay, there was a
15:18:23 10 meeting called at the outcast of Waterloo called Lumpa.
11 The meeting was chaired by Issa Sesay and the purpose of
12 the meeting was for us to come together and attack
13 Freetown from the Tombo Road and the Hastings Road.

14 Q. You referred to Lumpa. Where is that?

15:19:19 15 A. It is just the outcast of Waterloo.

16 Q. What happened next?

17 A. It was agreed upon that we should come and hit Freetown
18 back and the troops were divided into two. Denis Mingo,
19 alias Superman; Morris Kallon, alias Bilai Karim; CO
15:19:57 20 Rambo of the RUF were assigned to take the Tombo Road to
21 Freetown, whilst Ibrahim Bazy Kamara, Co Peleto and
22 other mid-level commanders - I don't know their names -
23 were assigned to take the route to Hastings.

24 PRESIDING JUDGE: Let's get that again.

15:20:35 25 THE WITNESS: It was agreed on the meeting and the troops were
26 divided into two: Denis Mingo, aka, Superman; Morris
27 Kallon, aka Bilai Karim; and Rambo of the RUF were
28 assigned to take the Tombo Road to Freetown, whilst
29 Ibrahim Bazy Kamara, Co Peleto were assigned to take the

1 route to Freetown by Hastings.

2 JUDGE BOUTET: What is the name of the other Road? You said
3 one by Hastings and what is the other road?

4 THE WITNESS: Tombo.

15:21:38 5 JUDGE BOUTET: Tombo. So it is around the peninsula going
6 Tombo, York and so on.

7 THE WITNESS: Yes, Tombo, York, Lumley.

8 JUDGE BOUTET: Okay.

9 MR HARRISON:

15:22:04 10 Q. Tell court what happened next.

11 A. We went on the operations but it was unsuccessful,
12 because the RUF that we met at Waterloo were harassing
13 fighters that came from Freetown for properties, so the
14 operation didn't go on successful. From that point, Issa
15:22:38 15 Sesay had to pull out back to Makeni, whilst Superman
16 pull out to Lunsar.

17 Q. How many meetings were there at Benguema or Waterloo?

18 A. There was only one meeting at Waterloo.

19 Q. Tell the Court what happened next.

15:23:25 20 A. After the pull out of Issa Sesay and Superman --

21 PRESIDING JUDGE: You said Superman went to where?

22 THE WITNESS: To Lunsar. Also Morris Kallon pulled out to
23 Magburaka. Alex Tamba Brima, Santigie Kanu, aka
24 Five-Five, and other senior commanders also pull out to
15:24:03 25 Makeni, whilst Ibrahim Bazzy Kamara and other mid-level
26 commanders stayed at the Four Mile Highway.

27 MR HARRISON:

28 Q. Where did you go?

29 A. I stayed at Four Mile Highway with Ibrahim Bazzy Kamara.

- 1 Q. Using the large map of Sierra Leone, are you able to
2 assist us in indicating where the Four Mile Highway is?
- 3 A. Yes.
- 4 Q. Could you please do so. We have had the benefit of the
15:25:13 5 audiovisual people focusing on the map while the witness
6 has been pointing at it in the past. I was wondering if
7 it may be of some assistance of the audiovisual people
8 were to do that again?
- 9 A. The Four Mile Highway is just between Waterloo, Lumpa and
15:25:34 10 Newton.
- 11 Q. Could you put your finger on the location -- or perhaps
12 you could use that -- the pointer, the pen and point to
13 the location where you're referring to, without making a
14 mark on the map, simply pointing to it.
- 15:25:52 15 A. Four Mile is between Lumpa and Newton.
- 16 Q. How long did you remain there?
- 17 A. We stayed there for about a week, and ECOMOG troops
18 started attacking us and we had to pull back to the RDF
19 camp, Rapid Deployment Force camp. That is very close to
15:26:28 20 Mamamah.
- 21 Q. Did you go to Mamamah?
- 22 A. Yes.
- 23 Q. Can you tell the Court when you went to Mamamah?
- 24 A. I cannot give the right date, but from the pull out from
15:26:54 25 the Four Mile we went straight to Mamamah.
- 26 Q. Was anyone in command of the group you were with at this
27 time?
- 28 A. Yes.
- 29 Q. Were any orders given?

- 1 A. Yes.
- 2 Q. Tell the Court what they were.
- 3 A. On our arrival at Mamamah, the ECOMOG troops attacked us
4 at Mamamah.
- 15:27:34 5 PRESIDING JUDGE: Who was your commander?
- 6 THE WITNESS: Ibrahim Bazy Kamara was the commander.
- 7 When the ECOMOG troops attacked us at Mamamah, we
8 had some civilians that were abducted at Mamamah, so
9 Ibrahim Bazy Kamara gave the instructions for us to make
10 the terrain more fearful for the ECOMOG troops to slow
11 down their movement. Civilians were displayed on the
12 main highway killed with machetes, about five of them and
13 the other civilians were placed in a -- in a grass
14 house -- two grass house and fire was placed on the grass
15 house with the civilians inside the house. When the fire
16 start blazing, two small kids tried to run out from the
17 house and Ibrahim Bazy Kamara, with his pistol Glock 17,
18 fired two shots on the ground close to the children, that
19 they should go inside the house again. And so they
15:29:10 20 went -- ran into the house again. Then we pulled out
21 from Mamamah to Mile 38 and we went to open the West Side
22 Jungle.
- 23 MR HARRISON:
- 24 Q. How many people were in those houses?
- 15:29:38 25 A. I cannot give a specific number, but they were more than
26 seven in each houses.
- 27 Q. What happened to those people?
- 28 A. They were set ablaze in the house.
- 29 Q. You said that Mamamah was to be made a fearful place.

- 1 What did you mean by that?
- 2 A. By killing people, putting them on the highway so that
3 when ECOMOG troops approach those dead bodies, their
4 movements will be more slower.
- 15:31:03 5 Q. What happened next?
- 6 A. Next from Mamamah we pull out to Mile 38 and turned we
7 left to a footpath that led us to Magbeni very close to a
8 river. We crossed over the river overnight and relocated
9 a town called Gberibana which was located as the West
15:31:50 10 Side Jungle.
- 11 Q. On the map that's in front of you, could you try to
12 locate where the West Side Jungle was established?
- 13 A. Yes.
- 14 Q. And if you're able to locate it, if you could put an "X"
15:32:10 15 at the location.
- 16 A. [Marks]
- 17 Q. And just above the "X", if you could put the initials
18 "WSC", which perhaps we could agree upon stands for West
19 Side Camp.
- 15:32:44 20 A. [Marks] Yes.
- 21 Q. What is the next thing that happened?
- 22 A. On arrival at the West Side Camp, there was a meeting
23 called by Ibrahim Bazzy Kamara. We reorganised the
24 fighters into battalions. We had the command structure
15:33:17 25 and we started operations.
- 26 Q. How many combatants were there?
- 27 A. I cannot give a specific number, but we were up to 1,500.
- 28 Q. What operations were undertaken?
- 29 A. The first operation that was taken was to attack the

1 Malians at the outcast of the Port Loko, the Sri Lanka
2 School where they were based.

3 Q. What happened in that operation?

4 A. In that operation we attacked the Malians, because we
15:34:06 5 hadn't got enough arms and ammunition to sustain the West
6 Side Jungle, so we attacked Malians. We overrun them and
7 we had plenty of arms and ammunition and also two Malian
8 soldiers were also captured, brought to the West Side
9 Jungle as prisoners of war.

15:34:52 10 Q. Were any other locations attacked?

11 A. Yes. After returning from the attack from the Malians,
12 another operation was planned; that was, the Newton
13 Junction was attacked. We heard ECOMOG was deployed
14 there and also another operation was also planned on the
15:35:18 15 return from the Newton attack to Mile 38. The Nigerians
16 were also deployed at Mile 38. On our return after the
17 Mile 38 attack, another operation was planned to the
18 Gberi Junction where the Guineans were deployed and that
19 was the last operation before the signing of the peace
15:35:51 20 process.

21 Q. The two Malians that were captured, what happened to
22 them?

23 A. They were taken to the West Side Camp as prisoners of war
24 and they were with us at the West Side Camp 'til the
15:36:15 25 signing of the peace accord and they were released over
26 to the SLPP government.

27 Q. How many prisoners of war were captured?

28 A. In the camp we had four -- five prisoners of war with us
29 in the camp: A Nigerian female soldier, a Nigerian

1 soldier, a Guinean soldier, and the two Malian soldiers.
2 And they were all released to the SLPP government.
3 Q. Describe the process for their release.
4 A. After the signing of the peace accord, we had to release
15:37:21 5 them to SLPP government as a goodwill gesture that we
6 would abide by the peace process and I was appointed to
7 bring them to Freetown and I did so. I brought them to
8 the army headquarter, to Cockerill and I hand over them
9 to the former Vice-President, Joe Demby.
15:37:59 10 Q. Did you ever go to Liberia?
11 A. Yes.
12 Q. Why did you go there?
13 A. We went to Liberia for the release of Johnny Paul Koroma
14 from the RUF at Kailahun.
15:38:19 15 Q. Who did you meet in Liberia?
16 A. We met Charles Ghankay Taylor in Liberia.
17 Q. What happened during that meeting?
18 A. In the meeting, the -- the meeting took place at the
19 Executive Mansion in Liberia and Charles Ghankay Taylor
15:38:42 20 told us that we should be together with the RUF. We
21 should not fall apart from the RUF, because it would be
22 dangerous to our movement if we fall apart. And he had
23 spoken to RUF High Command - at that time was Mosquito -
24 for the release of Johnny Paul and Johnny Paul had been
15:39:09 25 released. And he gave us the sum of 15,000 US dollars
26 for our return back to Freetown. On arrival at Freetown,
27 we went back to the West Side Jungle.
28 Q. When was that meeting?
29 A. Pardon?

1 Q. When was that meeting?
2 PRESIDING JUDGE: You talked of \$ 15,000, what dollars?
3 THE WITNESS: United States dollars, please.
4 PRESIDING JUDGE: Thank you. And when you arrived Freetown --
15:40:06 5 THE WITNESS: When we arrived Freetown, we were taken back to
6 the West Side Jungle.
7 PRESIDING JUDGE: Koroma was released. How was he arrested?
8 THE WITNESS: When we went to meet him in Liberia --
9 PRESIDING JUDGE: When you went to meet who.
15:40:41 10 THE WITNESS: Johnny Paul Koroma in Liberia, he told us that
11 he was under house arrest at Kailahun by the RUF.
12 PRESIDING JUDGE: This is what he told you when you met him in
13 Liberia?
14 THE WITNESS: Yes.
15:41:39 15 MR HARRISON: That concludes the questioning by the
16 Prosecution of this witness.
17 PRESIDING JUDGE: Learned counsel, we will take a short break
18 before we come back for the beginning of the
19 cross-examination process. The Court will rise.
15:42:57 20 [Recess taken at 3.45 p.m.]
21 [On resuming at 4.10 p.m.]
22 PRESIDING JUDGE: Yes, we're resuming the session, learned
23 counsel and, Mr Jordash, you may proceed with your
24 cross-examination of this witness.
16:09:59 25 Witness, there are three counsel representing the
26 accused persons. Each of them will have to put some
27 questions to you. Answer the questions to the best of
28 your ability. If you cannot answer a question, you are
29 not compelled to answering it. If you do not remember,

1 you do not remember, but answer directly those questions
2 for which you can furnish a reply; you understand?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Okay. Don't counsel any questions. When
16:10:33 5 they ask you a question, don't ask them a question, you
6 know, in reply to their question, you know. Try to
7 answer the questions to the best of your ability, okay?

8 THE WITNESS: Yes.

9 PRESIDING JUDGE: Right. Mr Jordash, please, you may proceed.

16:10:47 10 MR JORDASH: Your Honour, thank you.

11 CROSS-EXAMINED BY MR JORDASH:

12 Q. Just so that you are clear, I represent Issa Sesay.

13 Now, we've heard lots about movements of troops,
14 military operations. We haven't heard so much about
16:11:09 15 personalities. I want to just focus on personalities for
16 a short while, okay. Would you agree with this, that the
17 success of an operation often depended upon the
18 personalities involved in the operation at the command
19 level?

16:11:32 20 A. Yes.

21 Q. Obviously the success --

22 PRESIDING JUDGE: Listen to the question, understand it very
23 well before you answer. You understand?

24 THE WITNESS: Yes.

16:11:42 25 PRESIDING JUDGE: Don't be in any hurry. You follow?

26 THE WITNESS: Yes.

27 MR JORDASH: Thank you.

28 PRESIDING JUDGE: So the answer we have is the success of an
29 operation depends on the commander and the personality.

1 MR JORDASH: And the personalities involved at the command
2 level.
3 PRESIDING JUDGE: The personalities involved at the command
4 level, yes.
16:12:09 5 MR JORDASH:
6 Q. I suppose also the personalities involved at the lower
7 ranks within the operation, as well?
8 A. Yes.
9 Q. Would you agree --
16:12:21 10 JUDGE THOMPSON: Just a minute the proposition has been put to
11 him. [Microphone not activated] personalities at the
12 lower rank.
13 MR JORDASH: Yes, Your Honour.
14 JUDGE THOMPSON: Thank you, counsel.
16:12:48 15 MR JORDASH:
16 Q. Whilst there was a division between the SLAs and the RUF
17 at times, there was also a division of personalities;
18 would you agree with that?
19 A. No.
16:13:14 20 Q. You wouldn't agree that there were strong --
21 JUDGE THOMPSON: Perhaps you should have put the first part of
22 the question first. You assume as if the two questions
23 are wrapped up and you will entertain a skeptical
24 response.
16:13:31 25 MR JORDASH: Thank you, Your Honour. Let me just break that
26 down, if I may.
27 Q. Within some of these operations there is a division of
28 those people who were once part of the Sierra Leonean
29 Army and those who weren't; would you accept that as a

1 proposition?

2 A. No.

3 Q. Well, for example, in Kono, March 1998, the command
4 structure there involved some RUF, some ex-SLA; would you
16:14:16 5 agree with that?

6 A. Yes.

7 JUDGE THOMPSON: So the question, really, was making a
8 distinction between RUF and SLA?

9 MR JORDASH: Yes, Your Honour.

16:15:00 10 JUDGE THOMPSON: Those are the two contrasts.

11 MR JORDASH: As one way that these operations might have been
12 divided.

13 JUDGE THOMPSON: Thank you.

14 MR JORDASH:

16:15:11 15 Q. Are you following what I'm saying to you, Mr Johnson?

16 A. Yes, I'm following.

17 Q. Good. Would you agree that within these various
18 operations, which you've spoken about, within the command
19 structures and below, there were some strong
16:15:34 20 personalities?

21 A. Say again the question.

22 Q. Within these various operations from Freetown to Kono to
23 Kabala and so on, within these operations there were,
24 within the command structure and below, some --

16:15:58 25 PRESIDING JUDGE: No, no. Start from below, because if you
26 start from the command structure and below, you know --
27 start from below. I see what you're getting at you,
28 know. Start from below, you know. You were going to ask
29 the question, you know, as to whether there were some

- 1 strong personalities involved, you know, below just as at
2 the top, at the command structure. Is that not what
3 you're getting at?
- 4 JUDGE THOMPSON: And you can get different answers.
- 16:16:32 5 MR JORDASH: Certainly I'll divide it up.
- 6 PRESIDING JUDGE: Yes, you divide it up.
- 7 MR JORDASH: I'm in too much of a hurry, I apologise.
- 8 PRESIDING JUDGE: It is okay.
- 9 MR JORDASH:
- 16:16:43 10 Q. Would you agree, Mr Johnson, that during your time from
11 1997 to the time when you were with the West Side Boys,
12 you interacted with a good number of strong personalities
13 who formed parts of the command structures within the
14 operations?
- 16:17:19 15 A. Yes.
- 16 Q. When I say strong, just so that you're clear what I mean,
17 Mr Johnson, I mean people who were strong willed and had
18 definite ideas about how things should be done; do you
19 agree?
- 16:17:55 20 A. Yes.
- 21 Q. One of the consequences of that was that through the
22 years from 1997 through to 2000 there was a great deal of
23 personality clashes between these different
24 personalities. Do you understand my question?
- 16:18:54 25 A. Well understood.
- 26 Q. Do you agree with that?
- 27 A. The clash personality -- the personality clashes were not
28 often, but --
- 29 Q. Not often?

1 A. Yeah.

2 PRESIDING JUDGE: Should we say that the personality clashes
3 were not frequent?

4 THE WITNESS: They were not frequent, no.

16:19:23 5 PRESIDING JUDGE: They were not frequent.

6 MR JORDASH:

7 Q. So just think about this. You would say then, that
8 generally speaking, everybody got on really well?

9 A. Well, what I mean by not often, there are some clashes,
16:19:48 10 but not frequently.

11 Q. Not frequently?

12 A. Yeah.

13 Q. In the year 2000 how long had Papa Bomb Blast been
14 friends with Mr Kanu?

16:20:08 15 A. Kanu, you mean alias Five-Five?

16 Q. Yes.

17 A. Very have been friends since they were in the army until
18 they went to the jungle. Up to the year 2000 they have
19 been friends.

16:20:20 20 Q. When were they in the army, first of all?

21 A. Well, I met them in the army. I couldn't give a specific
22 date of their enlistment into the army.

23 Q. When did you meet them?

24 A. I got to know those two individuals after the 1997 coup
16:21:12 25 plot of the AFRC junta.

26 Q. So they had been friends from at least 1997?

27 A. That was the time I got to know them.

28 Q. Is it right that in the year 2000 there was a shootout
29 between them as they tried to kill each other in

1 Freetown?

2 A. Yes.

3 Q. What was that argument about?

4 A. Well, I couldn't tell, because at that time I was --

16:22:26 5 PRESIDING JUDGE: May we have the time frame. Can he remember
6 when -- it was in 1997?

7 MR JORDASH: When they first met and the shootout in the year
8 2000.

9 PRESIDING JUDGE: Yes, 2000, that's what I'm asking for.

16:22:45 10 MR JORDASH: I'll ask the witness with Your Honour's leave.

11 Q. When was the time that there was this shootout between
12 those two men?

13 A. I couldn't remember the dates, but at that time I was
14 admitted at the 34 Military Hospital when they had the
16:22:58 15 shootout and that was between the end of April to May.

16 Q. 2000?

17 A. 2000, yes.

18 Q. So these two men, who had been friends throughout some
19 testing times, suddenly tried to kill each other in
16:23:31 20 Freetown. What was that about?

21 A. As I initially say, I could not tell what was the
22 shootout about, because I was not there and I was
23 admitted at the Military 34 Hospital.

24 Q. In 1998, December of 1998 there was a great deal of
16:23:59 25 paranoia between SAJ Musa and Brima, wasn't there, about
26 Brima's alleged friendship with Sam Bockarie?

27 JUDGE THOMPSON: What was your question again?

28 MR JORDASH: There was a great deal of paranoia between SAJ
29 Musa and Brima concerning Mr Brima's alleged friendship

1 with Sam Bockarie.

2 PRESIDING JUDGE: [Microphone not activated]

3 MR JORDASH: Distrust between the two.

4 Q. SAJ Musa distrusted Brima because he felt or believed
16:24:41 5 that he was somehow friends with Bockarie and perhaps
6 couldn't be trusted because of that; do you agree with
7 that?

8 A. The mistrust I could understand between SAJ and Alex
9 Tamba Brima was that of the command structure to
16:25:07 10 Freetown, who was to take over command between them.
11 They were fighting; there was a power struggle between
12 them. That's all I can tell you.

13 [HS181004E 4.30 p.m.]

14 Q. So this operation -- important operation to take
16:28:25 15 Freetown, but nevertheless the main commander was
16 involved in some infighting with the second commander; is
17 that fair?

18 A. No, because all the troops knew that SAJ was the
19 commander for the movement of Freetown.

16:28:53 20 Q. Was there not in Freetown a fight in the year 2000
21 between Kallay, head of the West Side boys, and Johnny
22 Paul Koroma; do you recall that?

23 A. In Freetown, I couldn't recall any fight between Johnny
24 Paul Koroma and Kallay.

16:29:42 25 Q. Was there a fight at all between the two?
26 A. No.

27 Q. What, they're on good terms?

28 A. They were not on good terms, because Kallay was in the
29 West Side jungle and Johnny Paul was in Freetown. When

- 1 Kallay held all stages at the West Side jungle and went
2 over the BBC broadcasting station declaring himself as
3 the leader of the AFRC, that I could understand was just
4 a clash; it was not a fight between them.
- 16:30:23 5 Q. Effectively, it was Kallay refusing to take orders from
6 Johnny Paul Koroma, despite the fact that Johnny Paul
7 Koroma was his commander?
- 8 A. Yes.
- 9 Q. And would you agree the reason he had the confidence to
16:31:24 10 do that was because he was well armed as a member of the
11 West Side Boys?
- 12 JUDGE BOUTET: Are you talking of Kallay?
- 13 MR JORDASH: Kallay, yes, Your Honour.
- 14 Q. The reason he had the confidence to disobey his
16:31:43 15 commander's instructions came down to the fact that he
16 had gathered support from being well armed in the West
17 Side camp?
- 18 A. Well, at that point in time in the West Side camp there
19 was not enough manpower in the West Side camp. It was
16:32:00 20 just stubbornness of Kallay to get out from the bush to
21 embrace the peace process.
- 22 JUDGE BOUTET: Mr Jordash, I would appreciate it if you could
23 clarify some of that, if only in the space or in time as
24 such. Now we're talking of the peace process. I presume
16:32:34 25 we're somewhere in 2000, but it is my guess.
- 26 MR JORDASH: Yes, Your Honour.
- 27 JUDGE THOMPSON: Before you clarify that, let me see if I get
28 the evidence right. He doesn't agree with you that
29 Kallay had the confidence to disobey his commander

1 because of his being well armed in the context of the
2 West Side group, but he said that -- he proffered the
3 answer that it was a result of his stubbornness to
4 embrace the peace process; is that his evidence?

16:33:15 5 Q. Is that your evidence?

6 A. Yes.

7 MR JORDASH:

8 Q. When was that, do you recall?

9 A. No, I couldn't recall the date.

16:33:32 10 Q. Would it be around May of 2000?

11 A. I couldn't recall the date.

12 Q. Definitely 2000, though, wasn't it?

13 A. It was in 2000.

14 Q. Early 2000?

16:33:43 15 A. No.

16 Q. No? Late 2000?

17 A. I couldn't recall the date, because I was not in the
18 jungle. I was in Freetown already, but I only know that
19 it is in the year 2000.

16:34:02 20 Q. Let me try and assist you with your memory. Kallay took
21 over as commander of the West Side Boys after Papa had
22 been arrested on the orders of Johnny Paul Koroma?

23 A. Exactly right.

24 Q. And that was after May of 2000 when Papa had come into
16:34:41 25 Freetown to reinforce the government against the RUF?

26 A. Yes.

27 Q. So I'm not trying to trick you in any way, Mr Johnson --

28 PRESIDING JUDGE: Let's get this right, please. Kallay took
29 over command of the West Side Boys after Papa had been --

- 1 MR JORDASH: Came into Freetown.
- 2 Q. In effect, as part of the ongoing peace disarmament
3 process?
- 4 A. Yes.
- 16:35:12 5 Q. Just so that we give the context to this, it's at that
6 stage on May 8th, or thereabouts, that Papa had a
7 gunfight with Five-Five concerning a vehicle; does
8 that --
- 9 A. Well, as I said, I was at hospital. I couldn't tell what
16:35:49 10 the fight was about.
- 11 MR JORDASH: I think I may be able to shortcut matters if the
12 witness is given a copy of his interviews, because it may
13 be able to help him recollect some of the matters that
14 I'm putting to him. Thank you. I'm hoping it's --
- 16:36:13 15 Q. You're being handed a copy of your interviews,
16 Mr Johnson, so that you know what I'm looking at. Just
17 have a quick look to familiarise yourself with the
18 layout.
- 19 JUDGE BOUTET: Maybe before you do, we should know that he has
16:36:29 20 had interviews and has given some information. I presume
21 that that's what you mean by this.
- 22 MR JORDASH: I'm just about to move to confirm that, Your
23 Honour.
- 24 Q. Can you just confirm, looking at the documents in front
16:36:45 25 of you, that they are transcripts of interviews that you
26 had with the Prosecution?
- 27 A. Yes.
- 28 Q. Various different dates: 8th of May --
- 29 A. Yes.

- 1 Q. 9th of May? There's a second --
- 2 MR HARRISON: I am sorry, there are two binders that we have.
- 3 If I could just pass the other one to the witness.
- 4 MR JORDASH: I'm grateful to my learned friend.
- 16:37:13 5 Q. Just so that it's clear for the record, just see if you
6 can just confirm this, Mr Johnson: 8 May, 9 May, 12 May,
7 13 May, 14 May, 22 May, 27 October, 29 October,
8 31 October are the main interviews. Does that ring a
9 bell to you?
- 16:37:48 10 A. Yes.
- 11 Q. We've got some later statements, but I can put them into
12 the record when we come to them, with Your Honours'
13 leave. Could you just turn, please, just for this, to
14 see if we can help you with your memory. Page 64 of the
16:38:16 15 13th of May interview -- thank you very much -- page 64,
16 line 12, if you would, Mr Johnson.
- 17 Question: "When did Kallay take over as commander
18 of West Side Boys?
- 19 Kallay took over when the May 8 incident occurred in
16:39:32 20 Freetown, and Papa came into Freetown to reinforce the
21 government against RUF and so they had a gun fire with --
22 against themselves between Papa and Five-Five for a
23 vehicle -- a Hilux vehicle. Papa wanted to mount an AA
24 gun to go to Lunsar to drive the RUF from Lunsar."
- 16:39:52 25 A. Yes.
- 26 Q. Does that help your memory?
- 27 A. Yes.
- 28 Q. Is that what you would say now?
- 29 A. Yes.

- 1 Q. Is it correct?
- 2 A. Yes, correct.
- 3 Q. "And due to that gunfire Johnny Paul ordered the arrest
4 of Papa and Five-Five, that they are causing trouble, and
16:40:06 5 they have come to Freetown and they continue to argue in
6 Freetown and he will get all that bad name."
- 7 A. Yes.
- 8 Q. Had they been arguing before they arrived at Freetown?
- 9 A. In Freetown there was a problem with Five-Five that led
16:40:24 10 to his arrest some time before the May incident.
- 11 Q. Right, thank you. Just reading on a bit:
12 "So he ordered the arrest of Papa and he was taken
13 to Pademba Road prisons and since that time he stayed
14 there, and Five-Five was taken, too, to Cockerill. So as
16:40:43 15 at that time there was nobody inside there to command the
16 West Side Boys. Kallay, he was the most senior man
17 there, so he had to command the West Side."
- 18 A. Yes.
- 19 Q. And then you go on to describe from 23 down to 30 about
16:41:01 20 how Kallay was responsible for the capture of the British
21 hostages -- "And Kallay," looking at line 27:
22 "And Kallay told Johnny Paul that he's not listening
23 to any command from Johnny Paul, and Johnny Paul is no
24 longer his boss and he will hear over the Focus Radio --
16:41:22 25 Focus on Africa" - yes?
- 26 A. Yes.
- 27 Q. And you agree that that is an accurate statement of what
28 you believe?
- 29 A. Yes.

- 1 Q. Would you accept then that there was at that stage, at
2 the very least, a complete breakdown of trust between the
3 various leaders of the AFRC -- let me rephrase that -- of
4 the SLA soldiers?
- 16:41:51 5 A. Yes.
- 6 JUDGE THOMPSON: At that stage there was a complete
7 breakdown --
- 8 MR JORDASH: Of trust.
- 9 JUDGE THOMPSON: Between the --
- 16:42:12 10 MR JORDASH: The SLA soldiers who we've heard about in
11 Mr Johnson's interview.
- 12 JUDGE THOMPSON: And the AFRC?
- 13 MR JORDASH: The AFRC -- I recategorised it, because I want to
14 come to that a bit later, if I might.
- 16:42:38 15 Q. The breakdown of trust was such that, in fact, people
16 stopped obeying the command of Johnny Paul Koroma?
- 17 A. Yes.
- 18 Q. Who, from -- well, at least the coup in 1997, had been
19 respected as the leader?
- 16:42:58 20 A. Yes.
- 21 Q. And at the same time in Freetown Johnny Paul Koroma and
22 Foday Sankoh were distrusting of each other?
- 23 A. Yes.
- 24 Q. Do you accept that?
- 16:43:15 25 A. Yes.
- 26 Q. With Johnny Paul Koroma aggrieved about the fact he'd
27 been held -- captured by Sam Bockarie in Kailahun?
- 28 A. Yes.
- 29 Q. From March 1998 to 2000, effectively?

1 A. Yes.

2 PRESIDING JUDGE: What year?

3 MR JORDASH: From March 1998 until 2000.

4 Q. And would you accept that throughout this conflict from
16:44:54 5 1997 onwards there was a great deal of mistrust between
6 various commanders?

7 A. Not throughout since '97, because after the '97 coup
8 plots, Johnny Paul called on the RUF, and they came to
9 Freetown and they were working together as joint command.

16:45:25 10 The mistrust started later -- not throughout.

11 Q. Well, Mr Johnson, you say that, but what happened to you
12 three weeks into working for Johnny Paul Koroma? Weren't
13 you moved from your job?

14 A. Well, I was assigned to get another new appointment,
16:46:07 15 being the chief security of the principal liaison
16 officer 3.

17 Q. What was the principal reason you were moved, though?

18 A. Say again.

19 Q. What was the main reason for your being moved away from
16:46:19 20 Johnny Paul Koroma?

21 A. Well, there was another chief security officer to take
22 over my position from Johnny Paul Koroma, so I was sent
23 to the principal liaison officer 3, Ibrahim Bazy
24 Kamara's chief security officer.

16:46:41 25 Q. Could you turn to the 6th of May interview, please,
26 page 2.

27 A. 6th of?

28 Q. 6th of May 2003?

29 JUDGE BOUTET: I take it the copies you have, Mr Jordash, do

- 1 not have a reference to what has been filed - the page?
- 2 MR JORDASH: No, but I will make sure that that is done
3 overnight, Your Honour.
- 4 Q. It's the very first interview, Mr Johnson. I do
16:47:10 5 apologise.
- 6 JUDGE BOUTET: That's the first interview, 6th May?
- 7 MR JORDASH: The very first interview.
- 8 Q. 6th of May, page 2, line 33 - sorry, line 32.
9 Question: "And then who is to be an honourable, is
16:47:34 10 that what you said?"
- 11 Yes, who is to be an honourable. They had announced
12 everything among those guys that made the coup, so I was
13 with Johnny Paul as the chief security officer at first
14 and I maintained that position for just two weeks. Then
16:47:47 15 fracas came from those 16 guys that made the coup and
16 no-one should be near Johnny Paul Koroma unless one of
17 them are involved in the coup; that they don't trust
18 anybody else to be with Johnny Paul, so they had to
19 remove me from there."
- 16:48:04 20 Is that true?
- 21 A. Yes.
- 22 Q. So the 16 involved in the coup didn't want - is this
23 correct - others who they trusted less to be near to the
24 leader, Johnny Paul Koroma?
- 16:48:25 25 A. Yes, they wanted a member among the 16 men to take over
26 the chief security to Johnny Paul.
- 27 Q. That's the level of distrust that I was referring to,
28 isn't it?
- 29 A. Well, because the coup was made by 16 people, and I was

1 not among, so they find out that it wouldn't be possible
2 for a man who is not among the 16 men to be the chief
3 security officer.

4 JUDGE THOMPSON: So, counsel, what's the answer, that he
16:49:00 5 agrees that it was a result of distrust for him not being
6 one of them that he was moved from being the CSO of
7 Johnny Paul Koroma?

8 MR JORDASH: I would certainly --

9 PRESIDING JUDGE: Would it be distrust, really?

16:49:16 10 MR JOHNSON: I don't know. What did he say in his statement
11 he said?

12 MR JORDASH: In his statement it was.

13 JUDGE THOMPSON: What he did use there?

14 MR JORDASH: "That they don't trust anybody else to be with
16:49:28 15 Johnny Paul."

16 JUDGE THOMPSON: I'm using the very language of the statement.

17 MR JORDASH: Yes. I can pick up on this, Your Honour --

18 JUDGE THOMPSON: Yes, perhaps you need to explore that. Thank
19 you.

16:49:38 20 JUDGE BOUTET: Mr Jordash, just for the transcript, that's
21 page 8373.

22 MR JORDASH: Thank you.

23 Q. The time of the coup -- a time, undoubtedly, of great
24 stress and anxiety amongst the 16 who had been those
16:50:06 25 involved in the coup; do you agree?

26 A. Say again.

27 Q. Well, 16 had taken over a government.

28 A. Yeah.

29 Q. Leading, I would suggest, to a great deal of anxiety,

1 fear, distrust on their side, as to who should be let in
2 to the overall plan -- the overall government; do you
3 agree?

4 A. The 16 members were the men that took over the coup, so
16:50:40 5 I was not among -- they find it possible that it should
6 be one of them that should be near the president.

7 Q. Why was that?

8 A. Well, I cannot tell, because I was with Johnny Paul for
9 the past two weeks before the announcement came and one
16:51:00 10 of them took over as the chief security officer.

11 Q. Do you stand by what you said in your interview, that
12 they didn't trust anybody else to be with Johnny Paul?

13 A. Yes, because they had made the coup and they believed
14 that they should control security of the president.

16:51:26 15 PRESIDING JUDGE: You said you had been with Johnny Paul for
16 only about two weeks or so?

17 THE WITNESS: Yeah.

18 PRESIDING JUDGE: Before you were removed.

19 THE WITNESS: Yes, sent to principal liaison officer 3.

16:51:59 20 MR JORDASH:

21 Q. I'm just trying to, Mr Johnson, understand what it was
22 like to be there at the time. We weren't there, okay?
23 Most of the people in this room were not there. So just
24 see if you can think about these questions, if you would.

16:52:44 25 Would you agree in Freetown the tension was high at the
26 time of the coup and thereafter?

27 A. Yes.

28 Q. The AFRC were under threat from international groups who
29 disapproved of their taking over of Freetown; do you

1 accept that?

2 A. Yes.

3 Q. You had ECOMOG at the edges of the city seeking to
4 attack, to get rid of the AFRC; do you accept that?

16:53:54 5 A. Yes.

6 Q. You had a number of strong personalities with objectives
7 of their own -- desires of their own; do you accept that?

8 A. I'd like you to break it down a bit.

9 Q. Sure, sure. Well, you had, for example, SAJ Musa -- not
16:54:32 10 a great admirer of the RUF, the bush rebels, as he saw
11 them; do you accept that?

12 A. Yes.

13 Q. SAJ Musa was a powerful military commander; do you accept
14 that?

16:54:49 15 A. I would not say powerful. He was a strict military
16 commander.

17 Q. Strict?

18 A. Yeah.

19 Q. Now, there's no way SAJ Musa in Freetown during the junta
16:55:20 20 period was going to take instructions from an RUF man; do
21 you accept that?

22 A. He couldn't take instruction from RUF, because he was
23 taking direct instruction from the president.

24 Q. Right. And the president was somebody who trusted really
16:55:52 25 just those who'd been a part of his coup -- they are the
26 ones he implicitly trusted, aren't they?

27 A. Well, no, because if only the people of the coup he
28 trusted he should not have sent Kallay off to joint his
29 government. He trusted both the RUF and members of the

- 1 coup.
- 2 Q. Do you base that on simply the fact that Johnny Paul
3 Koroma invited the RUF to join, or are you basing that on
4 something else?
- 16:56:45 5 A. He called on the RUF to join the AFRC government.
- 6 Q. The three principal liaison officers during the junta
7 period were all people involved in the coup, weren't
8 they?
- 9 A. Yes.
- 16:57:07 10 Q. Were they not the most powerful positions besides the
11 presidency?
- 12 A. They were not, because you had also the vice-president,
13 who was the RUF high command, Corporal Foday Saybana
14 Sankoh and in his absence was Mosquito taking his place.
- 16:57:30 15 Q. What decisions then were made by Foday Sankoh or Sam
16 Bockarie, or Issa Sesay, during the junta period?
- 17 A. I cannot tell decisions that were taken, because on their
18 Supreme Council meetings they had, I normally don't go
19 inside.
- 16:58:05 20 Q. I won't ask you about what happened inside the meetings
21 then, but outside the meeting the principal liaison
22 officers were the ones in charge of the ministries, were
23 they not?
- 24 A. Yes.
- 16:58:35 25 Q. And so outside of that Supreme Council meeting, the power
26 seemed to lie from Johnny Paul Koroma to the principal
27 liaison officers; is that not correct?
- 28 A. From Johnny Paul Koroma, the power lies from Johnny Paul
29 Koroma to the vice-president, then you have the principal

- 1 liaison officers.
- 2 Q. Wouldn't you agree with this, that just about every
3 important post in the AFRC government was occupied by the
4 16 who were with Johnny Paul Koroma during the coup?
- 16:59:42 5 A. Not all important posts -- some other important posts
6 were occupied by RUF members.
- 7 Q. Which were those?
- 8 A. The vice-president, which is an important position;
9 Ministry of Mineral Resources, which is also an important
17:00:07 10 position.
- 11 Q. Who was that occupied by?
- 12 A. Sam Bockarie occupied the Ministry of Mineral Resources
13 and he was at Kenema taking care of all mining sites.
- 14 Q. I'll come to Sam Bockarie in a minute. I just want to
17:00:37 15 stay in Freetown. What other posts were occupied in
16 Freetown by RUF?
- 17 A. RUF senior command occupied some ministries, and they
18 were all Honourables.
- 19 Q. Which ministries?
- 17:01:13 20 A. Most of the ministries RUF occupied I cannot say, but
21 they do occupy ministries in Freetown.
- 22 Q. Just so that you understand me, Mr Johnson, I'm not
23 suggesting that the RUF didn't occupy any. What I'm
24 putting to you is that the principal posts -- that most
17:01:45 25 of the posts were occupied by those who were part of the
26 16?
- 27 A. The three principal liaison offices were occupied by
28 those members that made the coup.
- 29 Q. And they were in control of the ministries?

- 1 A. Yes, to oversee the ministries.
- 2 Q. Let me just take you very briefly to Makeni after the
3 junta has fallen, and you've told us that there was a
4 meeting chaired by SAJ Musa, Bazzy, RUF Rambo, SLA Rambo,
17:02:52 5 with the RUF commander Denis Mingo, also known as
6 Superman, representing the high command of the RUF - yes?
7 A. Yes.
- 8 Q. And at that meeting a decision was taken that the RUF
9 should be the bosses now; is that correct?
- 17:03:12 10 A. Yes.
- 11 Q. And the reason for that being a point of discussion was
12 that, in effect, in Freetown during the junta it had been
13 the SLAs who were in control?
- 14 A. No, that was not the reason. The reason is that, because
17:03:30 15 we had pulled out from Freetown, now heading for the
16 jungles, Johnny Paul Koroma saw it that the RUF have been
17 in the jungle for a couple of years more than the SLA, so
18 we should be under their command and control, because he
19 was assuming the RUF know more about the jungle more than
17:03:52 20 the SLAs, which was not true.
- 21 Q. Who was SAJ Class [sic], Mr Johnson?
- 22 A. Say again.
- 23 Q. I beg your pardon, I've misread something. Sorry, my
24 fault. SAJ Musa was in charge of the Mines Ministry,
17:04:27 25 I suggest, Mr Johnson.
- 26 A. Unknown to me, because on the pull-out, when we are in
27 Freetown, there was a clash between RUF and SLAs, so Sam
28 Bockarie had to pull out, so they -- up country based in
29 Kenema, and he was taking care of the mining sites. On

- 1 the arrival of SAJ Musa, when he came from Guinea,
2 initially he was given the position as Mines Minister,
3 but due to the clash, Sam Bockarie moved ahead to Kenema
4 and controlled all mining areas.
- 17:05:10 5 Q. Isn't it true, Mr Johnson, that when Sam Bockarie went to
6 Kenema, he did his own thing effectively and wouldn't
7 take orders from Johnny Paul Koroma?
- 8 A. Exactly.
- 9 Q. Well, just how then did he fulfil his function as being
17:05:33 10 Minister of Mines under the control of Johnny Paul
11 Koroma?
- 12 A. He was not under the control of Johnny Paul Koroma,
13 because at that time they had the clash and he was on his
14 own, controlling the RUF.
- 17:05:46 15 Q. Exactly. So, in effect, Sam Bockarie did not take part
16 following his falling out with Johnny Paul Koroma -- he
17 didn't take part in the AFRC government?
- 18 A. He took part for a while and then went up country.
- 19 JUDGE BOUTET:
- 17:06:25 20 Q. When you say he took part for a while -- in Freetown?
21 A. Yes.
- 22 Q. You say that he was in Freetown for a while?
23 A. Yes.
- 24 MR JORDASH:
- 17:06:38 25 Q. When you say "a while", Mr Johnson, what do you mean?
26 A. The start of the AFRC coup, when he was called upon --
27 when SAJ Musa was called upon from Londoma, pass through
28 Guinea to Freetown, on his arrival, just for a month or
29 two, then Sam Bockarie went up country.

- 1 Q. So we're clear then, so after a month or a while, Sam
2 Bockarie heads off, having fallen out with Johnny Paul
3 Koroma, from then on refusing to take orders from Johnny
4 Paul Koroma?
- 17:07:53 5 A. Yeah.
- 6 Q. He, in effect, during the junta period, became an outlaw;
7 do you accept that?
- 8 A. Yes.
- 9 JUDGE BOUTET: You're talking still of Bockarie here?
- 17:08:11 10 MR JORDASH: Your Honour, yes.
- 11 Q. So I want you to be careful if you can, Mr Johnson, here.
12 When you say he occupied a position within the AFRC
13 government, if he did, it was only for a month or so; do
14 you accept that?
- 17:08:36 15 A. Who, SAJ?
- 16 Q. No, sorry, Sam Bockarie.
- 17 A. Yes, he was in good relationship with AFRC for a month or
18 two, and after that he went up country. They were at
19 loggerheads and he was doing things on his own up
17:08:57 20 country.
- 21 Q. Thank you. And would it be right that that didn't
22 exactly please Johnny Paul Koroma?
- 23 A. Yes.
- 24 Q. In fact, to characterise it more accurately, he was
17:09:30 25 extremely angry about the whole situation with Bockarie,
26 wasn't he?
- 27 A. He was not pleased with the decision Bockarie took.
- 28 Q. Would you agree that there was little he could do about
29 it, because Sam Bockarie was holding down in Kenema with

- 1 his own troops?
- 2 A. Yes.
- 3 Q. Can we suppose from that, Mr Johnson, that JPK was not
4 taking orders from Sam Bockarie during that period, as
17:10:32 5 far as you know?
- 6 A. JPK should not take orders from Sam Bockarie, because he
7 was the president, so he should not take orders from Sam
8 Bockarie.
- 9 Q. And as Mr Sesay was his deputy within the AFRC
17:10:50 10 government, can we also presume the same is true of him
11 taking orders from Issa Sesay -- he wouldn't; he's
12 president?
- 13 A. Say the question again.
- 14 Q. Certainly. Mr Sesay was effectively Bockarie's
17:11:07 15 representative in town?
- 16 A. Yes.
- 17 Q. His eyes and ears, if you like?
- 18 A. Say again.
- 19 Q. The eyes and ears of Mr Bockarie?
- 17:11:16 20 A. Yes, yes.
- 21 Q. Given that Johnny Paul Koroma wasn't taking orders from
22 Sam Bockarie, it's right to suppose he wasn't taking
23 orders from Issa Sesay, either?
- 24 A. Johnny Paul Koroma was not taking instructions from Issa
17:11:33 25 Sesay. Issa Sesay should take instruction from Johnny
26 Paul Koroma.
- 27 Q. Just if I can pick up on Mr Bockarie down in Kenema,
28 would you agree that one of the -- if not the principal
29 way in which you obtained power in these circumstances

- 1 was to ensure you had as many men as possible with as
2 many weapons as possible?
- 3 A. Say again.
- 4 Q. Okay. Sam Bockarie was able to disobey Johnny Paul
17:12:13 5 Koroma due to his, if you like, fortification in
6 Kenema -- weapons and men?
- 7 A. Yes, yes, because at that time, when he was going to
8 Kenema, he went along with him, a lot of arms and
9 ammunition that was given to him by the AFRC government,
17:12:33 10 claiming he was going to fight the Nigerians, but took
11 them and stored them at Kenema for his own protection.
- 12 Q. And do you accept that one of the reasons the AFRC were
13 not able to remain in power was a lack of weapons -- a
14 lack of ammunition?
- 17:13:00 15 A. That is one reason, and I believe the other reason was
16 because there were -- there was no proper command and
17 control amongst the AFRC to the RUF.
- 18 Q. I'll come to that in a minute, if I can. Well, actually,
19 no, let's deal with it now. Effectively, are you saying
17:13:27 20 that, because of the breakdown of trust between the RUF
21 and the AFRC; is that what you're saying, that that was
22 one of the reasons, as you can see it?
- 23 A. I see that as one of the reasons for the removal of the
24 AFRC junta and, two, because all the arms and ammunition
17:13:46 25 we had there was exhausted by fighters.
- 26 Q. And people stealing them, like Bockarie?
- 27 A. Well, I couldn't say he stole them, because he was given
28 those to go and fight the enemy, ECOMOG, and he converted
29 them to protect himself.

- 1 [HS181004F 5.15 p.m.]
- 2 Q. The majority of the time, at least four months after the
3 coup, basically the SLAs were operating independently
4 from the RUF; is that correct?
- 5 A. They operate together till -- when -- they operate
6 together in Freetown, we fought together on all the
7 battlefronts until we pulled out from Freetown.
- 8 Q. They operated together, you say?
- 9 A. Yes, in all the battlefronts, we operate together.
- 10 Q. I thought a moment ago you were suggesting that the
11 failure to act together was a principal cause of the fall
12 of the junta.
- 13 A. Say again.
- 14 Q. Did I misunderstand you when I heard, or thought I heard,
15 you saying that one of the principal reasons in your view
16 for the fall of the junta was the lack of coordination
17 between the RUF and the SLAs?
- 18 A. Yes, because the RUF were taking commands from their own
19 superior, whereas SLA took command from their own
20 supervisor. But we are all fighting together in the
21 front.
- 22 Q. The start of the real mutual suspicion between the RUF
23 and AFRC was about four months into the junta period,
24 wasn't it?
- 25 A. I couldn't remember the right time, but I believe it's
26 from the time of the looting of the Iranian Embassy.
- 27 Q. And from that time onwards, Mr Sesay did not attend
28 meetings of the Supreme, Council, is that correct?
- 29 A. Yes.

- 1 PRESIDING JUDGE: Let's get that again.
- 2 MR JORDASH: From the time of the looting of the Iranian
3 Embassy referred to by Mr Johnson the --
- 4 PRESIDING JUDGE: The looting of what embassy?
- 5 MR JORDASH: Iranian.
- 6 PRESIDING JUDGE: Iranian?
- 7 MR JORDASH: Your Honour, yes.
- 8 PRESIDING JUDGE: Yes.
- 9 MR JORDASH:
- 10 Q. And from that time on they didn't effectively -- well,
11 they were operating independently of each other.
- 12 JUDGE THOMPSON: You said Mr Sesay never attended --
- 13 MR JORDASH: I did. Thank you, Your Honour.
- 14 JUDGE THOMPSON: -- any meeting of the Supreme Council; is
15 that correct?
- 16 MR JORDASH:
- 17 Q. Is that correct?
- 18 A. Yes.
- 19 Q. So just -- it may be important, Mr Johnson. The Supreme
20 Council were where decisions were made as to the
21 operation of the AFRC government.
- 22 A. Yes.
- 23 Q. Certainly the decisions made by those who were high up in
24 the command structure?
- 25 A. I couldn't tell, because I'm -- I was not inside the
26 meetings held by the Supreme Council.
- 27 Q. Were any of the RUF members going to the Supreme Council
28 after the four-month period? After the looting of the
29 Iranian embassy?

1 A. Yes.

2 Q. Really?

3 A. Members of RUF usually -- and I will say from the start,
4 they go to the Supreme Council meetings. It was only on
5 the time after the looting of the Iranian Embassy, Issa
6 Sesay never goes to the Supreme Council meeting.

7 Q. What about other RUF?

8 A. Well, the other RUF members go to the council meetings,
9 because Issa Sesay in Freetown was the only RUF going to
10 the Supreme Council meeting.

11 Q. So once he left, am I -- if I have misheard you, I
12 apologise, but once he left, there were no other RUF on
13 the Supreme Council?

14 A. Yes. But they go to the council meetings.

15 JUDGE BOUTET: I'm unclear in my mind --

16 MR HARRISON: I think I can maybe help Mr Jordash. There is a
17 difference that this witness can articulate between the
18 Supreme Council and a council.

19 JUDGE BOUTET: Well -- maybe that's the confusion.

20 MR JORDASH: Yes.

21 JUDGE BOUTET: Because the witness seemed to be saying yes and
22 no to your question. So yes, Mr Sesay was not attending
23 the Supreme Council, but no, there were RUF members, but
24 you asked the question it is not clear. So that was my
25 question to you.

26 MR JORDASH: Your Honour, I will try again.

27 Q. In your mind, was there a Supreme Council, something
28 separate to that [microphone not activated] council, the
29 two linked?

- 1 A. Yes. You have the Supreme Council members who go to the
2 Supreme Council meetings, and you have the council
3 members, which consist of all Honourables, both RUF and
4 SLA.
- 5 Q. And which one is the primary decision-making body?
- 6 A. Well, in the council meeting -- they go to the council
7 meeting and if any decision is made there, the principal
8 liaison officers, one, will take it to the president.
- 9 JUDGE THOMPSON: Learned counsel, I think I heard here that
10 the supreme --
- 11 Q. There is a council comprising of all Honourables; would
12 that be correct?
- 13 A. Yes.
- 14 Q. But then who comprised the Supreme Council? Perhaps
15 that's one way of clearing up --
- 16 A. You have the president.
- 17 Q. Yes.
- 18 A. The Vice-President, under Secretary of State Defence.
19 You have the chief of defence staff and the chief of
20 staff. They are the Supreme Council.
- 21 JUDGE BOUTET: So the exhibit we have, Exhibit 6, where you
22 have a list of 16 members --
- 23 JUDGE THOMPSON: Yes.
- 24 JUDGE BOUTET:
- 25 Q. This is what you, Mr Witness, you are describing as being
26 a council?
- 27 A. Yes.
- 28 Q. So when you are talking council meeting, you are talking
29 of this group of 16 people?

- 1 A. 16 people, including the RUF high command.
- 2 JUDGE THOMPSON: In other words, your 16 are the Honourables.
- 3 A. Yes.
- 4 Q. But then your Supreme Council is a number less than 16?
- 5 A. Yes. Supreme Council is the President, the
6 Vice-President, the army chief of staff, the CDS and the
7 under Secretary of State Defence.
- 8 PRESIDING JUDGE: CDS is what?
- 9 THE WITNESS: Chief of Defence Staff.
- 10 JUDGE THOMPSON: Chief of Defence Staff.
- 11 PRESIDING JUDGE:
- 12 Q. Is it different from the Chief of Staff?
- 13 A. Yes.
- 14 Q. Okay.
- 15 A. And in the council --
- 16 Q. And who else?
- 17 JUDGE BOUTET: [Microphone not activated]
- 18 PRESIDING JUDGE: And the under Secretary of Defence?
- 19 THE WITNESS: Yes. And in the council you have the 16 members
20 of the coup and the RUF high command that joined us in
21 Freetown.
- 22 MR JORDASH:
- 23 Q. That's the council?
- 24 A. The council.
- 25 Q. I've got you. Thank you.
- 26 JUDGE THOMPSON: So bringing the total to what?
- 27 JUDGE BOUTET:
- 28 Q. The RUF is part of the council, and they formed the 16
29 members. When we are talking 16, it does include the

- 1 RUF?
- 2 A. No.
- 3 Q. No?
- 4 A. No.
- 5 MR JORDASH:
- 6 Q. The 16, as I understand it, were the coup members. The
7 Supreme Council consists of them and some RUF members; is
8 that correct?
- 9 A. The Supreme Council --
- 10 Q. Sorry, the council.
- 11 A. The council consists of 16 members and RUF high command,
12 like Dennis Mingo, Morris Kallon, Rambo, Rogers, Gibril
13 Massaquoi, Mike Lamin. They are all Honourables and they
14 are in [inaudible] to the council, with the 16 members of
15 the coup.
- 16 Q. Right.
- 17 JUDGE BOUTET: As far as -- I got it. It is because I thought
18 that the listing here that we had 16, but it is more than
19 16, in fact, it goes up to 34.
- 20 MR JORDASH: Yes.
- 21 JUDGE BOUTET: So it is 16, plus these other members?
- 22 THE WITNESS: Yes.
- 23 JUDGE BOUTET: I'm sorry. I'm the one that was confusing you.
24 I'm sorry.
- 25 MR JORDASH:
- 26 Q. So in reality then, there are two bodies; the smaller
27 body consists of the most --
- 28 PRESIDING JUDGE: The smaller body which is supreme?
- 29 MR JORDASH: The supreme -- is supreme, yes.

- 1 JUDGE THOMPSON: [Microphone not activated] smaller in size.
- 2 PRESIDING JUDGE: But supreme in command.
- 3 JUDGE THOMPSON: Smaller in size.
- 4 PRESIDING JUDGE: Yes.
- 5 MR JORDASH:
- 6 Q. It's the primary decision-making body.
- 7 A. Yes.
- 8 Q. The first decision-making body.
- 9 A. Yes, the first decision-making body.
- 10 Q. And that includes the vice-president, but after the
- 11 Iranian looting incident --
- 12 A. Yes.
- 13 Q. Mr Sesay, who was deputising for Sam Bockarie, no longer
- 14 attended?
- 15 A. Yes.
- 16 Q. Leaving simply SLA members.
- 17 A. Yes.
- 18 Q. Tending the primary --
- 19 PRESIDING JUDGE: I want to be sure of the meeting he no
- 20 longer attended, because we are now faced with two
- 21 bodies; the Supreme Council and the council.
- 22 Q. In which of these bodies was Mr Sesay co-opted after
- 23 Bockarie's departure? In which of these bodies?
- 24 A. He was with the Supreme Council.
- 25 Q. He was with the Supreme Council.
- 26 A. Yes, but after the looting of the Iranian Embassy --
- 27 Q. Yes, he stopped attending -- [overlapping speakers]
- 28 A. He stopped attending meetings, both the Supreme Council
- 29 and the council.

1 Q. And the council.

2 JUDGE BOUTET: And it is also your evidence that talking of
3 the council, the larger body, there were, not Mr Sesay,
4 but other RUF members that kept attending at that -- at
5 those meetings of the larger body?

6 THE WITNESS: Yes, with the exception of Gibril Massaquoi, who
7 was arrested for a coup.

8 MR JORDASH:

9 Q. So whenever that -- I just want to be clear about
10 Mr Sesay, who, as you know, I represent, he was not in
11 the decision-making bodies after the Iranian looting
12 incident.

13 A. Yes.

14 Q. Thank you. And I just want to stick with this subject a
15 bit more. Could I ask you to have a look -- Can the
16 witness be given his 28th September 2004 statement,
17 please? Thank you. Could you just have a look at that
18 document, Mr Johnson. Additional information provided by
19 witness TFI-167, which is you; is that correct?

20 A. Yeah.

21 Q. Just have a look, if you would, at paragraph 4.

22 PRESIDING JUDGE: Did he make this statement?

23 MR JORDASH: Sorry, I should --

24 Q. Have a look through the statement and just familiarise
25 yourself with this. Is that a statement, the contents of
26 which you recognise?

27 A. Yes.

28 Q. Thank you, Mr Johnson. Just have a look at paragraph 4,
29 "GM was arrested."

1 PRESIDING JUDGE: You made that statement?

2 THE WITNESS: Yes.

3 MR JORDASH:

4 Q. GM is Gibril Massaquoi; is that right?

5 JUDGE THOMPSON: May we have the date?

6 MR JORDASH: The date of the statement, 28th September 2004.

7 JUDGE THOMPSON: 2004.

8 MR HARRISON: I would just like to indicate for the record

9 that although it is Mr Jordash's right, I suppose, to

10 describe this as being a statement, the first sentence on

11 the page does indicate that this is notes recorded by the

12 lawyer involved during the proofing process. And it goes

13 on to say that this material has not been reviewed with

14 the witness or read back to him.

15 MR JORDASH: That is right and I was being a bit sloppy, and I

16 apologise.

17 JUDGE THOMPSON: So how do we characterise it? A lawyer's

18 notes --

19 MR JORDASH: Notes of --

20 JUDGE THOMPSON: -- of an interview?

21 MR JORDASH: Of an interviewer, I think.

22 JUDGE THOMPSON: Yes.

23 JUDGE BOUTET: But in fairness to the witness, again without

24 getting in legalities of this history or not, given our

25 previous rulings I don't think it would have

26 difficulties, but I think it would only be fair to the

27 witness to ask him to read it, because I take it from the

28 comments that have been made, that it was recorded, but

29 it was not read back to the witness. So I think if you

1 are to ask him questions about that, you should give him
2 the time -- I don't know how many pages he would have --
3 but give him some time to read it.

4 MR JORDASH: I completely agree, Your Honour.

5 JUDGE BOUTET: Probably a copy has been served upon us, but I
6 don't have it.

7 MR HARRISON: Amongst the court numbers it is 9182.

8 JUDGE BOUTET: I don't have in my book those pages, so that's
9 okay. It may be in my office, it doesn't mean that we
10 didn't receive them. I just don't have it.

11 MR JORDASH: Could I deal with it in this way, Your Honour, I
12 just, at this stage, want to refer to one paragraph? I
13 could leave this point until tomorrow, but if the witness
14 recognises the fourth paragraph, we may be able to go
15 from there and overnight he could perhaps --

16 JUDGE BOUTET: Maybe you can ask him. If he does recognise
17 that paragraph, that will solve the issues. So take him
18 to paragraph 4 and we will see.

19 MR JORDASH:

20 Q. Mr Johnson, would you just have a look at paragraph 4.
21 If you don't -- if you are not familiar with the
22 paragraph, if you want time to read the whole document,
23 please say?

24 PRESIDING JUDGE: Take time and read the whole of that
25 document. Start from the beginning.

26 MR JORDASH: Your Honour, to be fair to the witness, it is a
27 very detailed statement. I am happy to leave this aspect
28 of cross-examination until tomorrow morning.

29 PRESIDING JUDGE: I am sorry?

- 1 MR JORDASH: I have another subject I can deal with.
- 2 JUDGE BOUTET: Let's make sure that there is a copy left with
3 the witness, because I have just been given a copy and
4 just leafing through it there is many -- something like
5 proofing on one or two [inaudible] on different dates.
6 So we may come back to that paragraph or not. So in
7 fairness to you as well, for completeness it is better.
- 8 MR JORDASH: I agree.
- 9 Q. Mr Johnson, if you would like time overnight to have a
10 look at that statement and just so you can familiarise
11 yourself with it, then I can just deal with another
12 subject now, if that is okay with you.
- 13 A. Yeah.
- 14 Q. I was dealing when I first started, Mr Johnson, with the
15 subject of distrust and then we drifted into the junta
16 period. I just want to pick up on that subject a little.
17 After the fall of the junta, it wasn't long until
18 Kabala -- February 1998, when there was serious
19 in-fighting between the SLA and the RUF; is that correct?
- 20 A. Yes.
- 21 Q. Lasting a day, leading to some people being shot dead?
- 22 A. Yes.
- 23 Q. Were they on both sides?
- 24 PRESIDING JUDGE: Please, please, take it easy.
- 25 MR JORDASH: I am sorry. Sorry.
- 26 PRESIDING JUDGE: There was a disagreement between?
- 27 MR JORDASH: SLAs and RUF.
- 28 PRESIDING JUDGE: After the fall of?
- 29 MR JORDASH: The junta. This was in February 1998, Your

- 1 Honour, I stated.
- 2 PRESIDING JUDGE: Are you saying it resulted in shootings?
- 3 MR JORDASH: A shoot-out which lasted a day.
- 4 PRESIDING JUDGE: A shoot-out, yes. Where?
- 5 MR JORDASH:
- 6 Q. In Kabała. Is that correct, Mr Johnson?
- 7 A. In Kabała, yes, but it did not last for a whole day, just
- 8 for a few hours.
- 9 Q. And a number of people were shot dead; is that correct?
- 10 A. Yes.
- 11 Q. Were they on both sides?
- 12 A. Yes.
- 13 PRESIDING JUDGE: That is on both the SLA and RUF sides?
- 14 MR JORDASH: Your Honour, yes.
- 15 Q. Would it be fair to say that if the SLA had tried to
- 16 order the RUF in Freetown during the junta and vice
- 17 versa, shoot-outs could very easily have arisen then?
- 18 A. Say again?
- 19 Q. We have shoot-outs soon after the junta has been thrown
- 20 out?
- 21 A. Yes.
- 22 Q. If an RUF commander had sought to order a SLA commander
- 23 in Freetown during the junta, could the same easily have
- 24 happened?
- 25 A. Yes.
- 26 Q. Did it happen?
- 27 A. In Freetown it happened.
- 28 Q. And the disobeying of commands that we were talking about
- 29 earlier in relation to Kallay and Johnny Paul Koroma,

- 1 that was something which happened from 1997 to 2000;
2 wouldn't you agree?
- 3 A. No.
- 4 Q. You would not agree?
- 5 A. It is only the disobeying of Kallay to Johnny Paul
6 happened in 2000.
- 7 Q. What about Savage and Superman in 1998?
- 8 A. Savage and Superman in 1998?
- 9 Q. Yes.
- 10 A. I could recall at Kabala they had a problem.
- 11 Q. They had a problem --
- 12 A. Not in Freetown.
- 13 Q. And in Kono.
- 14 A. In Kono?
- 15 Q. They had a problem there, didn't they?
- 16 A. No.
- 17 Q. No?
- 18 A. They had no problem.
- 19 PRESIDING JUDGE:
- 20 Q. But they had a problem in Kabala?
- 21 A. Yes, concerning a looted vehicle.
- 22 Q. Concerning?
- 23 A. A looted vehicle.
- 24 MR JORDASH:
- 25 Q. What was that problem in Kabala?
- 26 A. That's what I said, it was a problem concerning a looted
27 vehicle. Superman wanted to collect the vehicle from
28 Hassan Papa Bangura, AKA Bomb Blast. And at that time
29 Savage was a security to Hassan Papa Bangura. So there

1 was some problem, but it did not result to a shoot-out or
2 a killing.

3 PRESIDING JUDGE:

4 Q. Is it Savage who was the security --

5 A. To Hassan Papa Bangura.

6 Q. -- Hassan Papa Bangura. Did you call him the chief
7 security?

8 A. Well, I couldn't say he was the chief security, he was
9 just the security.

10 MR JORDASH:

11 Q. Just so that we are clear, in Kabala, Superman was
12 effectively heading the RUF, he was the one who argued
13 with SAJ Musa; is that correct?

14 A. Superman was the highest command of the RUF at that time
15 in Kabala.

16 Q. Savage was simply a security to another commander?

17 A. Yes. Hassan Papa Bangura, who was an SLA.

18 Q. Was Savage the security seeking to disobey the command of
19 SAJ -- of Superman?

20 A. No, in that case, Superman wanted the vehicle from Hassan
21 Papa Bangura, and Hassan Papa Bangura was the boss of
22 Savage. So when the argument came, Savage resisted
23 Superman's boys from taking the vehicle from Hassan Papa
24 Bangura.

17:39:53 25 [HS181004G 5.45 p.m.]

26 MR JORDASH:

27 Q. So, effectively, the fact that Bangura had a number of
28 men like Savage as security meant he could, if he chose,
29 ignore a command of somebody else, another commander; is

1 that a fair characterisation?

2 A. Well, because he thought that it was not fair for
3 Superman to take a vehicle from him.

4 Q. Who thought that?

17:41:31 5 A. Hassan Papa Bangura.

6 Q. And how was that dispute resolved?

7 A. The dispute resolved by Superman leaving the vehicle with
8 Hassan Papa Bangura, and they came together for the
9 attack on Kono.

17:43:15 10 Q. So Bangura's determination to ignore the command of
11 Superman, backed up by force, was effective; is that
12 fair?

13 PRESIDING JUDGE: Has he said it was backed up by force?

14 MR JORDASH: Well, I'm asking.

17:43:58 15 PRESIDING JUDGE: As such.

16 MR JORDASH: Well, Savage was willing to use force.

17 PRESIDING JUDGE: It's a characterisation, you know.

18 THE WITNESS: Savage, as I said, was a security of Hassan Papa
19 Bangura, and he was his boss. So at that point he just
17:44:10 20 have to help his boss for them not to take the vehicle
21 from him.

22 MR JORDASH:

23 Q. Yeah. So, effectively, if you were a commander with a
24 few Savages around you, you were probably able to resist.

17:44:24 25 A. Say again.

26 PRESIDING JUDGE: A few savages indeed.

27 MR JORDASH:

28 Q. Effectively, if you're -- I'm trying to put myself in the
29 shoes of the commander in Kabala. Bangura was able to

1 ignore the order of Superman, effectively, because he had
2 the likes of Savage to back him up with force.

3 A. No, well, because Superman also had his own security guys
4 with him. But it was not fear for Superman to take a
17:44:58 5 vehicle from Hassan Papa Bangura, because in Freetown
6 Hassan Papa Bangura is one of the 16 men of the coup, and
7 at that point he is regarding himself as the senior man
8 to Superman. So that was why.

9 Q. Right, thank you. Then later on -- now, just jumping
17:45:58 10 forward if I can briefly to Kono, the main commander
11 there, the principal field commander was Superman.

12 A. Yes.

13 Q. Savage was several ranks down the command structure; is
14 that correct?

17:46:18 15 A. Yes.

16 Q. In fact, looking at --

17 PRESIDING JUDGE: Just a minute. The principal field
18 commander in Kono, you say?

19 MR JORDASH: Superman, yes. I did, Your Honour, yes.

17:46:28 20 PRESIDING JUDGE: Was Superman.

21 JUDGE BOUTET: This is Exhibit 9?

22 MR JORDASH: Exhibit 9, Your Honour, yes.

23 Q. And have you got this in front of you, Mr Johnson?

24 A. No.

17:46:42 25 MR JORDASH: Could Mr Johnson just be given this so that he
26 can -- thank you.

27 Q. The Kono Command Structure, Denis Mingo, Superman, Field
28 Commander, and we look at the left - Lieutenant Savage,
29 Commander Battalion Two Tombodu?

1 A. Yes.

2 Q. You'll agree somewhat down the command structure; Savage?

3 A. Say again.

4 Q. Savage was somewhere down the command structure?

17:47:36 5 A. Yes, he was a battalion commander.

6 Q. And if this structure maintained itself, Savage should

7 take orders from those above him?

8 A. Yes, he was taking orders directly from his operation

9 commander, and Superman was [inaudible] boss. He left

17:47:58 10 Kono when Savage left -- stayed behind at Kono, and he

11 was taking direct orders from Superman.

12 Q. Do you recall an incident in Kono when Savage refused to

13 come to Superman when Superman ordered him to come? Do

14 you remember that?

17:48:23 15 A. I couldn't remember.

16 Q. Let me just try to help your memory. Could you turn to

17 page -- sorry, turn to the 8th of May interview, please?

18 It's the second interview in the first file.

19 A. 8 May, yeah.

17:48:56 20 Q. Page 57 of that interview. And just looking at -- sorry,

21 page --

22 PRESIDING JUDGE: 8th May of what year?

23 MR JORDASH: -- 57. 8th of May 2003.

24 THE WITNESS: Three. Page 57?

17:49:21 25 MR JORDASH: Page 57.

26 MR HARRISON: Can I just say for the record, I think it is

27 page 8485 of the Court record.

28 MR JORDASH: Thank you.

29 THE WITNESS: 8485, yeah.

1 MR JORDASH:
2 Q. Have a quick read of lines 3 to 18, just to see if you
3 can recall what you said there.
4 PRESIDING JUDGE: Learned counsel, can you read it for us,
17:49:45 5 please.
6 MR JORDASH: Your Honour, yes. Line 3.
7 PRESIDING JUDGE: No, read it to him.
8 MR JORDASH:
9 Q. Line 3 the question there, Mr Johnson, is: "But were
17:49:56 10 those people there voluntarily?" And I think what you've
11 been talking about are civilians in Tombodu, where Savage
12 was commander, okay?
13 A. Yes.
14 Q. "But were those people there voluntarily?
17:50:08 15 No, because nearly every day they run away because of the
16 bad treatment Savage gives them there. Because for every
17 time -- every time a day or two he kills nearly one or
18 two for just common mistakes; they run away from him.
19 Okay. Those times that you were -- those 8 to 12 times
17:50:26 20 that you were in Tombodu with Savage, did you ever see
21 him kill anyone that time; not later?
22 Answer: Yes, the first time we went to Tombodu.
23 Question: Okay.
24 Answer: Yes, he killed two in front of us -- a man and a
17:50:40 25 woman in front of us.
26 Question: Why?
27 He told them that they should pound a bag of rice and
28 before -- in the evening, so they couldn't. So after the
29 time he gave them for the job to get finished, they

1 couldn't do the job. We were there. He fired them. And
2 even Bazzy took the report to Superman.
3 Was Bazzy with you at the time?
4 Yes. All of us used to go there. Took the report to
17:51:05 5 Superman, Superman sent to call him, but he refused to
6 come.
7 He did not come?
8 Yes."
9 Okay. Does that trigger your memory?
17:51:15 10 A. Yes.
11 Q. So he refused an order by the field commander, Denis
12 Mingo?
13 A. Yes.
14 Q. And is it right that Denis Mingo had to be extremely
17:51:31 15 careful with Savage, because Savage was sitting on a
16 large amount of ammunition and weapons which he'd taken
17 from ECOMOG?
18 A. Yes.
19 Q. And what gave him the confidence and ability to refuse to
17:51:46 20 obey his command, was his own cachet, stash of weapons;
21 is that fair?
22 A. Well, I couldn't say that was why, because Savage in Kono
23 he was regarded as one of the most fierce fighters in the
24 jungle. So at all time when he does something he
17:52:11 25 receives no punishment and he does not sometime take the
26 orders of Superman.
27 Q. Let's have a look over the page to page 59, just so that
28 we can see the fullness of your answer there.
29 A. Yeah.

1 Q. Line 4 -- line 3:
2 "Why, what did they do?
3 Answer: Because they guys -- he said they should go on
4 patrol, and the guys they said they don't know the route
17:52:42 5 to go to the town where they are going. And Savage said,
6 'This is your place. You must know the route.' So he
7 wanted to flog them."
8 We're talking about civilians --
9 A. Yes.
17:52:52 10 Q. -- and Savage.
11 "So Gullit said, 'No, don't flog them; maybe they don't
12 know the route. You can be in a village here and you
13 don't know the place to go to the next village.' So
14 Savage said they are pretending, so he waited. And as we
17:53:07 15 went back, we drove back to Koidu Town, he executed them.
16 Was he ever disciplined? Was he ever discipline?
17 No, for that, because I can say the commanders were even
18 fearing him, 'cause of the way he was behaving
19 abnormally.
17:53:21 20 But that time then was Bazzy not his superior.
21 Yes, but he does not listen to nobody, Savage. That's
22 why when they sent him to that responsibility area, he
23 does not come to Koidu Town. He does not go anywhere; he
24 just sits there. He does not listen to anybody.
17:53:38 25 But why was he not removed? The RUF was a disciplined
26 organisation.
27 Yes, the end where he was, the road linking SAJ to
28 Kurubonla, there he was. So at any time Superman wants
29 to come to him, he will not meet him there. They will

1 say, 'Savage has gone on patrol; he has gone on an
2 operation', so he will not see him. Then when they go,
3 he comes back and organises himself. You see, he was an
4 outlaw in that particular area. He does not listen to
17:54:10 5 anybody's command, because he said he's not hearing from
6 JP."
7 "JP" meaning JPK; is that right, Mr Johnson?
8 A. Yeah.
9 Q. "He does not listen to anybody. He said only JP will
17:54:19 10 give him command. If JP is not there, he gives himself
11 command. He does not listen to RUF; neither SLA
12 commanders."
13 Is that a fair description of our Mr Savage?
14 A. Yes.
17:54:33 15 Q. So is this fair: It's his -- effectively, it's his
16 viciousness in battle which gives him some power?
17 A. Yes.
18 Q. The fact is he's sitting on a big stash of weapons which
19 he's taken from ECOMOG.
17:54:50 20 A. Yeah.
21 Q. And he has men who are loyal to him.
22 A. Yes, and because he was also behaving abnormally.
23 Q. Yes. And it's those factors - would you agree with this
24 - which gave you the ability, or gave a person the
17:55:09 25 ability, to be able to forget about command structure and
26 do their own thing?
27 A. Yes, because at that time in Kono, after getting the
28 command structure ready, everybody was deployed, before
29 he started doing these things, because he was not hearing

1 from Johnny Paul, who he regarded as his leader. So he
2 does things on his own self, and at all times when they
3 sent to call him, he does not come, because Tombodu is
4 just three miles from Koidu Town, where the headquarter
17:55:46 5 was based.

6 Q. Thank you. And you describe him in the same way you
7 describe Bockarie, as an outlaw. Is that a fair
8 description of Savage as well?

9 A. Yes.

17:55:59 10 PRESIDING JUDGE: [Microphone not activated]

11 MR JORDASH: A fair description of Savage as well as --

12 PRESIDING JUDGE: [Microphone not activated]

13 MR JORDASH: An outlaw.

14 PRESIDING JUDGE: An outlaw. Well, continue. Please, don't
17:56:36 15 slow down. We want to conclude, you know, to a point.

16 MR JORDASH: I can definitely conclude this subject.

17 PRESIDING JUDGE: Yes. Don't look at the ticking, you know,
18 the clock on the wall there.

19 MR JORDASH:

17:56:54 20 Q. Can you turn to the 9th of May interview? Again, it's
21 just to remind you of what you said in that interview,
22 Mr Johnson. Page 9 of the 9th of May 2003 interview.

23 PRESIDING JUDGE: How long will you be on that interview?

24 MR JORDASH: I will be no more than two minutes, I think.

17:57:22 25 PRESIDING JUDGE: Okay.

26 MR JORDASH:

27 Q. Are you there, Mr Johnson?

28 A. Yeah.

29 MR JORDASH: Thank you.

1 MR HARRISON: I think that might be 8523.
2 MR JORDASH: I'm grateful.
3 JUDGE BOUTET: It's 8503.
4 MR HARRISON: Sorry.
17:57:42 5 MR JORDASH:
6 Q. Page 9 line 5, question: "Right. Okay. But clearly
7 what he was doing in Tombodu" - this is Savage again - "I
8 mean, was it known -- that time you were in Koidu Town
9 was it known that he was up there doing quite a lot of
17:57:55 10 bad things to civilians?
11 Answer: Yes, it was known to the commanders, but they
12 don't take any action on him because I see he had more
13 strength on weapons. Maybe they were trying to --
14 because if they tried to put more pressure on him, it
17:58:09 15 would bring an infight, because he has more weapons for
16 himself for his ground to be secured. So that's why even
17 the command structure, he does not take much command. If
18 -- what he feels to do is what he do, he does at his own
19 camp."
17:58:23 20 Yeah.
21 A. Yes.
22 Q. Is that a fair summary of -- well, is that a fair
23 statement?
24 A. Yes.
17:58:29 25 Q. So, effectively, if Superman had wanted to stop him
26 committing his crimes against civilians, he'd have had to
27 try and fight him and probably kill him; is that fair?
28 A. He will try to fight him or he'll try to run away and
29 join SAJ Musa at Krubola.

1 Q. So Superman took the option to go off and head up to SAJ
2 Musa instead?

3 A. I say Savage will try to fight Superman or Savage will
4 try to head to Krubola to join Superman -- to join SAJ
17:59:13 5 Musa.

6 Q. Thank you. I think I can finish with this question. Was
7 that -- was Staff Alhaji, was he working with Savage?

8 A. Yes, he was his deputy battalion commander. He's the
9 deputy to Savage.

17:59:36 10 Q. And both of them particularly vicious commanders, would
11 you agree?

12 A. Yes.

13 MR JORDASH: Thank you. My next subject is a new subject.

14 PRESIDING JUDGE: I see. You were talking of Staff Alhaji
17:59:57 15 being the deputy to Savage.

16 MR JORDASH: Your Honour, yes.

17 PRESIDING JUDGE: Right. We would have to adjourn the
18 proceedings to tomorrow. We'll resume at 9.30 to
19 continue with the cross-examination of this witness still
18:01:33 20 by Mr Jordash. Mr Harrison, I see you are on your feet.

21 MR HARRISON: Yes, I just wanted to make an announcement to
22 the Court. Defence counsel and the Registry have already
23 been informed, but it may be of some assistance if the
24 Court was to know that two Prosecution witnesses have
18:01:52 25 been deleted from the list, and they are TF1-302 and
26 TF1-013. They will not called in this session, nor will
27 they be called in future.

28 PRESIDING JUDGE: That news, it doesn't sound very good. Is
29 that all? Is that the only extent to which you can go?

1 I thought that --

2 MR HARRISON: We're reviewing it.

3 PRESIDING JUDGE: I thought that you were going to trim the

4 list, you know, very --

18:02:17 5 MR HARRISON: Yes, there is a -- that is going on.

6 PRESIDING JUDGE: Very substantially. This is the news we

7 have been expecting from the Prosecution, because if we

8 have to advance it will depend very much, you know, on

9 the Prosecution.

18:02:30 10 MR HARRISON: Yes, of course. I think you've misunderstood

11 me.

12 PRESIDING JUDGE: I know I hear, you know, that you've made an

13 effort with the CDF, but we're here to get some news

14 about the RUF.

18:02:45 15 MR HARRISON: That news will be forthcoming in the not too

16 distant -- [Overlapping speakers]

17 PRESIDING JUDGE: So when you say two to us, it is not very

18 exciting, Mr Harrison. But thank you, it's already a

19 step forward. That's all right, that's okay. Thank you

18:02:56 20 very much for the information. We'll [inaudible] that

21 later on in the course of our subsequent proceedings.

22 The Court will rise, please.

23 [Whereupon the hearing adjourned at 6.06 p.m., to be

24 reconvened on Tuesday, the 19th day of October 2004, at

18:03:37 25 9.30 a.m.]

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C E R T I F I C A T E

We Maureen P Dunn, Susan G Humphries, Ella K Drury and Roni Kerekes, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Maureen P Dunn

Susan G Humphries

Ella K Drury

Roni Kerekes

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-167 [Continued] 10

SALEEM VAHIDY, called 18

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